INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2018

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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Subcommittee Staff

PART 7

Testimony of Interested Individuals and Organizations

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2018

TUESDAY, FEBRUARY 28, 2017.

MEMBERS' DAY

Mr. CALVERT. The committee will come to order. Good afternoon and welcome to the Interior and Environment Member Day hearing. This afternoon, the subcommittee will hear from a cross-section of members, both Republican and Democrat, about a variety of issues addressed by this subcommittee.

The chair will call two members to the table each time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer 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 big brownie points with the chairman. [Laughter.]

Mr. CALVERT. Members of the subcommittee will have an opportunity to ask questions of the witness, but in the interest of time, the chair requests that we keep things moving so that we can stay on schedule. We have a big speech we want to hear tonight, so we want to keep things moving here.

Before we get under way, I am happy to yield to my friend, Ms. Kaptur, for any remarks she may wish to make.

Ms. KAPTUR. Thank you, Mr. Chairman. It is just great to be on this subcommittee, to have you as chair——

Mr. CALVERT. Thank you.

Ms. KAPTUR [continuing]. And to receive our members. I just find this to be one of the most fascinating parts of the job. We get to know one another's districts better, and hopefully all that results in better legislation and an America that continues to make progress.

So, welcome, and thank you, Mr. Chairman. I look forward to this hearing.

Mr. CALVERT. Great. Thank you, Marcy. The first witness on the dais today is our friend, Bill Posey, from Florida, the District 8. Bill, you are recognized.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. BILL POSEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. POSEY. Thank you, Mr. Chairman, Madam Ranking Member for the opportunity to provide testimony before you today.

Mr. CALVERT. Okay.

Mr. POSEY. As you know, last year a reauthorization of the National Estuary Program, hereinafter referred to as NEP, was passed unanimously through Congress, demonstrating the strong bipartisan support for this important initiative. The NEP was first established in 1987, and since its founding has proved to be a model for non-regulatory environmental management programs that provide tangible benefits to the communities they served.

There are currently 28 estuaries of national significance that participate in this program. The health of America's estuaries, like the Indian River Lagoon, one of the most diverse in the world, spanning across five counties in Florida in my district and adjacent to the congressional district, is directly related to the health and vitality of our communities and national economy. In fact, these coastal ecosystems and their communities that surround them support more than 69 million U.S. jobs, and contribute to an estimated $7.9 trillion to the GDP annually.

The genius of the NEP is that it empowers local communities to take responsibility for managing their estuaries, and brings together a diverse group of experts and concerned citizens to address threats to these delicate ecosystems. The program correctly recognizes that the people whose livelihoods are directly connected to protecting and restoring the health of the estuaries are in the best position to use taxpayer money responsibly and achieve demonstrable results.

In last year's reauthorization, we improved upon this model by ensuring that the EPA spent no more than 5 percent of appropriated funds on administrative costs at the Agency. The reauthorization also directs the EPA to use the savings from this reduction in Federal bureaucracy to create a new competitive grant program that will provide necessary resources to estuaries with urgent needs.

The money in the Competitive Grant Program will be reserved for projects addressing threats, like harmful algae bloom, invasive species, and pervasive seagrass habitat loss, problems that get exponentially worse and more expensive to fix the longer they remain untreated. For that reason, I cannot stress enough the importance of having the Competitive Grant Program put in place in a timely manner. The newly reauthorized program and its uniquely transparent funding allocation formula will ensure that local NEP programs get the support Congress intends and prevent further expansion of what we do not intend.

In addition to fully funding the National Estuary Program, I encourage the committee to ensure EPA officials reduce costs in compliance with the reauthorization statute, and begin administrating the Competitive Grant Program as quickly as possible.

Thank you for the opportunity to appear before you today. I will be happy to answer any questions.

Mr. CALVERT. Well, thank you. Thank you, Bill. I certainly support estuaries. We have a few in the West Coast, and so it is something that is very important, and I am sure that we will be taking a very close look at that program as we go along. Thank you for your testimony.

Mr. POSEY. Thank you very much for your comments.

Mr. CALVERT. All right. Next, our good friend from the State of Utah, Jason Chaffetz, and welcome, Jason. We look forward to listening to you.

[The statement of the Hon. Bill Posey follows:]

BILL POSEY
8TH DISTRICT, FLORIDA

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Congress of the United States
House of Representatives
Washington, DC 20515

WWW.POSEY.HOUSE.GOV
WASHINGTON OFFICE:
120 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3671
FAX: (202) 225-3516

MAIN DISTRICT OFFICE:
2725 JOHN FRED JACKSON WAY, BLDG. C
MELBOURNE, FL 32940
(321) 632-1776
FAX: (321) 639-8595

DISTRICT OFFICE:
INDIAN RIVER COUNTY ADMIN. BLDG. A
(772) 226-1701

DISTRICT OFFICE:
BREVARD COUNTY GOVERNMENT OFFICES
IN TITUSVILLE
(321) 383-6080

February 28, 2017

Testimony of Congressman Bill Posey
Florida's 8th Congressional District

Thank you, Mr. Chairman and Ranking Member, for the opportunity to testify today in support of the National Estuary Program.

As you may know, last year a reauthorization of the National Estuary Program (NEP) was passed unanimously through Congress, demonstrating the strong, bipartisan support for this important initiative. The NEP was first established in 1987, and since its founding, has proved to be a model for non-regulatory environmental management programs that provide tangible benefits to the communities they serve.

There are currently 28 estuaries of national significance that participate in the Program. The health of America's estuaries, like the Indian River Lagoon spanning across 5 counties in Florida—in my district and an adjacent Congressional district—is directly related to the health and vitality of our communities and national economy. In fact, these coastal ecosystems and the communities that surround them support more than 69 million U.S. jobs and contribute an estimated 7.9 trillion dollars to the GDP annually.

The genius of the NEP is that it empowers local communities to take responsibility for managing their estuaries, and brings together a diverse group of experts and concerned citizens to address threats to these delicate ecosystems. The program correctly recognizes that the people,

whose livelihoods are directly connected to protecting and restoring the health of our estuaries, are in the best position to use taxpayer money responsibly and achieve demonstrable results.

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The money in the competitive grant program will be reserved for projects addressing threats like harmful algal blooms, invasive species, and pervasive sea grass habitat loss; problems that get exponentially worse and more expensive to fix the longer they remain untreated. For that reason, I cannot stress enough the importance of having the competitive grant program put in place in a timely manner.

The newly reauthorized program and its uniquely transparent funding allocation formula will ensure the local NEP programs get the support Congress intends, and prevent further expansion of the already bloated federal bureaucracy. In addition to fully funding the National Estuary Program, I encourage the Committee to ensure EPA officials reduce administrative costs in compliance with the reauthorization statue and begin administering the competitive grant program as quickly as possible.

Thank you for your time and continued support of the National Estuary Program.

Sincerely,

Bill Posey
Member of Congress

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. JASON CHAFFETZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. CHAFFETZ. Thank you. Thank you for having me, Chairman, and to the ranking member and to each of the members here. It is an important opportunity, and I appreciate you hearing us out.

I have three quick topics I would like to address. One is the Indian school bus routes. Last year, dirt school bus routes proved impassable on multiple occasions, causing Navajo students to miss 11 school days. In Utah, San Juan County is roughly the size of New Jersey. It has one stoplight. A portion of the Navajo Nation is in this county, but this is a problem throughout the four corners area.

San Juan County receives about $85,000 per year from the BIA to maintain roughly 258 miles of school bus routes. That number has stayed consistent over a 30-year period. Since 2005, San Juan County has spent $11 million of their general fund monies to maintain these roads on the Navajo Nation.

The imbalance is quite severe. Navajo Nation children, their dropout rates are some of the highest in the Nation, and yet they are missing more than an average of one school day per month just because they simply cannot get to school because of how poor these roads are.

And I—with some indulgence, I have some pictures here. It may be tough to see on the television, but that is what they're dealing with on almost a monthly basis. It depends on when it is raining when the snow is melting. And we have got a host of other pictures.

Not only do these kids get trapped there, sometimes spending the day and into the night, but the parents know that if it is rainy, they do not even bother to put them on the bus because they may get stuck there, and there have been horrific situations. It has been going on for years. We need some help solving it.

You cannot necessarily just go and pave all those roads either. That would not necessarily be a prudent use of funds, but there are things you can do with gravel and other types of things to make them passable.

The second issue I wanted to bring up is the Bears Ears National Monument. On December 28th, 2016, less than 30 days before President Obama left office, he created the Bears Ears National Monument covering 1.35 million acres. This is bigger than Delaware, Rhode Island, and Washington, D.C. combined.

We have five national parks in the State of Utah. You could take all five of the national parks and combine them, and they would still fit in this Bears Ears National Monument. The delegation, all six of us, wrote a letter to President Obama in April asking for a meeting. He refused to meet with us on this issue. Ultimately we got less than 1 hours' notice that he was creating this national monument.

Every single elected official at every level of government representing this area, other than the President, is opposed to this monument. Rebecca Benally, a Democrat from the Navajo Nation on the county commission in San Juan County, is opposed to this.

The whole county commission is opposed to it. The state legislature is opposed to it. Both the Utah House and Senate passed a resolution in opposition to it. The entire congressional delegation is opposed to it. The governor is opposed to it, and yet it still happened.

And so, we are asking that the committee seriously consider making sure that no funding for the Bears Ears Monument move forward.

And finally, Mr. Chairman, nearly 1,900 counties across 49 States face the expiration of a critical financial offset for tax exempt Federal lands under their jurisdiction. Still recovering from the recent economic downturn, these counties depend very, very heavily on PILT payments, the payment in lieu of taxes, to keep their communities afloat. PILT dollars allow local governments provide critical health, education, culture, and emergency services, particularly in my congressional district where we have two national parks and lots of BLM land. More than 90 percent of San Juan County is owned by State and Federal government. Yet the county has to perform all the emergency services and provide education funding with only 10 percent of their county land being taxable. And—so, we have some of the highest property tax rates in the entire State or in some of the most rural areas because there is so much Federal land.

And so, we ask that the PILT program be fully funded. The issue has come up, and Mr. Calvert, in particular, the chairman here has been very helpful on this. But we do need your help in making sure that these funds are there. These funds primarily go to education, and then they go on to emergency services. Those are the primary use of these funds and we need them.

And with that I yield back. Thank you for your time.

Mr. CALVERT. Thank you, Jason. And, by the way, I I've been on those roads. Tom and I were on those roads just recently, about a year ago, and we were still having kidney problems because of the Washburn effect of the—that was in the summer months. God knows what they are like in the winter time. So, we appreciate your coming by and look forward to working with you.

Ms. CHAFFETZ. Appreciate it. Thanks for the opportunity.

Mr. CALVERT. Thanks. Appreciate it. Okay.

Next on our agenda, we have Bruce Westerman and Brian Higgins would please come up. Okay, we will have Bruce first here. Okay. Bruce Westerman from the great State of Arkansas, and would love to hear from you.

[The statement of the Hon. Jason Chaffetz follows:]

Congressman Jason Chaffetz

FY18 Interior, Environment and Related Agencies Testimony

Chairman Calvert and Ranking Member McCollum, I thank you for this opportunity to testify before you today. As you begin your work on the fiscal year 2018 Interior, Environment and Related Agencies Appropriations bill, I hope that the committee will consider a few the priorities that are pressing in my home district and state.

Indian School Bus Routes

Last year, dirt school bus routes proved impassable on multiple occasions causing Navajo students to miss eleven school days. Navajo parents and educators believe these absences contribute to the 40 percent dropout rate among Navajo children.

For nearly 30 years a county in my district, San Juan, has received $85,000 per year from BIA to maintain 258 miles of school bus routes. Since 2005, San Juan County has spent over $11 million of their own funds to maintain these roads on the Navajo Nation. This expenditure is bankrupting the county. The federal government needs to step up and fund road maintenance on Indian reservations.

I urge the committee to dedicate funding to maintain dirt school bus routes to ensure Native American children can get to school.

Bears Ears National Monument

On December 28, 2016, President Obama created the 1.35 million-acre Bears Ears National Monument in San Juan County, Utah. The Bears Ears National Monument was created over protest from the entire federal delegation and without the consent of the local population.

The Bears Ears National Monument is uniquely offensive as no elected official representing San Juan County supported the creation of Bears Ears: Utah's Governor Gary Herbert, Utah's State Representatives, and San Juan County's three commissioners all opposed President Obama's unilateral designation of a monument and support its rescission.

We, along with state and local officials, and the residents of San Juan County, are committed to ensuring that the Bears Ears region is protected and productive. We firmly believe that these decisions are best made locally, not by lame duck presidents. Therefore, I am asking that the committee not fund the Bears Ears as a National Monument.

PILT

Nearly 1,900 counties across 49 states face the expiration of critical financial offsets for tax-exempt federal lands under their jurisdiction. Still recovering from the recent economic downturn, these counties depend on PILT payments owed to them by the federal government to keep their communities afloat.

PILT dollars allow local governments to provide critical health, education, cultural and emergency services to their residents and federal lands visitors. Failing to act to fulfill this long-standing obligation will leave counties across 49 states vulnerable and without the resources they need to serve and protect their citizens.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Mr. Chairman, and I appreciate this opportunity to testify before you today. I am here to address the urgent need for greater funding for our forest management programs, and on the ground scientific research.

I have said this a lot, but there are no negatives to a healthy forest system, and healthy forests, they provide clean air, clean water. They sequester carbon at greater rates, promote recreational opportunities, and increase biodiversity. They also produce a steady supply to our Nation's forest products industry, which employs 2.8 million people nationwide, along with an annual payroll of $87 billion, and that accounts for 5.7 percent of total U.S. manufacturing.

Unfortunately, the Forest Service has moved away from its original mission of managing our National Forest System in a scientifically sound manner for multiple purpose uses, and that includes a dramatic decrease in timber harvesting. Last year the Forest Service sold a mere 3 billion board feet of timber, that is about a quarter of the amount that was sold 30 years ago.

The result of this shift in focus is clear. Drought and overcrowding leave the forests susceptible to insect and disease infestation, and make them more vulnerable to catastrophic wildfires. These fires destroy wildlife habitat, radically alter ecosystems, decrease carbon storage, and force taxpayers to pay hundreds of millions of dollars annually in increased fire suppression costs.

Therefore, it is time for the Forest Service to return to its core mission and place a greater emphasis on multiple use in scientific management, which includes more timber harvesting, mechanical thinning, and prescribed burns. Our current management system is not working for the forest, wildlife, the recreation community, or the taxpayer. It is time for a new approach, and the subcommittee can play a key role in this new approach.

The Forest Service must work hand in glove with scientists and industry to promote forest health through more timber harvesting, prescribed burns, and other sound management techniques. I urge the subcommittee to include robust funding for the forest products line item under the National Forest System. This will help the Forest Service to refocus on its core mission and improve landscape health.

In addition to promoting better forest management and timber harvesting, I ask the subcommittee to fully fund the Forest Inventory Analysis Program. The FIA is designed to complete analysis of sample forest landscapes around the United States every 5 years. This is the data that is used to determine how much timber we have, and where it is being used, and the age of it.

However, the Forest Service often finds itself on a 6- or 7-year rotation, leading to delayed analysis of our landscapes. This can force States to increase their matching contributions in order to have sound, timely scientific analysis for statewide forest management plans.

FIA takes proactive, positive steps in the area of better forest management. FIA leads to scientific forest management practices that increase carbon storage and reduce the threat of wildfire. Additional funding to FIA will also give the wood products and timber industry certainty in making business decisions, and assist in making ecologically sound forest management choices that benefit the environment and industry simultaneously.

Additionally, I request robust funding for the Forest Products Laboratory. The Forest Products Laboratory conducts scientific research into wood products, forest biomass, the use of wood in tall buildings, and threats to various species, such as White-Nose syndrome, which is decimating northern long-ear bat populations nationwide. This research is integral not only to science and conservation, but also for promoting millions of rural jobs, where an individual can find good paying work, oftentimes without the need for a 4-year college degree.

Once again, I would like to thank you, Chairman, and the members of the Committee for the invitation to speak today. And I ask you to ensure a strong, robust funding for forest products line item under the National Forest System that promotes scientific research on our Nation's forests through the Forest Inventory Analysis Program, and the promotion of new and improved wood products supporting a sound forest products industry through the Forest Products Laboratory.

And I yield back the balance of my time.

Mr. CALVERT. Thank you, Bruce, for your testimony. We appreciate that. We are very supportive of that industry.

Ms. KAPTUR. Mr. Chairman?

Mr. CALVERT. Yes, Ms. Kaptur.

Ms. KAPTUR. Thank you, Mr. Chairman. I just wanted to ask, I know Mr. Westerman's deep interest in forestry. And I just wanted to ask him if you could give us a 1-minute summary of what you think is happening to, for example, our eastern forests with the increasing deer population, and what is happening to our saplings. Could you kind of give us just your bird's eye view of what is happening across the country with forests?

Mr. WESTERMAN. The 1-minute version of what is happening across the country? You are asking a forester who likes to talk in detail about this. But, yes, the issue you are talking about, Ms. Kaptur, is what we call regeneration or growing new trees. And in our eastern forests, you can have problems if you have too many deer eating the young saplings that come up from the acreage. You could have a hard time getting regeneration.

But the goal of forestry is to grow new trees, and that requires different management schemes, whether you are in the northeast, the southeast, the inner mountain area, out on the coastal area, or in Alaska. But our forest managers need to be able to apply the science to manage and to keep these forests healthy, whether it is hardwoods in the east or conifers in the west.

I hope that is close to explaining it and——

Ms. KAPTUR [continuing]. Are our forests healthy?

Mr. WESTERMAN. Our private forests are very healthy because they have been managed. Our national forests sadly are not healthy, and the effect we see are the increasing wildfires. If you

look at the graph of wildfires and expenditures on wildfires, they have gone up exponentially.

So, an ounce of prevention is worth a pound of cure, and if we will manage these forests and spend some money to do that properly, then we will save a lot of money on the back end. Plus, we will have a better environment and healthier forests.

Ms. KAPTUR. Thank you. Thank you, Mr. Chairman.

Mr. WESTERMAN. Thank you.

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

Next, Mr. Brian Higgins from the great State of New York.

[The statement of the Hon. Bruce Westerman follows:]

Rep. Bruce Westerman (AR-04) Interior and Environment Testimony

Thank you, Chairman Calvert and Ranking Member McCollum, for the opportunity to testify today. I am here to address the urgent need for greater funding for our forest management programs and on-the-ground scientific research.

There are no negatives to a healthy forest system. Healthy forests provide clean air and water, sequester carbon at greater rates, promote recreational opportunities, and increase biodiversity. They also produce a steady supply to our nation's forest products industry, which employs 2.8 million people nationwide along with an annual payroll of $87 billion, accounting for 5.7% of total US manufacturing.

Unfortunately, the US Forest Service has moved away from its original mission of managing our national forest system in a scientifically sound manner, and that includes a dramatic decrease in timber harvesting. For example, last year, the Forest Service sold a mere 3 billion board feet of timber—around ¼ the amount sold 30 years ago.

The result of this shift in focus is clear. Drought and overcrowding leave the forests susceptible to insect and disease infestation, and make them more vulnerable to catastrophic wildfires. These fires destroy wildlife habitat, radically alter ecosystems, decrease carbon storage, and force taxpayers to pay hundreds of millions of dollars annually in increased fire suppression costs.

Therefore, it is time for the Forest Service to return to its core mission, and place a greater emphasis on scientific management, which includes more timber harvesting, mechanical thinning, and prescribed burns. Our current management system is not working for the forests, wildlife, the recreation community, or the taxpayer. It is time for a new approach, and the Subcommittee can play a key role in this new approach.

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urge the Subcommittee to include robust funding for the forest products line-item. This will help the Forest Service to refocus on its core mission, and improve landscape health.

In addition to promoting better forest management and timber harvesting, I ask the Subcommittee to fully fund the Forest Inventory and Analysis Program. FIA is designed to complete analyses of sample forest landscapes around the United States every 5 years. However, the Forest Service often finds itself on 6 or 7 year rotations, leading to delayed analyses of our nation's forest landscapes. This can force states to increase their matching contributions in order to have sound, timely scientific analysis for statewide forest management plans.

FIA takes proactive, positive steps in the area of better forest management. FIA leads to scientific forest management practices that increase carbon storage and reduce the threat of wildfire. Additional funding to FIA will also give the wood products and timber industries certainty in making business decisions, and assist in making ecologically sound forest management choices that benefit the environment and industry simultaneously.

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The Forest Products Laboratory conducts significant scientific research into wood products, forest biomass, the use of wood in tall buildings, and threats to various species, such as white nose syndrome, which is decimating northern long-eared bat populations nationwide. This research is integral not only to science and conservation, but also for promoting millions of rural jobs, where an individual can find good-paying work, oftentimes without the need for a college degree.

Once again, I would like to thank Chairman Calvert, Ranking Member McCollum, and the members of the Subcommittee for the invitation to speak today. I ask you to ensure strong,

robust funding for the forest products line-item, the Forest Inventory and Analysis Program, and the Forest Products Laboratory.

I yield back the balance of my time.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. BRIAN HIGGINS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HIGGINS. Thank you, Mr. Chairman. I appreciate it very much.

I just wanted to urge the subcommittee to consider the Great Lakes Restoration Initiative. I live in Buffalo. I represent Buffalo. And prior to the Clean Water/Clean Air Act of 1972, the chemical, steel, and grain industry essentially dumped their toxic poison into places like the Great Lakes and the Buffalo River

Because of the Great Lakes Restoration Initiative over the last 10 years, we have removed 67,000 semi-truckloads of toxic waste from the bottom of the Buffalo River. In 1970 the Environmental Protection Agency declared the Buffalo River was biologically dead and ecologically destroyed.

With this funding from the Great Lakes Restoration Initiative for that cleanup, EPA officials are now saying that the Buffalo River will be swimmable in the next 12 months, and the fish that are caught there are safe for human consumption in the next 5 years. It is a dramatic turnaround, but it has also resulted in unleashing the resources and creativity to the private sector, which have invested a lot of money for the restoration of habitat along the river, and also residential commercial-mixed use development in those corridors. So, it has really created a new economy in Buffalo, and it is a very, very important program. So, we appreciate very much the continuation of that.

I used to be a teacher of history and economics at Buffalo State College, and I taught the history of Buffalo and western New York. A hundred years ago, Buffalo was the 8th largest economy in the entire Nation, among the strongest in the entire world. All the great landscape and building architects, they—none of them were from Buffalo. They came to Buffalo—Henry Hobson Richardson, Louis Sullivan, Louise Bethune, the first female architect.

Consequently, we have these beautiful buildings, but because of economic decline over the last 20 years, Buffalo took a major hit, and a lot of those buildings are empty. Because of the Historic Tax Credit Program, developers undertook the redevelopment of those buildings for commercial-mixed use, and residential development.

Now we are seeing Buffalo go through a major economic renaissance. For example, the fastest-growing neighborhood in all of western New York is downtown Buffalo. And it is primarily young people that are filling in these old historic buildings that have been converted to apartments, condominiums, and the like. But it is fundamentally changing the economy of Buffalo and western New York.

So, my only message to the committee would be that without this tax credit, developers would not have the wherewithal or the confidence to undertake these important restorations. So, we are really losing nothing because by giving these developers a tax credit, we are not giving up any money, you know, overtly, but we are giving them the incentive, the financial incentive, to fill in that all important gap financing.

And then finally, the National Endowment for the Arts and National Endowment for the Humanities. It is less than one-tenth of 1 percent of the Federal budget. I know it is symbolic for a lot of people, but it does do a lot of good things in a lot of great communities, like my community in Buffalo and western New York. So, I would just ask the committee respectfully to look at those areas and give them your every consideration and support.

Thank you so much.

Mr. CALVERT. Thank you. Thank you, Brian. Just one comment on the Great Lakes. There are lot of members on this committee that represent Great Lakes, so I suspect we will continue to do that.

Mr. HIGGINS. Great.

Ms. KAPTUR. Two. Oh, three. Excuse me.

Mr. CALVERT. Three. That is right. Thank you. Thank you, Brian.

VOICE. Very powerful bipartisan goal. [Laughter.]

Mr. CALVERT. Incentive here, yeah. Okay.

Francis, Mr. Rooney, representing the great State of Florida and the great Everglades. You are recognized.

[The statement of the Hon. Brian Higgins follows:]

Prepared Testimony of Congressman Brian Higgins (NY-26) on Fiscal Year 2018 Priorities

House Appropriations Committee

Subcommittee on Interior, Environment, and Related Agencies

February 28, 2017

Chairman Calvert and Ranking Member McCollum, thank you for the opportunity to testify regarding a number of priorities within the Interior, Environment and Related Agencies Appropriations Bill that play a critical role in my district in Western New York. There are a number of programs that I support in this bill – but I want to highlight just a few here today.

First, I would like to express my support for full funding of programs at the National Park Service that provide assistance to Western New Yorkers seeking to preserve and rehabilitate historic properties in my District and across the country.

Specifically, the Technical Preservation Services account within the National Park Service administers applications for eligibility for use of the federal historic tax credit. As you may know, the federal historic tax credit provides a 20% credit for the rehabilitation of historic properties for income producing purposes. Since the program's creation in 1976, HTCs have rehabilitated more than 39,600 buildings, driving more than $109 billion in private investment and creating 2.3 million jobs all while providing the Treasury with $1.25 for each dollar invested.

This use of the historic tax credit is a central component to the revitalization of neighborhoods across my district. In Buffalo and Western New York, the HTC has been vital in stimulating private investment towards urban revitalization by encouraging developers to

purchase dormant commercial buildings and transform them into apartments and office space, contributing to the renaissance of a historic downtown. Since 2002, more than $70 million in federal historic tax credits have flowed into my community, leading to more than $420 million in total development. In the absence of these incentives, developers would have considered many of these projects too risky to pursue, leaving many historic properties vacant and left to decay.

Second, I also support funding for the Heritage Partnership Program, which provides grants to state and local governments and nonprofit groups to facilitate the preservation of cultural, historic and natural resources. Through innovative public-private partnerships, National Heritage Areas have effectively leveraged federal resources, attracting an average of $5.50 of private funding for each dollar appropriated.

In my own district, both the Erie Canalway National Heritage Corridor and the Niagara Falls Heritage Areas have delivered a vast array of recreational and educational opportunities to visitors, residents and the entire region. The Fiscal Year '17 bill included language extending the Erie Canalway's funding cap, and I look forward to seeing that language carried forward in the Fiscal Year '18 bill so that it can continue its important mission.

Third, I urge this Committee to continue to provide funding for the National Endowment for the Arts and the National Endowment for the Humanities. In 2016, the combined federal allocation of the NEA and NEH was .0003% of the $4 trillion federal budget. In the 114th Congress, the NEA and NEH combined awarded $837,000 grants to 13 Western New York intuitions. These organizations have been vital to the cultural resurgence in Buffalo and Niagara

Falls. I urge the committee to, at minimum, maintain current funding levels for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH).

Lastly, I encourage the Committee to provide at least $300 million for the Great Lakes Restoration Initiative. Since the creation of the Great Lakes Restoration Initiative in 2010, nearly $2.2 billion has been invested in projects to clean up the Great Lakes, the world's largest freshwater system. Locally, the Great Lakes Restoration Initiative supports a number of initiatives including the restoration of the Buffalo River. Declared biologically dead in 1968, the Buffalo Niagara Riverkeeper utilized GLRI funding to restore the river through an innovative public-private partnership, which has the established the return of various native species of birds, mammals, fish and other creatures as well as canoeists and kayakers, a sight which would have been unthinkable only a few decades ago.

I thank you for the opportunity to be here today, and hope that my testimony has provided insight into the tremendous impact the aforementioned programs have in my community and throughout the country, and the imperative that they continue to receive robust support.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. FRANCIS ROONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. ROONEY. Thank you, Chairman Calvert, and members of the subcommittee for allowing me to speak today.

The Everglades and Lake Okeechobee watershed includes 16 counties and 164 cities, and has a $2 trillion economic impact on the State of Florida. They support 55 percent, that is $1.3 trillion, of the real estate value throughout the State. For every dollar invested in the Everglades/Lake Okeechobee watershed restorations, $4 of economic benefit will be produced.

Due to a century of human development, the greater Everglades ecosystem is now less than half of its original size. The other half is what is now Fort Lauderdale and Miami. Lake Okeechobee fills up 6 times as fast as it can drain, which results in massive discharges into adjacent rivers and coastal areas.

These discharges are untreated and we have had many years of good dairy farms and other contributing factors that result in high phosphorus and nitrogen levels in the water, it is not just urban development. Additionally, the impact of the freshwater and salt water balance is another factor in the effort to control discharges.

The Comprehensive Everglades Restoration Plan, or CERP, seeks to restore the balance in these ecosystems and reduce the harmful discharges into both the Caloosahatchee to the west and the Saint Lucie to the East, and sending cleaner water down into Florida Bay. The CERP was created by Congress and the State of Florida in 2000, nearly 17 years ago. It includes 68 projects which are designed to store, treat, and move water southward into the marshes of the Everglades, and then into Florida Bay, to store and treat water entering Lake Okeechobee from the north, and to balance the flows of fresh and salt water to control salinity.

The CERP was set up to share costs between the State and the Federal government 50/50, and so far, the State has contributed $2.2 billion, and the Federal government has contributed $1.26 billion. As of December 2016, the State has contributed a little over 63 percent of the total cost so far.

While the bulk of the Everglades restoration funding goes to the Army Corps of Engineers for the construction and maintenance of projects, Department of Interior plays a significant role. The Department of Interior provides support for restoration programs and the CERP. It has important jurisdiction throughout the national parks, with the Fish and Wildlife Service, the National Park Service which oversees Big Cypress and the Everglades National Park, the U.S. Geological Survey, and the Bureau of Indian Affairs which is responsible for the Miccosukee Tribe of Florida.

Through these agencies, the Department of Interior supports updates to the CERP's programmatic regulations, creation of the guidance documents for how the projects will be built, operated, and evaluated, and in establishing goals to track the restoration progress, and provide regular status reports to Congress. This all dovetails with the Corps mission which relies on funding for Interior CERP projects.

While it is not possible to directly support these programs through the appropriations process, I hope that the Interior, Environment, and Related Agencies Subcommittee would consider supporting appropriate levels of funding to the Department of Interior, especially for the Park Service, Fish and Wildlife, Geological Survey, and the BIA, so they continue to do their part to work with the Corps to move the Everglades restoration forward.

There is a chart in the testimony that shows that while the Interior Department funding for the CERP has been fairly steady at around $8 million a year, the non-CERP funding has varied widely from as little as $53 million to a high of $91 million, and last year was $56 million. I am asking the Energy and Water Appropriations Subcommittee for more money, and we are asking your subcommittee for more money, to try to move forward the remaining $7 billion of authorized projects that are already underway.

With your help we are going to keep the ball moving down the field. Thank you very much, Chairman Calvert.

Mr. CALVERT. Well, thank you, and I believe that I am going to be heading down in that direction soon, I hope.

Mr. ROONEY. I think with your time, we are ready to go. We are looking forward to hosting you in southwest Florida.

Mr. CALVERT. We are trying to work that out. Look forward to getting down there. I want to go after snakes down there, too——

[Laughter.]

Mr. CALVERT [continuing]. Causing great damage. Any other questions?

Ms. KAPTUR. I am just overwhelmed, by the challenges of the Everglades. From living there, do you think we are making progress? We are slow on the uptake here, but what is your sense, Congressman?

Mr. ROONEY. We are. I am a practical guy. I am from the business world. Every project helps some. Every rock thrown in the pond fills it up just a little bit more. Some of the people down there say, "if we do not get $20 billion, just forget the whole thing." That is irrational.

Every part we can complete of these projects will help move the ball forward. Some of them deal with the fresh water and salt water issue; C–43 and C–44. Some of them deal with water going south, which is these flow equalization basins which is the next big funding project, that moves the water down into the Everglades.

The marshes will clean the water if we get the right amount going slow enough at the right depth that they can do their job. Then we will have clean water in the Everglades, and we will have enough fresh water to fight back the incursion of the saltwater that is killing the mangroves. If we lose the mangroves in Florida Bay, we really do have a serious problem, that is just like South Louisiana's problem.

Mr. CALVERT. Okay. Great. Well, thank you very much. We appreciate your testimony.

We are going to recess for votes and then come back immediately after the votes.

[Recess.]

Mr. CALVERT. I call the hearing on the Interior, Environment meeting in order. Thank you for coming. We appreciate it.

First, I would like to recognize Ms. Radewagen. You are recognized for 5 minutes. Thank you for coming.

[The statement of the Hon. Francis Rooney follows:]

Congressman Francis Rooney (FL-19)

House Appropriations Subcommittee on Interior, Environment, and Related Agencies Testimony

The Everglades and Lake Okeechobee Watershed include 16 counties and 164 cities. It has a $2 trillion economic impact on the state and supports 55% ($1.3 trillion) of the real estate value in Florida. For every dollar invested in the Everglades/Okeechobee Watershed, $4 of economic benefit are produced.

Due to a century of human development, the greater Everglades ecosystem is now less than 1/2 of its original size and Lake Okeechobee fills up 6 times faster than it can be drained, resulting in massive discharges into the adjacent rivers and coastal areas. These discharges are untreated, and impact the delicate balance of fresh water/salt water in the coastal ecosystems. The Comprehensive Everglades Restoration Plan, or CERP, seeks to restore balance to these delicate ecosystems, ultimately reducing harmful discharges to the Caloosahatchee and St. Lucie estuaries and sending clean water south to the marshes of the Everglades and Florida Bay.

CERP was created by Congress and the State of Florida in 2000. It includes 68 projects that will create (1) storage, treatment and flow of water southward into the marshes of the Everglades and Florida Bay; (2) storage and treatment of water entering Lake Okeechobee from the north; and (3) balancing of flows to control salinity levels between wet and dry years. CERP was set up to share costs between the State and the federal government 50/50. As of December 2016, the State had made expenditures of $2.165 Billion and the federal government had contributed

$1.26 billion – these figures translate to a 63/37 split overall. So, we have a lot of catching up to do on the federal end of the agreement.

While the bulk of Everglades restoration funding goes to the U.S. Army Corps of Engineers (Corps) for construction and maintenance projects, the Department of Interior (DOI) provides significant support for restoration programs, including CERP. The key agencies within the DOI overseeing Everglades restoration efforts are the National Park Service (NPS), the Fish and Wildlife Service (FWS), the US Geological Survey (USGS), and the Bureau of Indian Affairs (BIA). Through these agencies, the DOI supports updates to the CERP Programmatic Regulations; the creation of guidance documents for how projects will be built, operated, and evaluated; the establishing of goals to track restoration progress and provide regular status reports to Congress; and for the identification of appropriate quantity, timing, and distribution of water throughout the ecosystem.

While it is no longer possible to directly support these programs through the appropriations process, it is my hope that the Interior, Environment, and Related Agencies Subcommittee would approve appropriate levels of funding to the DOI, especially for the NPS, FWS, USGS, and the BIA so that they can continue to move Everglades restoration forward. The following chart shows the trend in funding over the last 7 years for CERP and Non-CERP Everglades restoration funding for both the DOI and the Corps.

Table: Corps and DOI Funding for Everglades Restoration, FY2010-FY2017
(in thousands of dollars)

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017 Proposed
DOI	**79,424**	**70,600**	**99,884**	**66,355**	**70,452**	**62,272**	**64,429**	**63,000**
CERP	*8,449*	*8,401*	*8,347*	*7,883*	*8,376*	*8,408*	*7,934*	*8,000*
Non-CERP	*70,975*	*62,199*	*91,537*	*58,472*	*62,076*	*53,864*	*56,495*	*55,000*
Corps	**167,364**	**131,066**	**142,486**	**96,008**	**47,616**	**68,551**	**94,045**	**106,000**
CERP	*119,966*	*79,860*	*57,886*	*76,212*	*38,499*	*61,001*	*69,970*	*75,000*
Non-CERP	*47,398*	*41,108*	*84,600*	*19,796*	*9,117*	*7,550*	*24,075*	*31,000*
Total	**246,788**	**201,666**	**242,370**	**158,683**	**118,068**	**130,823**	**188,000**	**169,000**

Source: Congressional Budget Justifications for the U.S. Department of the Interior and the U.S. Army Corps of Engineers, South Florida Ecosystem Restoration Crosscut Budget Report for FY2015.

I appreciate the Committee's time today. I continue to encourage the Committee to provide sufficient funding for the DOI to carry out its crucial Everglades restoration duties.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. AUMUA AMATA COLEMAN RADEWAGEN, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA

Ms. RADEWAGEN. Thank you, Chairman Calvert, Ranking Member McCollum. I appreciate you allowing me to testify before the subcommittee today.

As the committee knows, the world has changed much since 1974. That is the furthest back we could find records on the program account to assist American Samoa government operations, the Insular Affairs American Samoa Government Operations Account. Since then, the local population has grown, the infrastructure has become dated and in disrepair, and outside influences, particularly China, have begun to make inroads into the region with the development of a port in neighboring, independent Samoa, and future plans for a naval base in the same area.

At the same time, recent Federal measures have severely threatened the main economic driver on the island, which is the local tuna fishing industry. From the Federal mandate to increase the minimum wage on the island, irresponsibly putting American Samoa on the same economic playing field as the United States, to closing off of large swaths of the ocean which our people have fished for over a millennium, to the disproportionate regulations imposed on U.S. fishing vessels that are not imposed upon foreign vessels in the same waters. It is a wonder that only one of the canneries has decided to close its doors so far.

As it stands, the amount awarded in the first year of record—1974—for this account was $13 million. It is now 42 years later, and that amount has increased to only $22 million annually.

To give you an idea of just how thin this funding is currently being stretched, ASG operations funded under this program are strictly limited to basic Department of Education operations, LBJ Tropical Medical Center Operations, American Samoa Community College operations, and high court operations.

The hospital, which is the only one in the territory, is in such disrepair due to lack of funding that the VA will not allow our veterans on island to receive care there, and instead must fly them to Hawaii and foot the bill for their boarding while there for medical treatment due to the limited number of flights to and from American Samoa each week.

If adjusted for inflation, the current amount would be $64 million annually. The good that this increase would do cannot be overstated, and would be utilized to improve the conditions at the only hospital on the island, as well as other needed improvements to those entities I just listed.

I respectfully request that the committee increase the requested funding level of $22 million to $64 million, an increase of $42 million to address the many funding shortfalls currently affecting American Samoa government operations. While I understand that this is a dramatic 1-year increase, it would simply rectify the long overdue adjustment for inflation, and allow for much-needed maintenance and upgrades to existing facilities.

Also, to give you an idea of just how disproportionate the funding is, not only between American Samoa and the States, but other territories as well, just last week the Department of the Interior sent an adjustment to the U.S. Virgin Islands in the amount of $18.2 million for their rum excise taxes for Fiscal Year 2016, bringing their total excise tax revenues to $231.5 for the year.

It is of note that the U.S. Virgin Islands' population is only double that of American Samoa, yet their excise tax benefits are currently 10 and a half times that of my home district. As a fallback, Guam has Section 30 funds, and with the military buildup, money will increase substantially.

Now, I point this out not to do any disservice to the funding level of the other territories as I know they need all they receive, but to simply point out just how underfunded American Samoa has been. Please know that I am happy to answer any questions you may have, and look forward to working with you both to ensure that the good people of America Samoa are afforded the same opportunities and resources as their counterparts.

I want to thank you again for your time and consideration of my request. While not a very large amount in the grand scheme of things, this increase would do so much good for the people of American Samoa.

Fa'afetai tele lava. I yield back the balance of my time.

Mr. CALVERT. Thank you, Ms. Radewagen. I have been to American Samoa. It is a beautiful place, and I understand some of the challenges that you are having there, so we will take your testimony very seriously and see what we can do within the confines of our budget.

Ms. RADEWAGEN. Thank you, Mr. Chairman.

Mr. CALVERT. Thank you. No other questions?

[No response.]

Mr. CALVERT. Mr. Thompson, you are recognized for 5 minutes.

[The statement of the Hon. Aumua Amata Coleman Radewagen follows:]

Members Day Testimony from Congresswoman Amata Radewagen (AS-At Large)
House Appropriations Subcommittee on Interior, Environment, & Related Agencies
February 28, 2017 @ 2:30pm in 2007 RHOB

Thank you Chairman Calvert and Ranking Member McCollum, I appreciate you allowing me to testify before the subcommittee today.

As the committee knows, the world has changed much since 1974...that's the furthest back we could find records on the program / account to assist American Samoa Government operations: *The Insular Affairs / American Samoa Government Operations Account*.

Since then, the local population has grown, the infrastructure has become dated and in disrepair, and outside influences- particularly China have begun to make inroads into the region with the development of a port in neighboring Independent Samoa and future plans for a Naval base in the same area.

At the same time, recent federal measures have severely threatened the main economic driver on the island, which is the local tuna fishing industry. From the federal mandate to increase the minimum wage on the island...irresponsibly putting American Samoa on the same economic playing field as the United States, to the closing off of large swaths of the ocean which our people have fished for over a millennium, to the disproportionate regulations imposed on U.S. fishing vessels that are not imposed upon foreign vessels in the same waters, it is a wonder that only one of the canneries has decided to close its doors...so far.

As it stands, the amount awarded in the first year of record (1974) for this account was $13 million...it is now 42 years later and that amount has increased to only $22 million annually. To give you an idea of just how thin this funding is currently being stretched, ASG operations funded under this program are strictly limited to: Basic Department of Education (DoE) operations; LBJ Tropical Medical Center Operations; American Samoa Community College (ASCC) operations, and High Court operations.

The hospital, which is the only one in the territory, is in such disrepair due to lack of funding, that the VA will not allow our veterans on island to receive care there...and instead must fly them to Hawaii for and foot the bill for their boarding while there for medical treatment, due to the limited number of flights to and from American Samoa each week.

If adjusted for inflation the current amount would be $64 million annually. The good that this increase would do, cannot be overstated and would be utilized to improve the conditions at the only hospital on the island, as well as other needed improvements to those entities I just listed.

I respectfully request that the committee increase the requested funding level of $22,000,000.00 to $64,000,000.00. An increase of $42,000,000.00 to address the many funding shortfalls currently affecting ASG operations. While I understand that this is a dramatic one-year increase; it would simply rectify the long over-due adjustment for inflation and allow for much needed maintenance and upgrades to existing facilities.

Also to give you an idea of just how disproportionate the funding is not only between American Samoa and the states, but the other territories as well; just last week the *Department of the Interior* sent an adjustment to the U.S. Virgin Islands in the amount of $18.2 million for their Rum Excise Taxes for Fiscal Year 2016, bringing their total excise tax revenues to $231.5 Million for the year. It is of note that the U.S. Virgin Islands population is only double that of American Samoa, yet their excise tax benefits are currently 10 and a half times that of my home district.

I point this out not to do any disservice to the Virgin Islands funding level, as I know they need all they receive, but to simply point out just how underfunded American Samoa has been.

Please know that I am happy to answer any questions you may have and look forward to working with you both to ensure that the good people of American Samoa are afforded the same opportunities and resources as their counterparts.

I want to thank you both again for your time and consideration of my request. While not a very large amount in the grand scheme of things, this increase would do so much good for the people of American Samoa.

Fa'afetai tele lava

I yield back the balance of my time.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. THOMPSON. Chairman Calvert, Ranking Member McCollum, thank you for holding this session today.

As a member of the Natural Resources Committee and as vice chair of the Agriculture Committee, I appreciate the opportunity to provide testimony on funding and policy decisions made in this important subcommittee. And I am going to do something somebody—someone from rural Pennsylvania would probably not often do. Last week I had the privilege of traveling with Mrs. Radewagen and Chairman Bishop to American Samoa, and saw firsthand absolutely every one of the points that she addressed today in her testimony. And just offer my support obviously as well to her.

By way of background, my district, which is many miles from that island, thousands of miles, in Central Pennsylvania makes up 24 percent of the land mass of Pennsylvania, and it is among the most rural districts east of the Mississippi River. Agriculture, oil, and gas production, manufacturing, mining, and timbering are among our top economic drivers throughout the region.

The region is also home to the world's first commercial oil well, Drake's Well, in Titusville, Pennsylvania, and consequently, the birth of the petroleum industry in 1859. Because of this storied history, the Oil Regional National Heritage Area, as recognized by the National Park Service, was established in 2004.

With this in mind, I would like to first express my great support for heritage areas. It is important that we continue to recognize the history of these areas, such as the oil region, that directly helped to shape our Nation as well as build our communities.

It is also in this region of northwestern Pennsylvania that the Commonwealth's only national forest is located. Four of my counties—Warren, Forest, Elk, and McKean—make up the Allegheny National Forest, where we long have had energy production, high-value timbering, and recreation that is second to none.

As this subcommittee knows well, wildfires have skyrocketed in the past 2 decades, burning up 6.7 million acres per year on the average since the year 2000. In addition to the significant challenges of firefighting itself and those associated costs, national forests around the Nation continue to have great difficulty performing essential activities due to budget cuts as a result of fire transfers.

Accordingly, in the Allegheny like most every national forest, we routinely lose funding, staff, and resources each year during the wildfire season. This directly diminishes the local Forest Service's ability to manage the ANF, allow for needed timbering, and pursue many other projects. Like many national forests in the West, the lack of timbering in the ANF directly undermines our local economy as well as my four counties that lose out on funding for essential services.

Now, we can do much more harvesting in the Allegheny National Forest, but that will not happen without the necessary funding or direction from Congress. And, quite frankly, when it comes to tim-

ber in our national forest, we literally can print money because that high-value timber generates revenue if we are able to do that.

In order to support management activities, and especially timbering national forests, I request robust funding for the National Forest System. I also urge full funding for the forest products and timber sales, capital improvement and maintenance, and forest roads.

Further, I request that the committee include report language calling for the Forest Service to specifically meet each forest plan's harvesting levels. Forests are living and breathing ecosystems that need to be managed, and providing necessary funding for such management activities, including timbering, prescribed burns, and thinnings, is essential for force health and in order to prevent wildfires.

Regarding other management activities, the Forest Service is doing important work on invasive species, diseases, and forest health, and I have seen this firsthand at the Warren Research Lab located in my district. This work is fundamental in helping to not only deal with existing forest health programs, but also to get in front of the emergency ones before they exacerbate and become greater threats. With this in mind, I request much-needed funding for Forest Service research activities, specifically for forests and rangeland research, as well as for the State and private forests.

Similarly, we must provide necessary resources for the Fish and Wildlife Service's State and tribal wildlife grants for the purpose of insect, disease, and invasive plant research. This program directly supports grants to the States for species conservation in order to help prevent listings under the Endangered Species Act. And finally, I would like to register my great support for the Payments in Lieu of Taxes Program, as well as Secure Rural Schools. Though currently expired, Secure Rural Schools has been a critical lifeline for National Forest counties in providing essential services because of the greatly reduced timbering in the national forest since the early 1990s.

With that, I want to thank you for the opportunity to provide testimony to the committee, and I look forward to working with you as the appropriations process continues to move forward in the Fiscal Year 2018. Thank you so much.

Mr. CALVERT. Thank you, Mr. Thompson, for your testimony, and we will take all this into account. Any questions?

[No response.]

Mr. CALVERT. Seeing none, next, Ms. Sewell from the great State of Alabama. And Mr. LaMalfa, you may come over her and take a seat also. Good afternoon.

[The statement of the Hon. Glenn "GT" Thompson follows:]

Testimony of Congressman Glenn 'GT' Thompson (PA-05)

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Member Hearing on Appropriations for Fiscal Year 2018
Tuesday, February 28, 2017

Chairman Calvert, Ranking Member McCollum:

Thank you for holding this session today. As a member of the Natural Resources Committee and as Vice Chair of the Agriculture Committee, I appreciate the opportunity to provide testimony on funding and policy decisions made in this important subcommittee.

By way of background, my district makes up 22 percent of the landmass of Pennsylvania and is among the most rural districts east of the Mississippi River. Agriculture, oil and gas production, manufacturing, mining and timbering are among our top economic drivers throughout the region. The region is also home to the world's first commercial oil well – Drake's Well in Titusville, Pennsylvania - and consequently the birth of the petroleum industry in 1859. Because of this storied history, the Oil Region National Heritage Area, as recognized by the National Park Service, was established in 2004. With this in mind, I'd like to first express my great support for heritage areas. It is important that we continue to recognize the history of areas such as the Oil Region that directly helped to shape our nation, as well as build our communities.

It is also in this region of northwestern Pennsylvania that the Commonwealth's only national forest is located. Four of my counties – Warren, Forest, Elk and McKean - make up the Allegheny National Forest, where we long have had energy production, high-value timbering and recreation that is second to none.

As this subcommittee knows well, wildfire costs have skyrocketed in the past two decades, burning up 6.7 million acres per year on average since 2000. In addition to the significant challenges of firefighting itself, national forests around the nation continue to have great difficulties performing essential activities due to budget cuts as a result of fire borrowing. Accordingly, in the Allegheny, like most every national forest, we routinely lose funding, staff and resources each year during the wildfire season. This directly diminishes the local Forest Service's ability to manage the ANF, allow for needed timbering and pursue other projects.

Like many national forest regions in the West, the lack of timbering in the ANF directly undermines our local economy, as well as my four counties that lose out on funding for essential services. We can do much more harvesting in the Allegheny National Forest but that won't happen without the necessary funding or direction from Congress.

In order to support management activities and especially timbering in national forests, I request robust funding for the National Forest System (NFS). I also urge full funding for Forest Products & Timber Sales, Capital Improvement & Maintenance, and Forest Roads. Further, I request that the Committee include report language calling for the Forest Service to specifically meet each forest plan's harvesting levels. Forests are living and breathing ecosystems that need to be managed. And providing necessary funding for such management activities – including timbering, prescribed burns and thinnings – is essential for forest health and in order to help prevent wildfires.

Regarding other management activities, the Forest Service is doing amazing work on invasive species, diseases and forest health. And I've seen this firsthand at the Warren research lab, located in my district. This work is fundamental in helping to not only deal with existing forest health problems, but to also get in front of emerging ones before they exacerbate and become greater threats. With this in mind, I request much needed funding for Forest Service research activities, specifically for Forest & Rangeland Research, as well as for State & Private Forestry. Similarly, we must also provide necessary resources for the Fish & Wildlife Service's State & Tribal Wildlife Grants for the purpose of insect, disease and invasive plant research. This program directly support grants to the states for species conservation, in order to help prevent listings under the Endangered Species Act.

Finally, I would like to register my great support for the Payments in Lieu of Taxes program as well as Secure Rural Schools. Though its authorization is currently expired, Secure Rural Schools has been a critical lifeline for national forest counties in providing essential services because of greatly reduced timbering in national forests since the early 1990s.

With that, I thank you again for the opportunity to provide testimony to the committee. And I look forward to working with you as the Appropriations process continues to move forward for Fiscal Year 2018.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. TERRI SEWELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Ms. SEWELL. Good afternoon.

Mr. CALVERT. You are recognized for 5 minutes.

Ms. SEWELL. Thank you, Chairman and Ranking Member for giving me the opportunity to testify today.

First, I want to thank the subcommittee for working with me in the past and for your demonstrated commitment to historic preservation. As you begin to consider the FY 2018 Interior Appropriations bill, I ask that you continue to strongly support historic preservation funds and the National Park Service Construction Account.

Specifically, I am requesting an increase from $78.4 million to $87.4 million in the Historic Preservation Fund, including $25 million for the Civil Rights Competitive Grants to preserve, document, and interpret the sites and stories of the Civil Rights Movement and the African-American experience.

I am also requesting that, once again, we provide $3 million to be included for competitive grants for historically black colleges to document sites and stories associated with the Civil Rights Movement. Furthermore, I am requesting that the National Park Service Construction Account be funded to $252 million from $215 in last year's budget. These dollars fund construction projects, equipment replacement, management planning, and special projects.

Under the Construction Fund, I am asking that $4.3 million support the Civil Rights Initiative by completing high priority facility projects at National Park Service sites related to the Civil Rights Movement and the African-American experience.

My district is the 7th Congressional District of Alabama, known often as the Civil Rights District. It includes Birmingham, Selma, and Montgomery. Many historic events took place there from the bombing of the 16th Street Baptist Church, to the Children's March, to the Montgomery Bus Boycott, to Bloody Sunday in Selma. Some of you may have even taken the trip with John Lewis through my district. These stories are of national and international significance, and we are fortunate that the National Park Service is preserving and interpreting these stories.

In my district, we have the Selma to Montgomery National Historic Trail, as well as the new Birmingham National Historic Monument. I am so excited that the Park Service has a strong presence in my district, and I know firsthand how seriously they take their mission as the Nation's storytellers.

The National Park Service not only preserves the sites and stories of our great American history, but they also provide very important economic revitalization and jobs to those communities. In my hometown of Selma, the Selma Interpretive Center brings tourism dollars to a rural Black Belt community. In Birmingham, the Civil Rights National Historic Monument is playing a critical role in the downtown revitalization of that city.

In fact, for every dollar invested in the national parks, $10 is generated in national economic activity for those communities. I can testify that this is truly the case.

National Parks support more than a quarter million private sector jobs according to the National Trust for Historic Preservation. Moreover, the American people overwhelmingly support the National Park Service and their missions. According to the National Parks Conservation Association, 95 percent of voters support the National Park Service, and more than 80 percent have visited a national park in their lifetime.

However, the National Park Service has faced deep budgetary restraints in recent years. Their deferred maintenance project list continues to grow, and they have been limited in their ability to protect new sites that would more fully tell America's story. That is why I am asking that the National Park Service Construction Account be increased to $252 million in order to complete pending projects and expand the National Park Service presence in more communities across America.

Also, Congress must ensure that the Historic Preservation Fund is strengthened. The foot soldiers of the Civil Rights Movement are aging, and we must document their stories before they are lost. And who better to document those stories than the students from historically black colleges?

These students are the beneficiaries of Civil Rights Movement, and they have the opportunity to not only preserve history, but to be inspired by the brave Americans that risked their lives in the pursuit of social justice and equality. I am requesting that $3 million is included for competitive grants to historically black colleges to document the sites and stories associated with the Civil Rights Movement.

The funding that I am requesting is an investment, an investment not only in historic preservation, but also an investment in the economic redevelopment of many of the communities across America. We all have history in our districts, and it is important to preserve it.

Thank you for listening to my testimony, and I hope that you will strongly consider my request. I look forward to working with you as we preserve our natural resources, the National Park Service, and historic preservation for all Americans to come.

Thank you, Mr. Chairman, and I yield back the balance of my time.

Mr. CALVERT. Thank you. Condi Rice is from your district.

Ms. SEWELL. Birmingham, absolutely.

Mr. CALVERT. That is right. Well, thank you for your testimony.

Ms. SEWELL. Well, I thank you, and this committee has been very gracious to work with my office in the past, and I hope that you will work with us on historic preservation once again. Thanks.

Mr. CALVERT. Thank you.

Next, Mr. LaMalfa from the greatest State in the Union, California.

Mr. SIMPSON. I thought he was from Idaho for a second. [Laughter.]

VOICE. Are you going to take that?

Mr. SIMPSON. No, I said I thought he was from Idaho for a minute when he said that. [Laughter.]

[The statement of the Hon. Terri A. Sewell follows:]

TESTIMONY

CONGRESSWOMAN TERRI A. SEWELL (AL-07)

INTERIOR APPROPRIATIONS SUBCOMMITTEE

02/28/2017

Chairman Calvert and Ranking Member McCollum –

Thank you for giving me the opportunity to testify today. First, I want to thank this Subcommittee for working with me in the past, and for their demonstrated commitment to historic preservation. As you begin to consider the FY18 Interior Appropriations bill, I ask that you continue to strongly support the Historic Preservation Fund, and the National Park Service Construction Account.

Specifically, I am requesting that $87.4 million is provided to the Historic Preservation Fund, including $25 million for the Civil Rights Competitive Grants to preserve, document, and interpret the sites and stories of the Civil Rights Movement and the African American experience. I am also requesting that $3 million is included for competitive grants for Historically Black Colleges and Universities to document the sites and stories associated with the Civil Rights Movement.

Furthermore, I am requesting that the NPS Construction Account be funded at $252 million. These dollars fund construction projects, equipment replacement, management, planning, operations, and special projects. Under the Construction Account, I ask that $4.3 million would support the Civil Rights Initiative by completing high priority facility projects at NPS sites related to the Civil Rights Movement and the African American experience.

My district, the 7th Congressional District of Alabama, is also known as the Civil Rights District. Many historic events took place there, from the bombing of 16th Street Baptist Church, to the Children's March, to the Montgomery Bus Boycott, to Bloody Sunday. These stories are of national and international significance, and we are fortunate that the National Park Service is preserving and interpreting these stories. In my district, we have the Selma to Montgomery National Historic Trail, as well as the new Birmingham Civil Rights Monument. I am so grateful that the Park Service has a strong presence in my district, and I have seen firsthand how seriously they take their mission as the nation's story tellers.

The National Park Service not only preserves the sites and stories of our great American history, but they also bring economic revitalization to communities. In my hometown of Selma, the NPS Selma Interpretive Center brings tourism dollars to a rural black belt community. In Birmingham, the Civil Rights Monument will play a critical role in downtown re-development. In fact, for every dollar invested in National Parks, 10 dollars is generated in national economic activity. National Parks also support more than a quarter million private-sector jobs according to the National Trust for Historic Preservation.

Moreover, the American people overwhelmingly support the National Park Service and their mission. According to the National Parks Conservation Association, 95% of voters support NPS and more than 80% have visited a National Park in their lifetime.

However, the National Park Service has faced deep budgetary limitations in recent years. Their deferred maintenance project list continues to grow, and they have been limited in their ability to protect new sites that would more fully tell America's story. That is why we must

increase the NPS Construction Account to $252 million in order to complete pending projects and expand NPS's presence in more communities across America.

Also, as I mentioned earlier, we must ensure that the Historic Preservation Fund is strengthened. The foot soldiers of the Civil Rights Movement are aging, and we must document their stories before they are lost. And who better to document those stories than students from our Historically Black Colleges and Universities. These students are the beneficiaries of the Civil Rights Movement, and they have the opportunity not only to preserve history, but to be inspired by brave Americans that risked their lives in the pursuit of social justice and equality. That is why I am requesting that $3 million is included for competitive grants for Historically Black Colleges and Universities to document the sites and stories associated with the Civil Rights Movement.

The funding that I am requesting is an investment – not only in historic preservation, but in economic re-development. We all have history in our districts, and it needs to be preserved. Thank you for listening to my testimony, and I hope that you strongly consider my request.

Thank you Mr. Chairman, and I yield back the balance of my time.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. DOUG LAMALFA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. LAMALFA. I appreciate the time, Mr. Chairman, and committee members, Ranking Member. Thank you.

Thank you for allowing me to testify today on the long issue of forestry-related problems, which I have so much in my district and which we share so much in common. I am asking the community to act this year on really three key areas: biomass and encouragement of the usage of that for creating energy; streamlining the post-fire restoration issues we face so much, especially in Northern California. Other States I understand have a little easier go of it post-fire. And also, addressing the vicious cycle of diverting force management funding to fire suppression. As we have seen, what used to be one-third for suppression for the Forest Service has now gone to two-thirds with one-third left to do other work.

We have at catastrophic risk over 82 million acres in this country. Since 2001, forests in California have burned by wildfires at an average rate of about 320 acres per year. We have bark beetle infestations and other disease problems that have impacted a total of 4 million acres, or nearly 25 percent, of national forests.

With so much land already negatively impacted by wildfires, streamlining the post-fire salvage process should be a key priority. That timber still has value within a short window of time, which can go towards the cost of helping reforest an area which needs to be done. Erosion is a problem. Erosion getting in our waterways, our lakes, is a giant concern across the board from so many points on the spectrum.

Post-fire restoration costs can reach $2,000 an acre, ensuring that rapid salvage efforts that preserve this timberland can offset those costs by generating revenue, and the damage that can come from an erosive habitat. To help speed post-fire restoration efforts, the committee should include report language directing the Forest Service to utilize existing categorical exclusions to the greatest extent possible, streamlining the process, particularly when considering this post-fire salvage and restoration effort.

We know bark beetles have the ability to kill a whole tree in a matter of just a few weeks. The period in which trees may be processed from useful timbers, as I mentioned, can be just a few short months. If dead trees preferably were not processed in that period, they still may be used as fuel for biomass energy production. Biomass plants can be an effective and efficient way to help rid the forest of salvage and hazardous fuel, generating electricity, and creating local jobs in an economy that has been very damaged in recent decades in the rural part of forested America.

Yet the remote locations of many impacted forests can create cost challenges to getting this biomass to a plant. To help address the buildup of dead trees caused by drought and disease, the subcommittee should prepare report language directing the Forest Service to prioritize the use of $15 billion in biomass support funds that exist for projects to expedite the removal of dead trees from areas designated as high fire hazard areas.

I also believe, as do many of my western colleagues—that the subcommittee should consider including language similar to that of my colleague, Mr. Simpson, his H.R. 167 from the previous session, that would make large forest fires eligible for Federal disaster funding in the way that hurricanes, earthquakes, and other large disasters are already.

The Stafford Act set guidelines for engaging in post-disaster emergency activities that fails to recognize fires as major disasters eligible for Federal assistance, exempt from the NEPA process. Such changes would provide the Forest Service with the means to engage in restoration and reforestation work immediately, leading to an increase in overall forest health and resiliency.

A common theme contributing to the decline of forest health is frivolous lawsuits filed by extremist groups intended solely to delay projects until they no longer become feasible, which is made possible by a loophole that allows payment of drastically higher attorney fees for ESA lawsuits than for other suits against the Federal government. This helped delay in my own district a fire from 2015 that took a year and a half to be sorted out instead of salvaging within six months, a tiny area of that forest.

Representative Huizenga sponsored a measure addressing this issue on these lawsuits, and it was passed by the Committee on Natural Resources. He and Rep. Flores and I sponsored an amendment on the issue last session. To end these lawsuits and to end the practice of some groups using this as a business plan, as a money maker, the subcommittee should include language aligning attorney fees and ESA lawsuits to the $120 dollar per hour cap applied to all other suits against the Federal government.

So, Mr. Chairman with these investments and these reforms we can begin to engage in a much more effective forest management plan that favors a more practical approach, will improve forest health, protect rural communities, protect our air, protect firefighters, and generate revenue for the Federal and local governments with jobs for those people that have been so devastated by the economy being taken away.

With that, I thank you for your time today.

Mr. CALVERT. Thank you, Mr. LaMalfa, for your testimony. I'm sure Mr. Simpson shares your hope that we can get the wildfire bill passed in this Congress. Every member of the committee, both Republican and Democrat, are signed on to Mr. Simpson's bill, and we are hopeful we have a better shot this year than we did last year. With that, thank you very much.

Mr. LAMALFA. Thank you.

Mr. CALVERT. Next, Mr. Morgan Griffith from Virginia.

[The statement of the Hon. Doug LaMalfa follows:]

Rep. Doug LaMalfa (CA-01) Member's Day Testimony for the Record

House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

Tuesday, February 28, 2017

Good afternoon Chairman Calvert, Ranking Member Betty McCollum and members of the subcommittee. I appreciate you allowing me to testify today on a number of important forestry-related issues that have caused my state and others enormous economic hardship, and I urge the committee to act in three key areas: encouraging the use of biomass energy, streamlining post-fire restoration efforts, and addressing the vicious cycle of diverting forest management funding to fire suppression.

The amount US Forest Service land at risk of catastrophic wildfire and disease outbreak is staggering: *over 82 million acres*. The past four years of drought experienced by California exacerbated the die-off of millions of trees within Forest Service lands. According to the Forest Service, the California Region currently has 9.1 million acres available forest land for active management, of approximately 20 million total acres of Forest Service land. Since 2001, forests in California have been burned by wildfires at an average rate of 320,000 acres per year, though this figure nearly tripled to 900,000 in 2015. Bark beetle infestations and other disease problems have impacted a total of four million acres, or nearly 25% of national forests. At the other end of the spectrum, the heavy rainfall California has experienced over the past few months has increased the risk of flash flooding, particularly on forests that have been devastated by fires which have not undergone salvage and reforestation efforts.

With so much land already negatively impacted by wildfires, streamlining the post-fire salvage process should be a key priority. While post-fire reforestation costs can reach $2,000 per acre ensuring

that rapid salvage efforts preserve timber value can generate revenue to offset those costs. However, as we saw on the Westside fire in my district, environmental extremists abused the environmental review process to delay the project over 18 months. At this point, any remaining lumber value is likely to be completely gone before the dead trees can be removed. To date, there is approximately 2.4 million acres of deforested land and the cost to reforest this land would amount to nearly 5 billion dollars.

To help speed post-fire reforestation efforts, the subcommittee should include report language directing the Forest Service to utilize existing categorical exclusions to the greatest degree possible, particularly when considering post-fire salvage and reforestation efforts.

Bark beetles have the ability to kill a host tree in a matter of a few weeks, and the period in which trees may be processed into useful timber can be as short as a few months. If dead trees are not processed in that period, they may still be useful as fuel for biomass energy production. Biomass power plants can be an effective and efficient way to help rid the forest of salvage and hazardous fuel, yet the remote locations of many impacted forests can create cost challenges.

To help address the build-up of dead trees caused by drought and disease, the subcommittee should prepare report language directing the Forest Service to prioritize use of the $15 million in biomass support funds for projects that expedite the removal of dead trees from areas designated as high fire hazards.

I also believe, as do many of my Western colleagues, that the subcommittee should consider including language similar to that of Rep. Simpson's HR 167 from the previous Congress, which would make large forest fires eligible for federal disaster funding in the way that hurricanes, earthquakes, and other large disasters are. While the Stafford Act set guidelines for engaging in post disaster emergency

activities, the act fails to recognize fires as "Major Disasters" eligible for federal assistance exempt from the NEPA process. Such changes would provide the Forest Service the means to engage in restoration and reforestation work immediately following an insect or disease outbreak leading to increased post-disaster timber recovery, less hazardous fuel on public land, a decrease in forests at high-risk of catastrophic wildfires, and increases in overall forest health and resiliency.

A common theme contributing to the decline of forest health is frivolous lawsuits filed by extremist groups intended solely in order to delay projects until they no longer become feasible, made possible by a loophole that allows payment of drastically higher attorney fees for ESA lawsuits than for other suits against the federal government. While the Equal Access to Justice Act limits fees in suits against the federal government to $125 an hour, the loophole allows ESA fees of over $600 an hour. According to the GAO, the Department of the Interior paid out over $27 million in attorney fees between 2001 and 2010; $21 million of those payments were for Endangered Species Act lawsuits. There is simply no reason that this sort of lawsuit should be paid more than suits by veterans attempting to receive VA care, or taxpayers wrongly targeted by the IRS for their political views. Representative Huizenga sponsored a measure addressing this issue which was passed by the Committee on Natural Resources, and he, Rep. Flores and I sponsored an amendment on this issue last session.

To end these frivolous lawsuits, and to end the practice of some groups suing the government as a business plan, the subcommittee should include language aligning attorney fees in ESA lawsuits to the $125 cap applied to all other suits against the federal government.

Mr. Chairman, with these investments and reforms, we can begin to engage in a more effective forest management plan that favors a more practical approach which will improve forest health, protect rural communities, and generate revenue for the federal and local governments.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. MORGAN GRIFFITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. GRIFFITH. Yeah. Thank you very much. Appreciate it.

Let me talk about my district first, and then I will talk more globally. First, I heard Mr. Thompson say something about PILT. It was affirmative. And even though you usually hear that coming from western States, mine, too, is a district that receives PILT, having one of my counties being 50 percent owned by National Forest, and another that is about 39 percent. So, it is—it is—for some of the eastern districts in the mountains, it is important as well.

Let us talk about the mountains in my district where we have historically produced coal. We have had some problems. Mr. Chairman has been very helpful over the last couple of years. The Power-Plus Program is a great program. As you will recall, you helped me—we tried to finagle a way to help the Commonwealth of Virginia because we are in the second tranche. The first tranche is West Virginia, Kentucky, and Pennsylvania. They have gotten the lion's share of the money. Do not have any problem with them getting a big chunk.

But I border West Virginia and Kentucky. The people who mine coal in Kentucky and West Virginia sometimes live in my district, and the people who mine coal in my district sometimes live in West Virginia and Kentucky. We are all the same culture in that end of the district, and we need some help. So, you have helped me in the past, and I appreciate that. If we can somehow not necessarily think of the second tranche ought to be equal, but substantial, that would be a big help to the people in my district because I have got counties that do not have any land that they can convert to a new——

As people say, they want to—they want coal to convert or to change those jobs into something else. When you do not have anything but a two-lane road, and you have only got two flat pieces of land in one of my counties where they then condemned one flat piece of land to get the high school out of the flood way, where the cafeteria used to flood about every third year, it makes it tough.

One of the things we can do is the Power-Plus where we can then reclaim that abandoned mine land and convert it to—some economic use as well, which would be of great benefit to the people. So, I ask for your help on that.

Now, going global, EPA. And I think this is one, you know, you take off the regular thought processes. I think that we need to move some of the workforce out of Washington, D.C., but that does not mean taking to folks that are in Washington, D.C. who have been writing regulations and move them to some other part of the country to write regulations.

I think we saw with Flint, Michigan that what you have got to do is we need more people out there like the EPA worker who blew the whistle and say, hey, something is going on here, offered with his own money to do the testing. And in that case we had a rogue EPA person. I am not blaming the whole EPA for that, but a rogue

person who said, hey, hey, cover that up, and that person then immediately retired when it all came public.

But it was a constituent of mine from Virginia Tech who came forward and said we are going to go out there. We are going to take our resources in Virginia and spend them on Flint, Michigan. And it was that professor at Virginia Tech who actually uncovered the whole lead problem.

I think we need more people in the field working on projects where we have clean water to make sure we do not have lead coming in. That is the EPA's core purpose. When they do their core purpose, they are very good at it. When they start trying to put industries out of business, that is not their field. They do not always understand what they are doing. They have even told us in the past—well, the Court has since said they got—the Supreme Court has since said you got a different measure. They said it not our—it is not our job to figure out how many jobs are going to be lost or how much it costs. We do a rough estimate, but it's not really our job. They should do that.

But I know of places in my district they could use some clean water that do not have it. I know people that need sewage treatment help. And instead of trying to punish folks, if we can move some of those people that are currently in Washington doing desk jobs into the field, and have them looking at trying to help us in the poorer regions of the country figure out how we are going to get clean water from point A to Point B, and how are we going to deal with sewage treatment in areas that are poor.

It is interesting, we do not always qualify—watch my time here. We do not always qualify in some areas in my district because the people who have made good money in the coal industry build nice big houses, and they have those septic systems that take care of their problem. Their next door neighbors do not have that advantage, the folks who are not quite as well off financially. But they do not—unlike most parts of the country they do not live a long way away from each other.

So, in the census block, we do not measure up as poor enough to get help on things like sewage treatment because you got the rich folks living just a stone's throw away from the not so rich folks, the people who cannot afford it, and it skews all the numbers for the census block.

So, I don't know how you help with that, but one of my thoughts is I do not know how you change the formula. I do not have a magic bullet on that. But if somehow we could figure out a way that we get more people who their job is to help us figure out in the field how we are going to deal with getting clean water to the back hollows and how we are going to deal with sewage treatment where we do not have a sewage treatment plan.

And literally, I know of a spot in my district where it is rolling down the side of a hill, and they have taken measures to put bolts and all kinds of things in the rain runoff section of the road so that they can hope by the time it gets to the bottom of the mountain it is not nearly as dirty as it was when it left their toilet.

With that, I yield.

Mr. CALVERT. Well, and I appreciate your testimony. I know there has been discussion about using ZIP Codes instead of using

economic zones, and I think that is something that these agencies with today's technology should consider.

Mr. GRIFFITH. And if you could help me on Power-Plus, I really would appreciate it, but you have in the past.

Mr. CALVERT. We're very aware of the program and how much help it has been in Appalachia Country. Thank you so much for your testimony.

Mr. GRIFFITH. Appreciate you all's time.

Mr. CALVERT. Thank you. Next, okay, Sheila Jackson, and Mr. Cleaver. I think, Mr. Cleaver, you were here first?

Ms. JACKSON LEE. I am on the list for being——

Mr. CALVERT. All right, fine. No problem.

Ms. JACKSON LEE. Yeah, if Mr. Cleaver does not mind. I am in a markup.

Mr. CALVERT. Okay.

Ms. JACKSON LEE. Mr. Cleaver, I will be very brief.

Mr. CALVERT. All right.

Ms. JACKSON LEE. As brief as I can be.

Mr. CALVERT. You are recognized for 5 minutes.

[The statement of the Hon. H. Morgan Griffith follows:]

Congressman H. Morgan Griffith
9th District of Virginia
Written Testimony for the Record
Interior, Environment, and Related Agencies Appropriations
February 28, 2017

Thank you for holding this hearing today and providing me the opportunity to highlight matters of great importance to my district and the country as you move forward in the appropriations process.

First and foremost, I'd like to address the need for adequate funding for communities in Virginia, and throughout much of Appalachia, to reclaim abandoned mine lands in a way that will support economic development.

As you may be aware, the Fiscal Year 2016 House Interior Appropriations Bill initially dedicated $30 million for grants to states for reclamation of abandoned mine lands to be used for economic and community development. These funds were provided to only the three Appalachian states with the greatest amount of unfunded reclamation needs – West Virginia, Kentucky, and Pennsylvania.

I offered an amendment two years ago to that bill to expand this program to the next three Appalachian states with the greatest unmet needs. As you might imagine, Virginia is one of those three, with the other two being Alabama and Ohio. With Chairman Calvert's assurances that the Committee would work with me to expand this pilot program to additional states, I did not ask for a recorded vote and the amendment was not adopted. Nevertheless, the final FY16 Omnibus Appropriations Bill increased the funding to be divided among the top three Appalachian states to $90 million.

Despite this action, I was encouraged that the next year's Fiscal Year 2017 Committee-reported Interior Appropriations Bill heeded my call and expanded these grants

to the next three Appalachian states. But the need is far too great in areas like Southwest Virginia, and much more could be accomplished with a small increase in this program. For that reason, I offered an amendment last year to increase the funding level for these grants from $90 million to $105 million, with that additional funding dedicated to setting a more balanced distribution of funds among Appalachian states. With Chairman Calvert's support, this amendment was adopted on the floor.

Therefore, the original three Appalachian states would receive $25 million each – as provided in the underlying bill – and the additional three Appalachian states would receive $10 million each. I and my office worked closely with the House Interior Appropriations Committee staff on this amendment language to come to a resolution that ensured additional support for one Appalachian community did not come at the expense of another, instead being offset by a slight reduction in the EPA's Environmental Programs and Management account, totaling only one-half of 1% of that account.

This additional funding is needed to really get in and do some work to help these Appalachian coal communities that have been economically devastated, while at the same time helping reduce the environmental impact of un-reclaimed mine lands.

I encourage you to ensure this level of funding for economic reclamation – if not a greater and more balanced allocation – is provided in the FY 2018 appropriations bill this subcommittee will write. But more importantly, I ask for your support in getting this language over the finish-line this fiscal year by supporting this level of funding for that second tier of three states in legislation funding the remainder of FY17, which is yet to be finalized.

The second point that I'd like to raise with this subcommittee is an overarching one regarding the Environmental Protection Agency's (EPA) mission and how we structure its

workforce. Let me be clear, I support common sense policies that safeguard our ability to have clean air and clean water while advancing our country's economic health. While I am concerned that excessive and misguided EPA actions can threaten the livelihoods of hardworking American families and jeopardize thousands of jobs, I do believe there are programs where the EPA can be helpful. This is particularly the case in assisting states and local governments on clean water and wastewater infrastructure.

The EPA needs to redirect their focus, however, from constantly developing new regulations aimed at what they project may happen 50 years from now to paying attention to real, immediate problems in the world such as the situation in Flint, MI, which they covered up for a number of months. When the EPA is focused on actually pursuing its core missions, and they do their job effectively, it can serve the American people well.

For this reason, I believe the EPA should shift its focus and its workforce out of Washington, D.C. and into the field where it can better implement its core missions, garner more substantial input for when it creates regulations, and actually see the impacts of these regulations once they are crafted, finalized, and implemented. There are many who will call for the complete elimination or evisceration of the EPA. I believe this workforce readjustment would also be a necessary, prudent, and effective approach.

Thank you again for this opportunity to testify and I look forward to answering any questions you might have.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Ms. JACKSON LEE. Thank you to the chairman and ranking member, to the courtesies of Mr. Cleaver. Let me thank you to the members of this committee.

As we reflect on the backdrop of a potential $54 billion dollar ramp up to military spending and the prospective cuts in discretionary spending, let me be counted as an advocate for the work that this committee does and for the important funding that you oversee, and speak to it as quickly as possible.

Let me support initially the overall work that you do, but particularly the Safe Drinking Water, Clean Air, and Land Environmental Justice. That is a critical part in helping communities maintain safe and effective water infrastructure. I happen to be from an urban city, but we are constantly dealing with the question of water and water development in the City of Houston.

I also want to add my support for the $15 million dollars for land and water conservation for the Outdoor Recreation Legacy Partnership that complements the traditional formula of State conservation grants and, in particular, the priority given to projects that engage and empower underserved communities and youth, and provide opportunities for employment and job training.

I also want to add—and I have a whole list of which I ask unanimous consent that my whole statement be submitted into the record.

Mr. CALVERT. Without objection.

Ms. JACKSON LEE [continuing]. And speak to specific issues.

I also want to acknowledge our support for $87 billion dollars for the—excuse me—$87 for the Historic Preservation Fund. It provides funding for the core historic preservation programs, support for the National Endowment for the Arts, funding for the NEA and its extremely important programs, and particularly Blue Star museums, Operation Homecoming, and others.

I add my support, among others, for the HBCU Historic Preservation Program. The National Trust for Historic Preservation has designated the HBCUs among the Nation's most endangered sites, and this was done in 1998. And we have tried to continue to fund those historic sites, and I would ask that those dollars be continued, along with the monies for the historic preservation of Japanese-American confinements sites.

And then I want to spend a little time on the Endangered Species Conservation Fund. The CESCF provides vital funding to regional habitat conservation through competitive grants, and I believe the importance of protecting endangered species is an important responsibility of your work, and I would encourage and support that work.

I support the monies for the National Endowment for the Humanities. NEH is the single most important source of Federal support for the Humanities, and the investment, I call it critical learning, in U.S. interests by focusing on a workforce that should be en-

hanced with the knowledge that will make them a global workforce, but also a culturally exposed workforce.

I want to conclude my remarks by speaking to the dollars that I support for the National Heritage Partnership Program. The 49 National Heritage areas across the country preserve and revitalize cultural, historic, natural resources, delivering recreational and educational opportunities to visitors, residents, and entire regions. Through innovative public private partnerships, National Heritage areas have effectively leveraged Federal resources, attracting an average of $5.50 of private funding. That is an important statement that when we have these Heritage Areas, we draw the private sector private involvement.

Mr. Chairman and Ranking Member, as I said, are 49 sites, and there are none in the State of Texas. We hope to rectify this in the not too distant future. Texas is the largest and second most populous State in the Nation, and it has a unique story in American history with its diverse geographic landscape, natural resources, and population. From Galveston's port, East Texas farms, and forestry, and the Buffalo Soldiers, Texas has a rich multicultural heritage and history. And one of those stories to be told is the trail from the point of the Emancipation Proclamation delivered by Captain Granger in Galveston all through Galveston and counties beyond, through Emancipation Park in Houston, Texas, which was built by slaves.

So, as I said there are many sites to be honored and respected, and the $9 billion dollars that has been set aside for the National Heritage Partnership Programs I hope will be strongly supported. I ask all of you as you proceed to look at some of the issues that we have emphasized to be able to help America's good health, and as it relates to its interior, its environment, and its water continue to be successful.

Mr. CALVERT. I thank the gentlelady for her testimony. Any questions?

[No response.]

Mr. CALVERT. Thank you very much. Appreciate it. Mr. Cleaver, I appreciate you coming in.

[The statement of the Hon. Sheila Jackson Lee follows:]

CONGRESSWOMAN SHEILA JACKSON LEE (TX-18)
STATEMENT BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MEMBER DAY HEARING ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
APPROPRIATIONS ACT FOR FY2018
TUESDAY, FEBRUARY 28, 2017
1:30 P.M.
2007 RAYBURN

Chairman Calvert, Ranking Member McCollum, and distinguished Members of the Subcommittee:

- As the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, let me offer my appreciation and thanks to Chairman Calvert and Ranking Member McCollum for the difficult work and choices that must be made to produce a truly bipartisan Interior and Environment spending bill, and for their commitment to preserving the environment and our precious natural parks and green spaces, historic places, and cultural heritage.
- Mr. Chairman, I understand that my entire statement will be made part of the record so I will keep my remarks brief.
- In the few minutes allotted I wish to highlight three areas which warrant the Committee's continuing attention and support: (1) clean and safe drinking water for all persons in America; (2) historic preservation and cultural enrichment; and (3) protection of endangered or threatened animal and plant species.

1. SAFE DRINKING WATER, CLEAN AIR AND LAND, ENVIRONMENTAL JUSTICE

I support $2 billion for the EPA Drinking Water State Revolving Fund (Drinking Water SRF)

- Through SRFs investment programs, states provide loans and other financial assistance to local communities or utilities to support upgrades and replacements of water distribution pipelines, treatment plants, sewer lines, storm water conveyances,

and other similar infrastructure. This funding is critical as it helps communities maintain safe and effective water infrastructure and affords states the flexibility to fund their highest-priorities.

I support $69,000,000 for United States Geological Survey's National Water Quality Assessment (NAWQA) Program

- NAWQA seeks to identify such threats to our nation's aquatic systems through long-term monitoring and assessment, in particular by understanding how human activity impacts surface water and groundwater. Additional funding to support NAWQA will enhance its ability to gather data and create more substantive evaluations, and thereby protect Americans.

I support $15,000,000 for Land and Water Conservation Fund (LWCF) Outdoor Recreation Legacy Partnership (ORLP)

- The ORLP is a new competitive grant program that complements the traditional formula State Conservation grants program by focusing on national priorities, specifically helping urban communities to acquire or develop land to create or reinvigorate public parks and other outdoor recreation spaces in ways that will encourage people to connect or re-connect with the outdoors. Priority is given to projects that engage and empower underserved communities and youth; provide opportunities for employment or job training; involve and expand public-private partnerships; and rely on a high degree of coordination among all levels of government, to improve recreation opportunities for all.

I support $90,000,000 for EPA Brownfields Assessment and Cleanup Grant Program

- Requested funding will support EPA's grant program to assess and/or cleanup brownfields, and would fund the assessment activities at more than 1,300 properties, and cleanup operations at more than 120 properties. In addition, requested funding

will support environmental workforce development and job training grants, and area wide planning grants.

I support $5.2 billion for Indian Health Service (IHS)

- In 2015, the IHS provided essential health care services to approximately 2.2 million American Indians and Alaska Natives. The federal government is entrusted with the responsibility of providing health care to American Indians and Alaska Natives, yet the IHS is chronically underfunded. In 2015 health care per capita spending through the IHS was less than half of the per capita rate for the total U.S. population. In 2014, the Indian Health Service's budget was insufficient to meet even 60% of its identified needs, forcing many to go without critical treatment and preventative care.

2. HISTORIC PRESERVATION AND CULTURAL ENRICHMENT

I support $150,000,000 for National Endowment for the Arts

- This funding will help the NEA maintain its extremely successful programs, including The Big Read, Our Town, and Challenge America, Blue Star Museums and Operation Homecoming, which help the NEA reach every congressional district in the country. In FY15, the NEA awarded over $116.9 million in appropriated funds through 2,337 grants, with at least one award reaching every congressional district.

I support $150,000,000 for National Endowment for the Humanities

- NEH is the single most important source of federal support for the humanities and this investment advances critical U.S. interests by fostering a globally competitive workforce, strengthening civic engagement, preserving our cultural heritage, and protecting our national security. Investment in the humanities advances vital U.S. interests by fostering a globally competitive workforce, strengthening civic engagement, preserving our cultural heritage, and protecting our national security. In a world where interconnectedness is continuously growing investment in the NHS is critical.

I support $10,000,000 for HBCU Historic Preservation Program

- Considering the age of many HBCU campuses, historic preservation costs are daunting. In 1998, the National Trust for Historic Preservation designated the nation's HBCUs among the nation's most endangered historic sites. These funds provide much-needed assistance to schools combating increased challenges associated with maintaining their schools and gaining access to capital for campus improvements.

I support $87,000,000 for Historic Preservation programs

- The Historic Preservation Fund provides funding for the core historic preservation programs. The amount includes $46.9 million for State Historic Preservation Officers and $11.985 million for Tribal Historic Preservation Officers and $2,500,000 in grants to underserved communities and $3 million for competitive grants for Historically Black Colleges and Universities.

I support $9,000,000 for National Heritage Partnership Programs

- The 49 National Heritage Areas across the country preserve and revitalize cultural, historic and natural resources, delivering recreational and educational opportunities to visitors, residents and entire regions. Through innovative public-private partnerships, National Heritage Areas have effectively leveraged federal resources, attracting an average of $5.50 of private funding for each dollar appropriated.

I support $150,000,000 for Historic Preservation of Japanese American Confinement Sites

- The Japanese American incarceration constituted one of the darkest periods in our country's modern history. However, **it would be an even greater failure on our part not to guard against the future perpetration of similar racially motivated acts.** The camps, relocation centers, processing areas, and other confinement sites scattered throughout the South and West, therefore, are

invaluable physical links which help to connect today's Americans with the history and meaning of the incarceration.

3. Protection of Endangered or Threatened Animal and Plant Species

I support $80,000,000 for Cooperative Endangered Species Conservation Fund (CESCF)

- The CESCF provides vital funding to regional Habitat Conservation Plans (HCPs) through competitive grants. Regional HCPs, which are led by local governments, facilitate urban-suburban development and job creation through coordinated permitting for endangered species impacts. They are very important in areas where there is a large and growing population and many species of rare animals and plants that often occur nowhere else.

I support $12,000,000 for the Multinational Species Conservation Fund

- The Multinational Species Conservation Fund helps conserve tigers, elephants, rhinos, great apes, and marine turtles in their native habitats while advancing U.S. security and economic interests. This Fund also plays a key role in U.S. efforts to address the illegal trafficking in wildlife, which is linked with organized crime syndicates and terrorist groups.

I support $75,000,000 for Office of Law Enforcement (OLE) of the Fish and Wildlife Service (FWS)

- OLE investigates wildlife crimes, regulates wildlife trade, and works in partnership with international, state, and tribal counterparts to conserve wildlife resources. OLE plays an integral role in the ongoing efforts to combat the global crisis of wildlife poaching and trafficking, given the strong involvement of transnational criminal networks in the growing poaching crisis.

Conclusion

- Mr. Chairman, I thank you and the Ranking Member for your leadership and for extending me this opportunity to share my major priorities with the Subcommittee.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. EMANUEL CLEAVER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. CLEAVER. Thank you, Mr. Chairman. Let me thank you and the Ranking Member, Ms. McCollum, for this opportunity to speak with you.

I want to especially thank both you, Ms. McCollum and Mr. Simpson for graciously participating in the colloquy on the floor with me last year when I came to express support for the World War I Commission. I would like to request the committee's support in providing funding in Fiscal Year 2017 and 2018 for the United States World War I Centennial Commission to carry out the duties and obligations that we in Congress gave them.

As you know, April 6 is the 100th anniversary of the United States' entry into World War I. Over 4.7 million men and women served our Nation in uniform, and over 116,000 Americans gave their lives. The U.S. World War I Centennial Commission is currently planning and implementing programs and events to honor those who served.

All the nations that participated in World War I are trying desperately to put on a worthy commemoration. Their governments are sponsoring all of the events that will take place in Europe, and, of course, there will be events taking place here in Washington, in Kansas City and around the country. So, why not get involved in the World War I Commission.

Judge Poe and I, for separate reasons ended up pushing for a World War I memorial. There is no World War I memorial—national World War I memorial in existence. At least there was not. There is a D.C. memorial that has fallen in deep disrepair. Money is being raised to build a memorial in Pershing Park here.

The reason I became involved is that at the end of World War I, the people of Kansas City—kids gave dimes, pennies, and they built the most majestic World War I memorial anyplace. When I was mayor of the city, I came up because it had fallen into disrepair, offered it to the National Park Service. They respectfully declined. I went back, and the taxpayers decided to vote to put a museum in it and rebuild it. And this is it today.

One hundred and three thousand people turned out to greet the leaders of the Allied Forces from World War I here in Kansas City, without microphones I might add, and including one veteran of the war, Harry Truman. And so, they built it with money from little kids, and this is it today.

I am just desperately asking for consideration that we help fund this commemoration that is so significant to our national history. There are no World War I veterans left. I do not think we ought to allow this World War I Commemoration Centennial to go by without remembering the many sacrifices made.

I think it will be an embarrassment if we fail to commemorate World War I at the level that our European allies are doing, and people from here including our President and members of the House and Senate are going to be invited to Europe. We want to have something significant in the United States.

I appreciate your time. Thank you.

Mr. CALVERT. Thank you. It is a very noble cause, and I think it is worth doing. So, we will take a very close look at it. Thank you very much for your testimony.

Mr. Gosar, you are recognized for 5 minutes.

[The statement of the Hon. Emanuel Cleaver follows:]

Rep. Emanuel Cleaver (MO-5) Member's Day Testimony for the Record
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Tuesday, February 28, 2017

Good morning Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. As you know, April 6th is the 100th anniversary of the United States entry into World War I. America's entry into the Great War created profound change throughout the country – as 4.7 million men and women served our nation in uniform and over 116,000 Americans gave their lives in defense of liberty.

It is the responsibility of the U.S. World War I Centennial Commission, established by an act of Congress in 2013, to plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I; to educate American citizens about the causes and consequences of the war; and to honor the heroism and sacrifice of those Americans who served. Efforts are already underway, including: the establishment of State WWI Centennial Commissions in nearly every State; implementation of a National Education Plan; and education materials that are shared bi-monthly with 500,000 teachers thru partnerships with Library of Congress, History Channel, Smithsonian Institution, National Archives, National History Day, and many others. In addition, the Commission is leading the charge to build a National WWI Memorial in DC at Pershing Park, with privately raised funds.

Along with my friend and colleague, Congressman Poe, I was pleased to help lead the bipartisan, bicameral effort to create the WWI Commission, because of the many Missouri ties to that Great War. After WWI ended, local Kansas Citians joined together to raise over $2 million to create a lasting monument to those who served in the war. In 1921, more than 100,000 people gathered to see General Pershing and the supreme Allied commanders dedicate the site of the

Liberty Memorial in Kansas City, Missouri. It was the first time that these great leaders gathered since the war. Kansas City is now the home of the National World War I Museum and Memorial. Additionally, General John J. Pershing – the commander of the American Expeditionary Force in Europe during the war – was born in Missouri, as was Captain Harry Truman, who later became our 33rd President of the United States.

Fiscal Year 2017 and 2018 Funding

I would like to request the Committee's support in providing funding in Fiscal Year 2017 and 2018 for the U.S. WWI Centennial Commission to carry out the duties and obligations that we in Congress gave them. The Commemorative events around the country will begin to take place this year – starting with the kickoff event on April 6th and continuing in communities around our nation for the next 18 months. Time is running out to fund the centennial programs and activities.

Legislative History

- The Commission was created under Public Law 112-272 on January 14, 2013. This was during sequestration and the authors were counseled to include a prohibition on federal funds, otherwise the bill would not advance. We acceded to that request in order to get the Commission up and running in time for the Centennial.
- Then, in 2014 Congress recognized the need to allow federal funding to support the centennial efforts of the Commission when it passed the NDAA of 2015. The NDAA included a provision to **limit the prohibition on federal funding to memorials or commemorative works.** *'SEC. 9. LIMITATION ON OBLIGATION OF FEDERAL FUNDS. ''No Federal funds may be obligated or expended for the designation,*

establishment, or enhancement of a memorial or commemorative work by the World War I Centennial Commission.".

- The NDAA amendment language was crafted to be deliberately broad, in order to allow for discretionary appropriations by Congress or to potentially receive funding from related agencies or entities with similar missions if they had any remaining funds at the end of the fiscal year.
- Funding for the Commission was included in the President's FY17 Budget Request – for $6 million – under the Legislative Branch Budget, Other Legislative Branch Boards and Commissions.
- Congress has previously authorized the Defense Department and other agencies, such as the American Battle Monuments Commission, to support commemorative efforts for the WWII 50th Anniversary, as well as Korean and Vietnam War anniversaries. WWI should receive similar attention and support.
- Additionally, I want to thank Reps. McCollum and Simpson for graciously participating in a colloquy on the floor with me about the issue last year and for expressing support for the Commission and its mission.

Conclusion

I ask that the Committee support 1) the inclusion of discretionary funding for the Commission for FY17 or FY18, and 2) provide language that allows federal agencies to support the Commission if they have leftover funding in FY17 and FY18. The Commission is raising private funds for the construction of the memorial at Pershing Park, and has raised enough private funds to cover the April 6th kickoff event. However, it will shortly run out of funds for operations and other programs by this summer.

To refrain from funding the World War I Centennial Commission would be a disservice to the 4 million-plus Americans who served in World War I and the 116,708 soldiers who bravely gave their lives in support of our allies during the Great War. I ask for your support in making sure their service is appropriately honored. Thank you.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. PAUL GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GOSAR. Thank you, Mr. Chairman, for the opportunity to testify before the subcommittee. I am Congressman Paul Gosar, and I represent Arizona's 4th Congressional District. I am also the chairman of the Congressional Western Caucus, chairman of the House Committee on Natural Resources Subcommittee on Energy and Mineral Resources, and the vice chairman of the House Committee on Oversight and Government Reform Subcommittee on the Interior.

Critical programs and oversight activities addressed by the Interior, Environment, and Related Agencies appropriations bill fall under my purview, and I would like to take this opportunity to discuss several of those today. The most important program I would like to advocate for today is the Payment in Lieu of Taxes, the PILT Program.

PILT was first signed into law in October of 1976, and was created to compensate local governments for large quantities of untaxable Federal lands within their jurisdiction. Local property and sales typically fund county government, allowing them to provide essential services, like law enforcement, infrastructure, and educational needs.

The inability for counties to collect local taxes on Federal lands are particularly burdensome, especially when counties often provide critical services on these very lands. PILT funding helps offset the losses of these critical revenues, and allows for the continuation of essential services.

In Fiscal Year 2015, the national average for PILT payments was 72.4 cents per acre. This figure is nowhere near the amount of revenue that would be generated if these lands were able to undergo economic development and value-based taxation. This disproportionately impacts rural areas where access to government resources is already more difficult than in larger cities. I am a strong supporter of PILT and call on this body to provide full funding for PILT for the Fiscal Year 2017, Fiscal Year 2018, and beyond.

The next program I would like to advocate for deals with on-the-ground sage-grouse conservation. The Fiscal Year 2015 House Interior and Environmental appropriations bill provided an increase of $12 million above the Fiscal Year 2016 level for these purposes.

Sage-grouse conservation and management is an issue best accomplished on the ground by States and local stakeholders. While Arizona does not have to deal with the sage-grouse issues directly, this is an important issue that impacts Western Caucus members and communities throughout the West. The subcommittee should continue to provide funding for local conservation and management purposes.

The Subcommittee and the full Appropriations Committee should also work with Western members to defund the de facto sage-grouse listing implemented by the Department of Interior through the Resources Management Plan—the RMP—and Land Resources Management Plan, or the LRMP, amendments. These misguided

amendments were not warranted and sought to prevent responsible mineral production and other activities across 11 States, 67 million acres of land administered by the BLM and the Forest Service, and tens of millions of acres of Federal and mineral estate.

The Fiscal Year 2017 Interior and Environmental appropriations bill included numerous prohibitions and riders that were important to Western communities, and I would like to thank you for including those provisions.

I would like to ask the subcommittee to again retain the following provisions that were passed by the House in last Fiscal Year's bill: a rider prohibiting the Environmental Protection Agency's attempt to expand the Clean Water Act through unlawful guidance; a provision allowing for responsible State management of the Mexican wolf population; a rider blocking funds for the EPA to implement its Waters of the United States or the WOTUS rule; a provision prohibiting funds from the social cost of carbon; a rider prohibiting the EPA from implementing new greenhouse gas regulations for new and existing power plants and eliminating funds for the greenhouse gas New Source performance standards; a prohibition on the EPA from imposing duplicative financial insurance requirements; and a prohibition for the regulation of the lead content of ammunition and fishing tackle.

Unfortunately, the Obama Administration also churned out numerous job killing regulations since last Fiscal Year's bill was passed. We have been addressing many of those in the House CRAs. However, many of these rules need to be addressed in the Fiscal Year 2018 Interior, Environment, and Related Agencies appropriations bill. These include, but are not limited to, the BLM's Venting and Flaring Rule; BLM's Planning 2.0 Rule; the Office of Natural Resources revenues revision of the Federal Mineral Production Valuation Rule, and numerous others.

I appreciate the opportunity to testify before you. I would like to thank all of the members of the subcommittee for your important work, and hope this Fiscal Year's bill is as good as the excellent legislation passed out last year. The Western Caucus and the members of my subcommittee look forward to coordinating with you and building on that effort.

Thank you again, and I appreciate all your time.

Mr. CALVERT. Thank you. I just want to point out, as you know, PILT is fully funded——

Mr. GOSAR. Yeah.

Mr. CALVERT [continuing]. In the 2017 appropriation bill. But long term, we need help from the authorizing committees to fix this problem.

Mr. GOSAR. Yeah, I agree with you, Mr. Chairman.

Mr. CALVERT. So, any help you can do on that, that would be very beneficial in the process.

Mr. GOSAR. We will certainly do whatever we can.

Mr. CALVERT. Great. Thank you. Appreciate it.

Mr. GOSAR. Thank you.

Mr. CALVERT. Any questions?

[No response.]

Mr. CALVERT. Next, David Price from North Carolina and Jimmy Panetta from the great State of California.

[The statement of the Hon. Paul A. Gosar follows:]

Statement of Congressman Paul A. Gosar, D.D.S (AZ-04)

Appropriations Subcommittee on Interior, Environment, and Related Agencies
Members' Day Hearing
February 28, 2017

Thank you Mr. Chairman for the opportunity to testify before the Subcommittee. I'm Congressman Paul Gosar and I represent Arizona's Fourth Congressional District. I am also Chairman of the Congressional Western Caucus, Chairman of the House Committee on Natural Resources Subcommittee on Energy and Mineral Resources, and Vice-Chairman of the House Committee on Oversight and Government Reform Subcommittee on the Interior. Critical programs and oversight activities addressed by the Interior, Environment, and Related Agencies Appropriations bill fall under my purview as a result. I would like to take this opportunity to discuss several of those here today.

The first important program I would like to advocate for today is the Payments in Lieu of Taxes (PILT) program. PILT was first signed into law in October 1976 and was created to compensate local governments for large quantities of un-taxable federal lands within their jurisdiction. Local property and sales taxes typically fund county governments allowing them to provide essential services like law enforcement, infrastructure and education needs. The inability for counties to collect local taxes on federal lands is particularly burdensome, especially when counties often provide critical services on these very lands. PILT funding helps offset the losses of these critical revenues and allows for the continuation of essential services.

Over 90% of federally owned land is located in the Western half of the United States. In Arizona, less than 18 percent of land is privately held and taxable by state and local governments. PILT payments are distributed to 49 different states and nearly 1,850 counties throughout the nation. Massive federal ownership of land in the West also causes local governments to miss out on substantial tax revenues from potential energy extraction, mining,

timber harvesting, and various other forms of economic development. In fiscal year 2015, the national average for PILT payments was 72.4 cents per acre. This figure is nowhere near the amount of revenue that would be generated if these lands were able to undergo economic development and value-based taxation. This disproportionately impacts rural areas where access to government resources is already more difficult than in larger cities.

PILT was a mandatory program from fiscal year 2008 through fiscal year 2012. Since that time, PILT has been subject to annual appropriations and funding has been unpredictable. In fiscal year 2015, funding for PILT was provided. This was accomplished as a portion of PILT funding was provided through the National Defense Authorization Act and the majority of PILT funding was provided through the 2015 Consolidated and Further Continuing Appropriations Act. However, this approach subjected PILT to sequestration and caused significant uncertainty for county budgets. Congress fully-funded PILT in fiscal year 2016. The Department of the Interior has estimated $480 million is necessary to fully-fund PILT in fiscal year 2017. I am a strong supporter of PILT and call on this body to provide full-funding for PILT for fiscal year 2017, fiscal year 2018 and beyond.

The next program I would like to advocate for deals with on-the-ground sage grouse conservation. The fiscal year 2017 House Interior and Environment Appropriations bill provided an increase of $12 million above the fiscal year 2016 level for these purposes. Sage grouse conservation and management is an issue best accomplished on the ground by states and local stakeholders. While Arizona does not have to deal with Sage Grouse issues directly, this is an important issue that impacts Western Caucus Members and communities throughout the West. The Subcommittee should continue to provide funding for local conservation and management purposes. This Subcommittee and the full Appropriations Committee should also work with

Western members to defund the de facto sage grouse listing implemented by the Department of Interior through the Resource Management Plan (RMP) and Land and Resource Management Plan (LRMP) amendments. These misguided amendments were not warranted and sought to prevent responsible mineral production and other activities across 11 western states, including 67 million acres of land administered by the Bureau of Land Management (BLM) and the United States Forest Service, and tens of millions acres of Federal mineral estate.

The fiscal year 2017 Interior and Environment Appropriations bill included numerous prohibitions and riders that were important to Western communities and I would like to thank you all for including those provisions. I would like to ask for the Subcommittee to again retain the following provisions that were passed by the House in last fiscal year's bill: a rider prohibiting the Environmental Protection Agency's (EPA's) Attempt to expand the Clean Water Act through unlawful guidance; a provision allowing for responsible State Management of Mexican wolf populations; a rider blocking funds for the EPA to implement its Waters of the United States (WOTUS) Rule; a provision prohibiting funds for the Social Cost of Carbon; a rider prohibiting the EPA from implementing new greenhouse gas regulations for new and existing power plants and eliminating funding for greenhouse gas "New Source Performance Standards"; a prohibition on the EPA from imposing duplicative financial assurance requirements; a prohibition on the regulation of the lead content of ammunition and fishing tackle.

Unfortunately, the Obama Administration also churned out numerous job-killing regulations since last fiscal year's bill was passed. We have been addressing many of those in the House with the Congressional Review Act. However, many of those rules also need to be addressed through the fiscal year 2018 Interior, Environment, and Related Agencies Appropriations bill.

These include but are not limited to the BLM's Venting and Flaring Rule, BLM's Planning 2.0 Rule, the Office of Natural Resources Revenue's revision of the Federal Mineral Production Valuation Rule and numerous others.

I appreciate the opportunity to testify today. I would like to thank all members of the Subcommittee for your important work and hope this fiscal year's bill is just as good as the excellent legislation passed by the House last year. The Western Caucus and the members of my Subcommittees look forward to coordinating with you all closely and building on that effort. Thank you Mr. Chairman and with that I yield back.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. DAVID PRICE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. CALVERT. We appreciate you both coming in today. David, you are recognized for 5 minutes.

Mr. PRICE. Good afternoon, Mr. Chairman, ranking member, and colleagues. Glad to see all of you. I appreciate the chance to address the subcommittee regarding the importance of the National Endowment for the Arts and the National Endowment for the Humanities.

I am co-chair of the Congressional Humanities Caucus in the House, a responsibility I share with Representative Leonard Lance. Additionally, I am a member of the Congressional Arts Caucus. So, in these capacities I am happy to support the missions of these two agencies.

The Humanities Caucus is bipartisan. We support the efforts and contributions of the National Endowment, an Agency that has a broad impact on districts across the Nation, both rural and urban. Since its inception, NEH grants have leveraged more than $4 billion in matching grants for the humanities. I mean, expenditures in both of these endowments had that leveraging feature. For example, in the last year alone, Federal NEH museum grants leveraged $33 million into an additional $104 million. Pretty good return for the American taxpayer. Further, every Federal dollar that state humanities councils give out in grants leverages $5 at the state and local level.

So, the work of the Humanities' endowment goes far and runs the gamut from very sophisticated projects of national importance. For example, the digitization of key material, such as the electronic publication of Alexander Hamilton's Federalist Papers, makes the humanities more accessible to all Americans, especially in rural areas. Two very local projects, projects with very small grants that encourage local history and local access to new culture and the heritage that flourish in our States and communities.

There are projects like the virtual gallery of Buffalo Bill's Wild West Show. So, it is not just the Founding Fathers, but it is a range of approaches to history, all of which promote understanding, excitement, and interest. It reaches Americans in every walk of life. Grant allocations are small, but they do target unique projects that expand research and knowledge.

The NEH remains the most important source of Federal funding for research, scholarship, history, literature, foreign language, and other fields to provide us with a rich and dynamic ethical, and cultural, and historical perspective.

I will be more brief with the NEA, but I think it is equally important. It is a twin agency. It helps us glimpse through the keyhole of history, discovering the social, and economic, and political environments of the past.

The Arts Endowment's effectiveness is due in part to the program's robust system of partnerships. I think we have all experienced this with our local arts councils, our state arts agency. We

come into contact with this with the Congressional Arts Competition, for example.

These programs have a cultural impact. They also have a profound economic impact. The estimate I have seen, NEA helps support 4 and a half million jobs, $698 billion in economic activity. So, we need to protect and, if possible, enhance the work of these agencies. I know there are reports that we might do just the opposite, that there are some proposals from outside groups, from think tanks, to eliminate funding completely. I hope we can reject this misguided approach.

I know as a senior member of this committee that we have a lot of difficult choices, but it seems to me this one should be fairly clear cut. With the NEA and NEH, the facts are clear. These are modest expenditures that generate millions of jobs, hundreds of millions in direct economic activity, and broad public benefit and support.

So, to quote Thomas Campbell, director of the Metropolitan Museum of Art, "Eliminating the NEA would, in essence, eliminate investment by the American government in the curiosity and intelligence of its citizens."

It is also important the way NEA and NEH grants signal private investors. They serve a kind of validation function in terms of standards that might justify investment, while at the same time, cultivating diversity in the kinds of grants made.

So, instead of eliminating our government's modest support for these endowments, we should hold steadfast in our investment, and understand that this is just that, an investment, where we are generating more than $4 billion in private funds for the humanities, for example.

So, I thank you for the opportunity to testify on behalf of these agencies. I urge you to look at the nationwide impact of these endowments, and continue to provide support. Thank you.

Mr. CALVERT. Thank you for your testimony, David. As you know, there has always been bipartisan support for these programs. I suspect that will be in the future, too.

Mr. Panetta.

[The statement of the Hon. David Price follows:]

Congressman David Price
Testimony Regarding NEH/NEA to the Interior, Environment, and Related Agencies Subcommittee
February 28, 2017

- Good afternoon Chairman Calvert, Ranking Member McCollum, and the distinguished members of the subcommittee. Thank you for the opportunity to address the subcommittee regarding the importance of the National Endowment for the Arts and the National Endowment for the Humanities.
- As co-chair of the Congressional Humanities Caucus, a responsibility I share with co-chair Representative Leonard Lance, and as a member of the Congressional Arts Caucus, I am proud to support the missions of these two agencies. As a bipartisan caucus, we support the efforts and contributions of the National Endowment for the Humanities, an agency that has broad impact on districts across our nation, both rural and urban.
- Since its inception, NEH grants have leveraged more than $4 billion in matching grants for the humanities.
- In 2016 alone, federal NEH museum grants leveraged $33 million into an additional $104 million – quite the return for the American taxpayer.

- Further, every federal dollar state humanities councils gave out in grants since FY 2015 leveraged $5 at the local and state levels.
- The agency has also been a pioneer in the digitization of material, leading an effort to make the humanities more accessible to all Americans, especially in rural areas.
- These projects run the full gamut of Americana and our unique history, from the electronic publication of Alexander Hamilton's Federalist Papers to a virtual gallery of Buffalo Bill's Wild West Show.
- NEH funds reach Americans in every state and of all walks of life. Despite broad reach and participation, grant allocations are actually relatively small and target unique projects that expand untapped research and knowledge.
- The NEH remains the single most important source of federal funding for research and scholarship in history, literature, foreign language, and other fields that provide us with a rich and dynamic ethical, cultural, and historical perspective.
- Similarly, grants derived from the NEA help us glimpse through the keyhole of history, discovering the complex social, economic, and political environments of the past. From these, we stitch together the very fabric of what makes us human, compiling narratives of how and why we are here.

- The NEA's effectiveness is due, in part, to the programs' robust system of partnerships with state art agencies, local leaders, and the philanthropic sector to promote arts education and community accessibility to the fine arts. We see this through the Congressional Arts Competition.
- Not only do these programs have a cultural impact, they have a profound economic one as well. The NEA helps support 4.7 million jobs and $698 billion in economic activity.
- I know there are a number of news reports about the future of NEA and NEH funding, including proposals from outside groups to eliminate their funding completely.
- We simply must reject this misguided approach.
- As a senior member of this Committee, I know all too well that difficult choices are ahead for each of these subcommittees, and I hope we can all agree that these decisions should be rooted in facts.
- As it relates to the NEA and NEH the facts are clear – millions of jobs and hundreds of millions in direct economic activity, and broad public support.
- To quote Thomas Campbell, director of the Metropolitan Museum of Art, "Eliminating the NEA would in essence eliminate investment by the American government in the curiosity and intelligence of its citizens."

- NEA and NEH grants signal to private investors that the research pass vigorous standards to receive investment by our government.
- Instead of eliminating our government's modest level of support for the NEA and NEH, we should hold steadfast in our investment, which is one of the most efficient we make in terms of leveraging private, non-profit, and corporate dollars. NEH matching grants over the last 40 years have generated more than $4 billion in private funds for the humanities.
- Again, thank you for the opportunity to testify on behalf of these agencies and I encourage the subcommittee to diligently review the nationwide effects of arts and humanities and to continue to provide support for them.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. JIMMY PANETTA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. PANETTA. Thank you, Mr. Chairman. I appreciate this opportunity to be here to testify in front of you. Ms. McCollum, Mr. Simpson, and staff thank you. I appreciate this chance to talk to you about investing in programs that preserve and protect something that I feel is important to all of us, and that is that is our natural resources.

I represent the 20th Congressional District in California, the Central Coast, which I believe is the most beautiful district in the United States.

Mr. SIMPSON. You are only one off. [Laughter.]

Mr. PANETTA. You will understand that sentiment after my testimony, or at least have some empathy for why I would say that.

I admit I am new to Congress, but I am learning a lot about the process and protocol. One thing I do realize is how important the Appropriations Committee's annual check on our Nation's priorities is through the power of the purse. That is why I am asking for the Appropriations Committee to focus on providing funding for three areas: the Land and Water Conservation Fund, the Bureau of Land Management, and the Wildland Fire Management in the Forest Service.

The Land and Water Conservation Fund is the only Federal program for the conservation and promotion of national parks, forests, and Bureau of Land Management land. In my district on the Central Coast of California, Federal grants have allowed the purchase of a number of land in holdings, in areas such as the Los Padres National Forest, the Ventana Wilderness Area, the Pinnacles National Park, and the Ellicott Slough National Wildlife Refuge. These land holdings are stunning pieces of land, yet like anything, they need to be managed properly.

Continued Federal funding of those Federal and State projects allows them to be managed effectively and efficiently. That is why I submit to you that $475 million in discretionary funding should be appropriated for the Land and Water Conservation Fund.

When it comes to the Bureau of Land Management, there are two areas I want to focus on: the Recreation Resources Management Account and the National Landscape Conservation System Account. The Recreation Resources Management account is important because it provides for the upkeep of BLM land, but requires the necessary funding. In order to maintain a safe and engaging experience for the vast areas of BLM land, I recommend appropriating $69.4 million this fiscal year.

In regards to the BLM National Landscape Conservation System, in my congressional district we have two national monuments: the California Coastal National Monument and the Fort Ord National Monument. The California Coastal National Monument spans 1,100 miles along the entire California coast and includes the coastline of my district. It is focused on protecting the intertidal areas of the coast. The BLM's National Landscape Conservation

System protects an estimated 200,000 breeding seabirds and thousands of marine mammals within this national monument.

The Fort Ord National Monument is 15,000 acres of dedicated open space. It was used as a military training ground for the brave men and women that served our Nation from World War I to the Gulf War. Now that land attracts not just veterans, but scientists who are interested in the rich diversity of rare and unique species of plants that can only be found in that area. That area also attracts hikers, mountain bikers, and birdwatchers. It is a prime example of California's outdoor recreational opportunities, but also a revenue source.

In California, outdoor recreation supports over 700,000 jobs and $27 billion in wages and salaries. That is why I support the continued investment of $80 million for Fiscal Year 2018 for the BLM National Landscape Conservation System. I believe that this is an investment that will not only help maintain the national monuments, but also the people who live, work, and experience those areas.

Finally, I would ask to invest in our Nation's response to natural disasters, especially wildfires. Last summer in 2016, the Central Coast experienced the Soberanes fire near Big Sur. As you probably know, that was the most expensive fire in our nation's history. It took thousands of firefighters many months to contain this expansive wildfire that consumed more than 130,000 acres and cost more than $200 million to fight. That cost does not include the lost wages, the high cost of repairs, and the loss of business revenue.

We are still feeling the impact of that fire today because that same area is now being torn apart by massive flooding. Without the vegetation to hold the soil in place, the ground shifts and that is what causes mudslides, which not only destroy our roads and properties, but it also traps and cuts off hundreds of people in certain communities. Right now, Big Sur is reeling because of all the landslide damage, including a 316-foot-long bridge that has been taken out and is in need of replacement.

Therefore, I recommend that the Wildland Fire Management in the Forest Service receive no less than $2.7 billion for both fighting wildfires, but also for anti-fire protection, such as the maintenance of fire breaks.

I realize my testimony contained evidence about parks, national monuments, and open spaces in my district on the Central Coast of California, but it is my home, and I am proud of it. I grew up there, and due to my experiences it is why I am here in front of you. But I also believe that is why it is important to protect these areas for my daughters so they can have these experiences, and go on to promote and talk about the national treasures as I do.

I hope that you consider those investments, and that is why I advocate and respectfully ask for the funding of programs that are vital to the preservation and protection of our natural resources for all of our children and our future.

Thank you very much.

Mr. CALVERT. Thank you, and you probably already are a signatory to Mr. Simpson's bill on wildfire.

Mr. SIMPSON. If not, you can sign up really easily.

Mr. CALVERT. Big Sur was a large fire, but we had the Rim fire over by Yosemite. It cost us about $250 million dollars to put that fire out. In California we have very expensive fires.

But I really do enjoy your district, especially Pebble Beach. [Laughter.]

It is a nice place.

Thank you for your testimony.

Any questions?

Ms. MCCOLLUM. I think Mike and I like our districts, too.

Mr. CALVERT. Yeah, we do.

Ms. SIMPSON. Pebble Beach is kind of special. [Laughter.]

Mr. CALVERT. That is a national treasure, that is for sure.

Well, thank you for your testimony. Appreciate it.

Okay. Next, Alma Adams. How are you today?

Ms. ADAMS. I am doing well, thank you.

Mr. CALVERT. Well, thank you for coming today, and you are recognized for 5 minutes.

[The statement of the Hon. Jimmy Panetta follows:]

JIMMY PANETTA
20TH DISTRICT, CALIFORNIA

COMMITTEE ON
AGRICULTURE

COMMITTEE ON
NATURAL RESOURCES

Congress of the United States
House of Representatives
Washington, DC 20515–0520

228 CANNON HOUSE OFFICE
BUILDING
WASHINGTON, DC 20515
(202) 225-2861

100 WEST ALISAL
SALINAS, CA 93901
(831) 424-2229

701 OCEAN STREET
ROOM 318
SANTA CRUZ, CA 95060
(831) 429-1976

Testimony before the House Appropriations Subcommittee on

Interior, Environment, and Related Agencies

Honorable Jimmy Panetta CA-20

February 28, 2017

Although new Congress, I keenly understand the importance of the Appropriations Committee's annual check on our nation's priorities through the power of the purse. I am grateful to appear before you today to talk about the important Interior Department programs that preserve and protect our natural resources.

The Land and Water Conservation Fund (LWCF) is the only federal program for the conservation and promotion of National Parks, forests, and Bureau of Land Management lands and increases access for hunting, fishing, and other types of outdoor recreation. Every year the LWCF receives $900 million in royalties from oil and gas drilling on the Outer Continental Shelf, to create new parks and provide state matching grants for recreation development.

In my congressional district, federal grants have allowed the Los Padres National Forest, Ventana Wilderness, Pinnacles National Park, and the Ellicott Slough National Wildlife Refuge to purchase land inholdings and provide better access to the public. The continuity of land

holdings allows for more efficient management on the federal level. In order for LWCF to provide sufficient funding to federal and state projects, it is crucial to appropriate no less than $475M in discretionary funding.

Another program that requires important funding is the Bureau of Land Management (BLM) Recreation Resources Management account. Funds are utilized to support trail and road maintenance, engage young audiences, protect visitor safety, and promote public health. Overall these programs improve recreational access and overall experience for visitors, hunters and anglers. Also small businesses such as guides and outfitters benefit through the processing of commercial recreation permits for visitors. In order to maintain a safe and engaging experience in the vast BLM areas, I recommend appropriating $69.4M this fiscal year.

The BLM National Landscape Conservation System is tasked with safeguarding the nation's cultural legacy by conserving, protecting, and restoring lands that are culturally, ecologically, and scientifically significant landscapes for coming generations. National Conservation Lands include more than 30 million acres of National Monuments, National Conservation Areas, Wilderness Area and other congressionally designated areas. Not only do these conserved lands provide thousands of jobs for Americans but they provide recreational opportunities for the public to experience wildlife, wilderness and open space near cities.

In my congressional district, we have Fort Ord National Monument and the coastline is part of the California Coastal National Monument, which spans 1,100 miles along the California coast. BLM's National Landscape Conservation System protects an estimated 200,000 breeding

seabirds and thousands of marine mammals within this Monument. Fort Ord National Monument has a rich military history that dates back to the Spanish Missionaries in the 1770s. From World War I to the early 1990s, the area served as a military training ground for the brave men and women that served our Nation. This National Monument attracts not only veterans but scientists who are interested in the rich diversity of rare and unique species of plants that can only be found in the Fort Ord area.

The investment in expanding recreational opportunities has generated $646 billion in the outdoor recreation sector and has supported 6.1 million jobs. In California alone, outdoor recreation supports over 700,000 jobs and generated $27 billion in wages and salaries. I encourage the Committee to fund the BLM National Landscape Conservation System as no less than $80M in FY18.

Although it is important to invest in our Nation's natural landscapes for the public, it is equally important to invest in the Nation's response to disturbances such as wildfires. In the late summer of 2016, my district was devastated by the Soberanes fire near Big Sur. It took thousands of firefighters months to contain this expansive wildfire that consumed more than 130,000 acres and cost more than $200 million, making it the most expensive wildfire in U.S. history. As well as fighting fires, we need to recognize that once the federal government makes investment in anti-fire protections, like federally established fire breaks, it is imperative that they be federally maintained. I recommend that the Wildland Fire Management in the Forest Service receive no less than $2.7 billion for both fighting wildfires and for anti-fire protections, like federally established fire breaks.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. ALMA ADAMS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Ms. ADAMS. Thank you, Mr. Chair. Good afternoon, Chairman Calvert and Ranking Member McCollum. Thank you for allowing me the opportunity to testify about the arts and humanities in our country.

As the representative of North Carolina's 12th Congressional District, a member of the Art Caucus here, a practicing professional artist and arts educator, and a curator and college art professor for over 40 years, I am pleased to join my colleagues in expressing my support for funding for the National Endowment for the Arts, the National Endowment for the Humanities, and for arts funding.

The arts and humanities are critical for adding value to our shared culture. The arts are not just used to mark celebrations, but to change our perceptions of society. The arts connect us to the past and present, convey our unique experiences, and are presented in many forms.

Museums function as tools to house and preserve our collective history as a Nation and bind us together as one community; visual artists reflect on our society and force us to reconcile our past, and writers record history and expose and challenge readers to different ideas presented in our society; and musicians transcend social and cultural boundaries to connect to the listener through the sound of their instruments. Time and time again, we have made a conscious decision to fund the arts, signaling that we intrinsically value the arts as being crucial to our collective identity.

The National Endowment for the Arts has been and continues to be necessary to the success of the arts in my home state of North Carolina. As a representative of Charlotte, one of the largest cities in the South, I understand how important the NEA is to our unique and thriving art culture. In 2016, the NEA invested $60,000 in grants in Charlotte for programs such as the Children's Theater of Charlotte Inc.'s performance of the "Journey to Oz" and the McColl Center for Art and Innovation's exhibition and residency featuring Latino and Hispanic artists. NEA grants make these cultural events possible. The nationally-recognized Charlotte Ballet also depends on the NEA for grants, which has allowed this company to create and perform its own unique ballets.

The arts not only provide entertainment, but they also encourage us to think critically. Advocates and researchers have shown that the arts have a positive impact on a young person's development. Because of this understanding, the arts and music were included in the Every Student Succeeds Act as a part of a well-rounded education. The NEA is a critical component to ensuring strong arts education in our schools. Through direct grants, the NEA is able to support crucial pre-K through 12th grade art education projects.

By establishing partnerships with our colleges and universities, the NEA is able to engage with our institutions of higher learning to provide necessary grants to preserve and restore historic works of art. As a former college professor of 40 years, I had the privilege

of working with the NEA to secure a matching grant which allowed the college to preserve and restore a historic painting by Aaron Douglas, the father of the Harlem Renaissance, a 1931 treasure. In order to continue to ensure that our students remain competitive in a global economy, we must continue to fund the arts.

In addition to their cultural and educational impact, the arts play an important role in helping our veterans transition to civilian life and combat physical and mental illnesses. Through the NEA and Military Healing Arts Partnership, the NEA has worked with the Department of Defense to create an art therapy program to treat service members with traumatic brain injuries and associated psychological health issues at the Walter Reed National Military Medical Center. This program places art therapy at the center of a multidisciplinary treatment approach.

Through art therapy, our brave service members are able to receive specialized treatments that enable them to heal both their physical and mental wounds. Participants in this program have found relief and have seen vast improvements in sleep, communication, pain, and their ability to confront emotional challenges. This program has also invested in critical research on the impacts and benefits of this treatment.

The NEA's budget for Fiscal Year 2017 was $148 million, just .004 percent of the federal budget. Through a relatively small investment in the arts, we are able to yield large returns. Not only are the arts culturally significant, but the nonprofit arts and culture sector is an economic driver, supporting about 4.13 million jobs and contributing to a gross domestic product of 4.2 percent, or about $729 billion.

The arts are critical to our culture, education, and our economy. In all respects it is the arts that make us human. For this reason, I join my colleagues in requesting $155 million for the National Endowment for the Arts in the Fiscal Year 2018 appropriations bill, and hope that you would consider this request.

Thank you very much for allowing me to testify.

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

Ms. ADAMS. Thank you.

[The statement of the Hon. Alma S. Adams follows:]

Testimony February 28, 2017

Statement by Representative Alma S. Adams, PhD

Good afternoon Chairman Calvert and Ranking Member McCollum and thank you for allowing me the opportunity to testify about the importance of arts and humanities in our country.

As the representative of North Carolina's 12th Congressional District, a practicing professional artist and arts educator, curator and college art professor for over 40 years, I am pleased to join my colleagues in expressing my support for funding for the National Endowment of the Arts, the National Endowment of the Humanities and arts funding.

The arts and humanities are critical for adding value to our shared culture.

The arts are not just used to mark celebrations, but to challenge our perceptions of society.

The arts connect the past to the present, convey our unique experiences and are presented in many forms.

Museums function as tools to house and preserve our collective history as a nation and bind us together as one community; visual artists reflect on our society and force us to reconcile our past; writers record history and expose and challenge readers to different ideals presented in our

society; and musicians transcend social and cultural boundaries to connect to the listener through the sound of their instruments.

Time and time again, we have made a conscious decision to fund the arts, signaling that we intrinsically value the arts as being crucial to our collective identity.

The National Endowment of the Arts has been and continues to be necessary to the success of the arts in my home state of North Carolina.

As a representative of Charlotte, one of the largest cities in the South, I understand how important the NEA is to Charlotte's unique and thriving art culture.

In 2016, the NEA invested $60,000 in grants in Charlotte for programs such as the Children's Theatre of Charlotte Inc.'s performance of the "Journey to Oz" and the McColl Center for Art & Innovation's exhibition and residency featuring Latino and Hispanic artists.

NEA grants make these cultural events possible.

The nationally recognized Charlotte Ballet also depends on the NEA for grants which has allowed this company to create and perform its own unique ballets.

The arts not only provide entertainment, but also encourage us to think critically.

Advocates and researchers have shown that the arts have a positive impact on a young person's development.

Because of this understanding, the arts and music were included in the Every Student Succeeds Act (ESSA) as a part of a well-rounded education.

The NEA is a critical component to ensuring strong arts education in our schools.

Through direct grants, the NEA is able to support crucial pre-K through 12th grade art education projects.

By establishing partnerships with our colleges and universities, the NEA is able to engage with our institutions of higher learning to provide necessary grants to preserve and restore historic works of art.

As a college art professor, I had the privilege of working with the NEA to secure a matching grant which allowed the college to preserve and restore a historic painting by Aaron Douglas, the father of the Harlem Renaissance.

In order to continue to ensure that our students remain competitive in a global economy, we must continue to fund the arts.

In addition to the cultural and educational impact of the arts, the arts play an important role in helping our veterans transition to civilian life and combat physical and mental illnesses.

Through the NEA Military Healing Arts Partnership, the NEA has worked with the Department of Defense to create an art therapy program to treat service-members with traumatic brain injuries and associated psychological health issues at the Walter Reed National Military Medical Center.

This program places art therapy at the center of a multidisciplinary treatment approach.

Through art therapy, our brave service-members are able to receive specialized treatments that enable them to heal both their physical and mental wounds.

Participants in this program have found relief and have seen vast improvements in sleep, communication, pain and their ability to confront emotional challenges.

This program has also invested in critical research on the impacts and benefits of this treatment.

The NEA's budget for Fiscal Year 2017 was $148 million, just .004 % of the federal budget.

Through a relatively small investment in the arts, we are able to yield large returns.

Not only are the arts culturally significant, but the nonprofit arts and culture sector is an economic driver, supporting about 4.13 million jobs and contributing to a gross domestic product at 4.2 percent or about $729 billion.

The arts are critical to our culture, education and our economy.

In all respects, it is the arts that make us human.

For this reason, I join my colleagues in requesting $155 million for the National Endowment of the Arts in the Fiscal Year 2018 Appropriations bill.

Mr. CALVERT. Our next two witnesses are en route. They should be here momentarily, so if we will just wait a moment. Our ranking member is coming and Ms. Plaskett from the Virgin Islands.

Yeah. Ms. Slaughter.

Mr. SIMPSON. I agree with all those people. You have a hell of a tough job this year.

Ms. MCCOLLUM. Mr. Chair? PILT kept coming up over and over and over again, as well as fire suppression, and then all the other things that people were asking for. Some of them were EPA water programs for clean water and sewer sanitation.

I hope that our colleagues will be supporting not only Mr. Simpson's fire bill, but also supporting PILT go back where it belongs in Ways and Means as mandatory spending. Because I am very nervous that they are pointing out that the PILT payments are not high enough. If it stays in our budget and people are successful in making the PILT payments higher—the Bureau of Indian Affairs work that we do, National Parks, Forestry, all the other things that people listed in their comments along with PILT payment will be short-changed.

It looks like from what I am reading in the press, we are going to be short on change in this committee to begin with.

Mr. CALVERT. Well, as you know, I agree with you. PILT should be handled as a mandatory program, and hopefully the authorizing committees will fix that for the 2018 budget. And we certainly should pass Mr. Simpson's bill as soon as possible, and hopefully we can work out an arrangement in the Senate this year.

Mr. SIMPSON. I will tell you that was mentioned.

Mr. CALVERT. Mr. Simpson, you are recognized.

Mr. SIMPSON. You are only that far away. They can hear me. Something else that was mentioned. It is—if you go out and do timber sales, reforestation is a mandatory thing. It is not on a wildfire.

Ms. MCCOLLUM. Right.

Mr. SIMPSON. It is voluntary as funds are available. We need to make it mandatory that they do reforestation after a wildfire.

And that would mean that they could not take funds out of that part.

Mr. CALVERT. That is a good point. We need to speed up the process of salvaging timber after these wildfires——

Mr. SIMPSON. Yeah.

Mr. CALVERT [continuing]. And allowing people in to start reforestations.

Mr. SIMPSON. I have got a meeting, but I agree with these two people.

Mr. CALVERT. Thank you.

Ms. MCCOLLUM. Mr. Chair——

Mr. CALVERT. Yes.

Ms. MCCOLLUM [continuing]. Mr. Trump is currently announcing his executive order to start rolling back the Clean Water rules of the United States. So, to the point that we have all these riders in the bill, I think they can come out, and we can debate these things on the floor.

Mr. CALVERT. Anything that is already being done outside the committee obviously I do not think need to be in the bill, so I do not think——

Ms. MCCOLLUM. I could not agree with you more, Mr. Chair.
Mr. CALVERT. Is it Plaskett?
Ms. PLASKETT. Plaskett, uh-huh.
Mr. CALVERT. That is great. Welcome to the committee.
Ms. PLASKETT. Thank you.
Mr. CALVERT. And when you are ready, you are recognized for 5 minutes.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. STACEY PLASKETT, A REPRESENTATIVE IN CONGRESS FROM THE U.S. VIRGIN ISLANDS

Ms. PLASKETT. Thank you. Okay. Good afternoon. Thank you, Chairman Calvert, Ranking Member McCollum for the opportunity to testify on the Department of Interior, Environment, and Related Agencies appropriations bill, which will reflect Federal support for the United States' territories and possessions over the next Fiscal Year. Importantly, this legislation will serve as a statement of the commitment from the Federal government to address some of our most pressing local needs.

In the United States territories, there are nearly 4 million Americans, and we are too often left out of important programs or underfunded compared to benefits available to Americans living on the mainland United States. As a result, it is more difficult for the islands to improve economic conditions.

Data from the Bureau of Economic Analysis illustrates the economic challenges facing the insular areas. The islands must transition from 100 percent reliance on imported oil to a clean, sustainable energy future and relief from power rates 3 times the national average.

The territories continue to suffer from high unemployment. Last year, the unemployment rate in the Virgin Islands of the United States exceeded 10 percent. The economic picture is corroborated by data indicating lost population over the previous decade.

By their mere geography, the territories are critically vulnerable to natural forces unique to daily living in an island environment—hurricanes, tropical storms, as well as daily sea blasts, among others. As a result, we face a formidable challenge in adapting and responding to the effects on infrastructure, economic development, food security, and natural resources.

The Office of Insular Affairs is responsible for generally administering the Federal government's relationship with the territories on behalf of the Secretary of Interior. Top priorities for OIA, Office of Insular Affairs, have traditionally included initiatives for economic and infrastructure development. OIA assistance to territories provides critical funding to support construction and maintenance of infrastructure, such as medical centers, schools, and wastewater systems.

Let me give you an example: our medical hospitals. We have to have a hospital on each island because of the challenge of people being able to go from one place or another. So, the duplication of those services presents additional challenges on our systems, in-

cluding having generators servicing on each island, and the lack of being able to get scale in a manner that other States have been able to do. We cannot attach ourselves to grids in the same way that the mainland United States can. In addition, assistance for climate change adaption planning also helps to address top concerns identified by island leadership.

The less than adequate support is evident in our daily life. OIA assistance to the territories has seen an overall reduction in funding over the last 10 Fiscal Years. I would like to stress that it has been over 20 years since the Virgin Islands has had sufficient resources to build a new school. Our schools are crumbling because of the sea blast, never mind the hurricanes and others. Electrical circuiting, as well as pooling of water through the concrete over time has left our children in a deplorable state of condition in terms of their schooling.

I would like to touch on the National Park Service budget as well. National park sites on the U.S. Virgin Islands include some of our country's most iconic tourist destinations. They also provide critical protection for terrestrial habitat, as well as opportunities for education and volunteerism in the parks. Many of our young people, after having worked summers in the parks, go on to work in maritime, marine biology, architecture, and other fields that come from those relationships. I have been pleased to see increases in Federal support for the national parks in the Virgin Islands, and I would also like to urge for that to continue.

In order to maintain and improve quality of life, create economic opportunities, and promote effective governance in the territories, I am here before you to strongly urge an increase in the budget of the Office of Insular Affairs for its activities in technical and maintenance assistance to the territories, and for our capital improvement grants. Last year, there had been great discussions with OIA about supporting our farmers going back into agriculture after the closing of Hovensa, the second largest oil refinery in the Western Hemisphere that skyrocketed unemployment to 18 percent for a period of time just on the island of St. Croix. OIA's technical assistance is really instrumental and invaluable to the people.

While I fully understand that we need to look for ways to reduce the deficit, abandoning our responsibility to provide safe and reliable infrastructure in the territories and build resilience to the impacts of climate change is not the way to go. The last several cycles have placed impositions on the territories which force them to compete for already inadequate funds they receive. And increasing these accounts would go a long way in resolving these issues.

Thank you for the opportunity to present my testimony.

Mr. CALVERT. Thank you for your testimony. We appreciate your coming out today.

Ms. PLASKETT. Thank you.

Mr. CALVERT. Thank you.

Ms. PLASKETT. Take care.

Any questions? No?

No questions? Great, thanks.

Mr. CALVERT. Thank you. Next, Ms. Slaughter from the great State of New York. You are recognized.

[The statement of the Hon. Stacey E. Plaskett follows:]

Congress of the United States
Washington, DC 20515
February 27, 2017

Testimony submitted by: Congresswoman Stacey E. Plaskett (VI)

Thank you Chairman Calvert, Ranking Member McCollum, for the opportunity to testify on the Department of the Interior, Environment, and Related Agencies Appropriations Bill, which will reflect federal support for United States territories and possessions over the next fiscal year. Importantly, this legislation will serve as a statement of the commitment from the federal government to address some of our most pressing local needs.

In the United States territories, there are nearly 4 million Americans, and we are too often left out of important programs or underfunded compared to benefits available to Americans living on the mainland United States. As a result, it is more difficult for the islands to improve economic conditions. Data from the Bureau of Economic Analysis illustrates the economic challenges facing the insular areas. The islands must transition from 100 percent reliance on imported oil to a clean, sustainable energy future and relief from power rates three times the national average.

The territories continue to suffer from high unemployment. Last year the unemployment rate in the U.S Virgin Islands exceed ten percent. The economic picture is corroborated by data indicating population decline over the previous decade.

By their geography, the territories are critically vulnerable to unique natural forces of living in an island environment – hurricanes, tropical storms and sea blast. As a result, they face a formidable challenge in adapting and responding to the effects on infrastructure, economic development, food security and natural resources.

The Office of Insular Affairs is responsible for generally administering the federal government's relationship with the territories on behalf of the Secretary of Interior. Top priorities for the OIA have traditionally included initiatives for economic and infrastructure development. OIA assistance to territories account provides critical funding to support construction and maintenance of infrastructure such as medical centers, schools, and wastewater systems, in addition to assistance for climate change adaptation planning, all of which address top concerns identified by island leadership.

OIA assistance to the territories has seen an overall reduction in funding over the last 10 fiscal years. I would like to stress that it has

been over 20 years since the Virgin Islands has had sufficient resources to build a new school.

In order to maintain and improve quality of life, create economic opportunities, and promote effective governance in the territories, I am here before you to strongly urge an increase in the budget of the Office of Insular Affairs for its activities in technical and maintenance assistance to the territories.

While I fully understand that we need to look for ways to reduce the deficit, abandoning our responsibility to provide safe and reliable infrastructure in the territories, and build resilience to the impacts of climate change, is not the way to go.

The territories should not be forced to compete among themselves for the already inadequate funds they receive. An increase to that account would go a long way in resolving this issue.

Lastly, I would like to touch on the National Park Service budget. National park sites on the U.S. Virgin Islands include some of our country's most iconic tourist destinations. They also provide critical protection for terrestrial habitat, as well as opportunities for education and volunteerism in parks. I have been pleased to see increases in

federal support for national parks in the U.S. Virgin Islands, and I would also like to urge for that to continue.

Thank you for the opportunity to present my testimony.

TUESDAY, FEBRUARY 28, 2017.

WITNESS

HON. LOUISE SLAUGHTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. SLAUGHTER. Yes, thank you very much.

I have been very anxious to get over here because, you know, the NEA is very important to me, and I want to just talk to you about it. I have got a statement here, but I think I more or less would just really would like to discuss it with you.

First, you know we put $148 million in for the arts programs in the whole country, and from that we got about $9 billion back in the Treasury. It supports about 4 million jobs, and a lot of good things. But I want to talk far beyond that.

What has been discovered lately is that in the program between the military and the arts programs, they have discovered that more than any medicine that they could use, any counseling, anything else that they could do, by exposing wounded veterans to arts programs, they are getting better. They give up that shoe box full of medicine they carry around. They rejoin their family and society. Medicine could not do that for them. Years in a hospital could not do that for them. But part of that $148 million was able to do that, and you know it was well worth that.

It has been one of the most remarkable things. They have discovered, for example, that PTSD responds better to yoga than anything else. And because they found that out, they are also using it on people with Alzheimer's and kids with autism with some good results.

I saw Yo-Yo Ma, that magnificent cellist, in a concert one night at the Kennedy Center. He had six young men who had been in Iraq, and among those six, they only had two legs. Yo-Yo Ma played his cello like nobody else on earth can, and they were playing guitars and singing with such great enjoyment. I know from my own life, and I am sure from yours, how you have been moved by these kinds of stories.

But to cut this the NEA out, if it is not worth $148 million for us to help all those soldiers that we have wounded in our name, to really get back into life, to be a part of life, to feel good about it again, to be creative in the things they are doing. And how does that work? Because art opens up the left side of the brain. And then what they are able to do is take out the trauma and look at it, and once they can take it out, they can really begin to deal with it.

Now, I had not thought about this that much for soldiers, but I knew what it did for children. I know we are used to seeing 16-year-old kids who are involved in crime and traumatized with those dead eyes just staring at us. We found while they were incarcerated, if we could expose them to art just simply to open up both sides of the brain, that we could make great changes in their lives and they want to get out. It is really things that they have not been talking about almost all of their lives. There is something about working with your hands, something about what you are seeing with your eyes and your heart that makes it possible for you to do that.

What we get for art programs are smarter children. Kids who graduate from high schools in the United States who had art the four years they were in high school, SATs verbal go up 9 points. It is so cheap, the price. I mean, I wish we could give 3 times what we give because we would get 3 times the results.

We need to be doing so much more than we are doing, and people are eager for it. When I first started trying to say all this, it was considered property of the elite, and if they wanted to go, great, but nobody else was going to be bothered with that.

And then what we discovered, some work done at UC Davis was the economic benefit of it. It has been—you know, in one year about three or four years ago, a study was done in New York City, and the Metropolitan Museum by itself got more money into that museum in one year than the Yankees, the Mets, the Knicks, and all the rest of the teams they have there for sports combined. Imagine that.

Art is something they come back to. Art is something you expose little children do. What is the first thing they do? They draw little stick figures. But it is so important that we do it for all of those reasons.

But in these museums and in these art galleries is our history. Look at what you have on the walls in here. I mean, art is the only thing that I know of that tells us who we were, and who we are, and who we hope to be.

So, I beg of you, maybe the most important thing you may do for civilization and society in this country is to put as much money as you can in the humanities and in the arts because we get a hundred-fold return on investment. I promise you that. I can show you all the statistics and all the things about it. But I will tell you, if you were to go to Walter Reed and see those programs, how those veterans are doing, and see what happens to them later in life.

I mean, they have had enough experience to know that is lasting. And as a matter of fact, one of my staff members who is with me here today just came back from Fort Knox. He was out there last week for the Army. And he said a General had told him that—a group apparently, that one of the most important things to him were the creative writing programs that he had had. But it all comes back to the brain. It is when you open up both sides that you are really able to create a whole person.

Please, please do not let the NEA get killed. I feel like I have been begging you forever. And if you do not, as John Lewis said—he came up to campaign for me, and he said to everybody, now, I really want you to vote for her, and if you do not, I will come back and step on you nonviolently. [Laughter.]

Ms. SLAUGHTER. I would hate to have to threaten you with that, but——

Mr. CALVERT. Thank you for your testimony. The arts and the humanities touches every congressional district in the United States.

Ms. SLAUGHTER. Indeed, and it brings a lot of money into them as well.

Mr. CALVERT. I recognize that, both Republicans and Democrats, a bipartisan program.

Ms. SLAUGHTER. Always has been.

Mr. CALVERT. There is a lot of support for that, and we will certainly take that into consider as we move forward. I know Ms. McCollum is a big supporter of the arts and humanities, and we will be working together to try to resolve these things.

Ms. SLAUGHTER. We will do incalculable harm if we did not keep that going, and we are better people than that. So, thank all of you, and thank you for your hard work. I know it is not easy, and this year is spectacularly hard. Thank you.

Mr. CALVERT. Thank you. I appreciate everybody's testimony. We are adjourned.

[The statement of the Hon. Louise Slaughter follows:]

Interior Member Day Remarks

Rep. Louise Slaughter, NY-25

Chairman Calvert, Ranking Member McCollum, thank you for the opportunity to testify in front of the committee this afternoon in support of the National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), and National Gallery of Art.

As you're aware, the NEA's mission is to strengthen the creative capacity of our communities by providing all Americans with diverse opportunities for arts participation. The endowment fulfills its mission through direct grants, reviewed and recommended by panels of experts, to arts organizations across the country. In FY 16, these grants reached more than 20 million people attending live arts events through NEA supported programs, reached 300 million through television, radio, and cable broadcasts, and impacted 16,000 communities engaged in NEA supported projects. These projects have generated more than $500 million in matching support.

Most importantly, the NEA has expanded their reach to help servicemembers who have been diagnosed with Traumatic Brain Injury (TBI) and other psychological health conditions. Last October, the NEA announced the expansion of their Creative Forces Partnership with the Department of Defense, an increase of $1.928 million in FY 16, made possible by this Committees work. I would like to thank the Committee for approving that increase and recognizing the importance of this program.

This partnership is critically important. The NEA Creative Forces Military Healing Arts Network is a collaboration with the Department of Defense which supports music, writing, and visual art therapy at military care facilities. The Creative Forces program places creative arts therapies at the core of patient centered care in military medical facilities and invests in research on the impacts and benefits of these innovative treatment methods.

These cost effective, non-invasive arts therapy programs rank consistently in the top five "helpful" and "wish to continue programs" on patient satisfaction surveys of men and women who have gone through the program and over 85 percent of military patients said art therapy was helpful to their healing. Through art therapy programs, our servicemen and women can transition away from large numbers of prescription medications to art therapy programs which allow for healing, psychosocial skill building, and self expression directly correlated to an increase in quality of life after finishing their treatment.

As part of the NEA's mission to increase access to the arts for all Americans, Creative Forces enables more serivemembers, veterans, and military families to benefit from creative arts therapies and community arts activities.

The investment we make in the arts at the federal level, $148 million in FY 17, is just 0.004 of the federal budget and costs 47 cents per capita. This small investment returns an unmatched amount of private funds back to the US. For every $1 NEA grant dollar, 9 dollars from the

private sector are leveraged. The non-profit arts industry supports 4.13 million jobs, and the arts and cultural sectors contribute $729 billion or 4.2 percent of national GDP.

I would also like to mention the National Gallery of Art, that national treasure at the base of Capitol Hill. This subcommittee has historically provided the necessary funds to maintain its iconic buildings, secure its world class art collection, and protect its staff and the millions of visitors who come from all around the country to see the nation's fine art collection. I do hope that the subcommittee will continue to support and protect this gem on the National Mall.

As President Lyndon Johson said: "The arts and humanities belong to the people, for it is, after all, the people who create them." Thank you for the opportunity to testify in front of you today and I hope that the Committee will continue to support the NEA as it has in the past.

Written Testimony from Members of Congress

The Honorable Julia Brownley (CA-26)
Testimony before the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
February 23, 2017

Chairman Calvert, Ranking Member McCollum, and distinguished members of the Subcommittee, thank you for the opportunity to submit testimony regarding the Fiscal Year 2018 Interior and Environment Appropriations Bill.

The Interior and Environment portfolio includes a number of important priorities for my district, but I would like to use this opportunity today to highlight one vitally important program, the Environmental Protection Agency (EPA)'s Hazardous Substance Superfund Trust Fund (Superfund) program.

In 1980, in response to the Love Canal environmental disaster, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which created the Superfund program to finance cleanup efforts by the federal government at contaminated sites. Since then, the EPA has completed the cleanup of nearly 1,200 of the nation's worst toxic waste sites, and concurrently protecting hundreds of communities and drinking water supplies. Additionally, at 450 of the Superfund sites where reuse is occurring, economic data from FY 2014 demonstrates there were approximately 3,400 businesses generating $31 billion in sales. These businesses employ over 89,000 people, who earn a combined income of approximately $6 billion.

My district is home to one of the most important coastal wetland restoration projects in southern California, Ormond Beach. Ormond Beach is a 1,500-acre area in the City of Oxnard in Ventura County, currently comprised of wetlands, active farmland, and industrial operations. A two-mile-long beach extends from Port Hueneme to the northwestern boundary of Naval Base Ventura County - Point Mugu. Over the past century, much of the area has been drained, damaged, and degraded by industrial uses, including the Halaco Superfund site. 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.

A committed group of stakeholders – including property owners, regulatory agencies, community members, advocacy groups, educators, and technical experts – actively participates 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.

However, the Halaco Superfund site places a tremendous health burden on the City of Oxnard's residents and presents a significant hurdle to the Ormond Beach wetland preserve. The Halaco Engineering Company operated a secondary metal smelter for 40 years, then abandoned the site and declared bankruptcy, leaving behind waste – an estimated 50,000 cubic yards of buried waste and a giant waste pile of over 700,000 cubic yards – that surrounds the site and penetrates the wetlands. The City of Oxnard is actively pursuing cleanup of the Halaco site that will protect the health of its residents and the environment, and that will ensure the Halaco Site can ultimately be incorporated into the Ormond Beach wetland preserve.

The City of Oxnard and the County of Ventura work closely with the EPA, the State Coastal Conservancy, The Nature Conservancy, Naval Base Ventura County, and other partners to restore the wetlands. Their collaborative efforts and actions aim to attain the full remediation of the Halaco Superfund site and preservation of the Ormond Beach Wetlands that will provide critical economic, recreational, scientific and educational benefits for Oxnard, the region, and the country.

I understand the funding challenges facing this Subcommittee, and I appreciate the Subcommittee's previous support for the Superfund program. I am concerned, however, that the Superfund program remains underfunded. According to a 2015 GAO report, annual federal appropriations to EPA's Superfund program declined nearly $1 billion in constant 2013 dollars from Fiscal Years 1999 to 2013. This decrease has resulted in a dramatic reduction in the number of sites cleaned up.

I strongly encourage the Committee to provide robust funding for EPA's Superfund program in the Fiscal Year 2018 Interior, Environment, and Related Agencies Appropriations bill. I thank the Chairman and Ranking Member for holding this hearing, and look forward to working with you in the coming year. Thank you.

David N. Cicilline
House Appropriations Interior, Environment, and Related Agencies Subcommittee
Members Day Testimony for the Congressional Record
February 28, 2017

Thank you Chairman Calvert and Ranking Member McCollum for holding this hearing, and for affording me the opportunity to submit remarks for the record. I regret that I am unable to appear before the Subcommittee today due to my obligations as a member of the House Judiciary Committee. I would like to highlight two critical priorities for my home state of Rhode Island.

I would first like to address the importance of providing robust funding for the Blackstone Valley National Historic Park. Established in 2015, the Blackstone Valley National Historic Park commemorates the birthplace of the American Industrial Revolution. It embodies our nation's economic, environmental, social, and cultural transformation. The beauty and history of the Blackstone Valley can be seen in its cultural and environmental treasures, including Old Slater Mill in Pawtucket, Blackstone River State Park in Lincoln, and the Museum of Work and Culture in Woonsocket. The mill villages of the Blackstone Valley, including Slatersville in Rhode Island, and Ashton, and Whitinsville in Massachusetts, were among the most important social structures in American life in the early 19th century. The mills and villages were built to accommodate families, and their schools, churches, and stores helped define commerce, religion, and education in 19th century New England. The Blackstone Valley became a central settling place for European immigrants who found work in the mills and factories. The Blackstone Valley National Historic Park tells the rich story of our nation's tenacity and diversity, and how America grew to become an economic superpower.

As one of the newest units of the National Park Service, Blackstone relies on long-term partnerships built over several decades in cities and towns, as well as other public and private partnerships to help define its boundaries and strengthen its economic and cultural impact. However, the park also relies on federal funds from the Park Service for its operations, which include seasonal and year round staff, facilities maintenance, and ongoing development. Funding for the Operation of the National Park System account in last year's Interior and Environment appropriations bill was more than $89 million below what President Obama had requested, and was not enough to meet the budget allotment for Blackstone. It is essential that the National Park System receive a robust funding level in Fiscal Year 2018 so that Blackstone and other units of the National Park System can have the resources they need to thrive.

I would also like to express my concerns over funding for the Environmental Protection Agency (EPA). While I was pleased to learn that the administration had lifted its misguided freeze on state EPA grants, I remain concerned that the increased cuts throughout the federal budget are often inordinately focused on agencies like the EPA. Last year's legislation slashed $164 million from the enacted Fiscal Year 2016 level. In Fiscal Year 2016, my home state of Rhode Island received more than $35 million in federal funding from the EPA. This includes funding for BEACH Grants to help ensure Rhode Island's coastal waters are safe for swimming, grants for Clean Water and Drinking Water State Revolving Funds which help Rhode Island and other states to invest in critical drinking water infrastructure projects, and funding for cleanup of

hazardous waste sites in Cumberland and Lincoln. Decreased funding levels, and the administration's demonstrated aversion to the EPA are cause for great concern. I ask that the committee ensure that the EPA has the resources necessary to help states address their environmental and infrastructure needs.

I would like to once again thank Chairman Calvert and Ranking Member McCollum for the opportunity to submit my remarks, and I look forward to working with the Subcommittee throughout the Fiscal Year 2018 appropriations process.

Congressman James Comer

Kentucky 1st District

Chairman Calvert and Ranking-Member McCollum,

Thank you for the opportunity to provide written testimony in support of the World War I Centennial Commission. I write to express my strong support of the World War I Centennial Commission and respectfully request the Interior and Environment Subcommittee's support its valuable mission.

The World War I Centennial Commission was created in 2013 under P.L. 112-272 without federal funding in order to ensure it was operating in time to commemorate the Centennial. In 2014, Congress recognized the need for federal funding to support the worthwhile efforts of the Commission and included a provision in the FY2015 National Defense Authorization Act to limit the prohibition on federal funds. The language in the NDAA provides the Congress the ability to appropriate discretionary funding in support of the Commission or for entities with similar missions to designate unobligated funds to the Commission at the end of the fiscal year. In FY2017, the President's Budget Request included $6 million for the World War I Commission.

The World War I Centennial Commission has worked to raise private funds to finance its events recognizing the 100th Anniversary of World War I and to educate new generations of Americans of the sacrifices made in defense of our nation. However, without support for its educational programs and partnerships, as well as operations, the Commission's funds will be

depleted this summer shortly after its April 6th ceremony launching the 18-month commemoration.

In the past, Congress has authorized federal agencies to support the commemoration of significant anniversaries of World War II, the Korean War and the Vietnam War. Following in that tradition, I believe it is appropriate to provide support for the efforts of the World War I Centennial Commission to commemorate the 100th Anniversary of World War I and recognize the heroism and bravery of the American men and women who fought in "The War to End All Wars."

With this in mind, I respectfully request that as the Interior and Environment Subcommittee considers its FY2018 appropriations bill it provide:

- Discretionary funding in support of the World War I Centennial Commission, or
- Language allowing federal agencies with similar missions to provide support to the World War I Centennial Commission through the use of unspent funding in FY2017 and FY2018.

REPRESENTATIVE ELIOT L. ENGEL, NY-16

First, I want to thank Chairman Calvert and Ranking Member McCollum for allowing me to testify before the Interior Subcommittee today.

According to the New York Times release of a draft budget proposal, the Trump administration plans to eliminate the National Endowment for the Arts, the National Endowment for the Humanities, and the Corporation for Public Broadcasting. I am here today to urge the members of this subcommittee to continue funding for the arts and humanities.

When our predecessors in Congress created the NEA and NEH, they believed that it was, "vital to democracy to honor and preserve its multicultural artistic heritage as well as support new ideas." They believed then, as I do now, that it was necessary and essential for the Federal Government to provide financial assistance to artists and the organizations that support their work.

Federal funding ensures that our heritage and culture is available to all Americans, not just those who are wealthy enough to afford it. The NEA, NEH, and CPB are responsible for funding projects and programs throughout all 435 Congressional districts. This funding enriches and educates Americans of every background. Last year in my district, the Yonkers based nonprofit Westhab received a grant from the NEA to lead art, music, dance, and theater workshops for children from low-income and homeless families. This opportunity, made possible by funding

through the NEA, instilled a sense of self-worth and ability that these children may not have had otherwise.

Early in my career I stood on the House floor, imploring my colleagues to continue these crucial programs. Since then, through these private-public partnerships, the arts and humanities in this country have flourished with the continued aid of the U.S. Federal government. Federal funding for the arts and humanities is about democracy and equal participation, and it is our duty here in Congress to ensure that it continues.

Thank you.

Bob Goodlatte (VA-06)
Appropriations Subcommittee on Interior, Environment, and Related Agencies Listening Session
2/28/2017

Chairman Calvert and Members of the Subcommittee,

As the Subcommittee considers the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2018, I respectfully request that the Subcommittee include language that would reaffirm and preserve cooperative federal/state partnerships and ensure that the implementation of programs under the Clean Water Act are based firmly on the statutory authority authorized by Congress.

As the Subcommittee is well aware, since 2010 the Environmental Protection Agency (EPA) has implemented a "Total Maximum Daily Load" (TMDL) plan for the Chesapeake Bay Watershed, setting strict limits on the amount of nutrients that can enter the Chesapeake Bay. The EPA's limits have had far-reaching consequences and amount to a regulatory takeover of water quality programs in six different states. This overreach by the EPA will undoubtedly result in tens of billions of dollars in economic losses to states, cities and towns, farms, and other businesses, both large and small.

The TMDL plan, as one of the largest and most complex regulatory programs in the United States, removed authority Congress granted to the states and converted state and local water quality decision-making to a top-down, federally-directed approach with mandatory regulations, enforceable goals, and directives. These regulatory actions contradict the Clean Water Act, a statute that clearly acknowledges the rights of states to manage and set the goals of their water quality programs and requires that the federal government work cooperatively with the states to ensure that the goals of the Act are met. The principle of cooperative federalism was absolutely critical to the Clean Water Act, but that principle was deliberately ignored by the Obama Administration's executive order regarding the Chesapeake Bay and its subsequent regulatory actions.

It is important to note that I am not requesting that the Subcommittee prevent the EPA from working with the states to restore the Chesapeake Bay or in any way undermine the cleanup efforts already underway. Rather, I am simply requesting that the Subcommittee address the way in which the EPA has implemented this TMDL, with specific attention payed to the EPA's

threats of withholding funds from states that do not use the allocations provided by the EPA, as well as the threats of "backstop" actions against states that have not fully met the EPA's "goals."

We all want to see the restoration of this national treasure, and we know that in order to achieve this goal, the states and the EPA must work together. However, we will not see our goal accomplished if the EPA is allowed to railroad the states and micromanage the process.

This issue should be of the utmost importance to the Subcommittee because, if the EPA is allowed to overstep its authority in this instance, it will not stop there. In 2010, the EPA even cited their intention to use the Chesapeake Bay Watershed as a model for watershed protection in other parts of the country, and I believe that we must prevent such encroachment before it spreads.

For these reasons, I urge the Subcommittee to include language that would preserve a cooperative relationship between the states and the EPA.

Statement of Congressman Raúl M. Grijalva
Ranking Member, House Committee on Natural Resources
Before the House Appropriations Committee
Tuesday, February 28, 2017

Chairman Frelinghuysen, Ranking Member Lowey, and Members of the Committee, I am pleased to join my colleagues today to ask for your support for the Interior, Environment, and Related Agencies Subcommittee budget request for the 115th Congress. As the Ranking Member of the authorizing committee, I am acutely aware of how important it is for the success of these programs under this subcommittee's jurisdiction, that these proposals, agencies, and programs are funded at robust levels. I respectfully request that you take into consideration my strong support of the following for FY18.

Endangered Species Act (ESA)

The Endangered Species Act has been incredibly successful in conserving American wildlife. 99 percent of species that have been listed under the Act still survive today, even in the face of extensive habitat loss and degradation. However, if we want the ESA to do more than prevent extinction, we must provide additional funding to develop and implement the recovery plans and landscape level conservation strategies necessary to take species off of life support. Detractors of the ESA say more species should be delisted, but the prerequisite for delisting is recovery. I ask that the committee consider providing additional funding to expedite species delisting through recovery, including through bolstering the Cooperative Endangered Species Conservation Fund, which provides competitive grant funding for regional Habitat Conservation Plans that support voluntary species conservation initiatives.

National Wildlife Refuges

The National Wildlife Refuge System provides critical high quality habitat for fish, animals, plants, and other organisms, while at the same time providing incredible recreational opportunities for hunters, anglers, and outdoor enthusiasts of all kinds. A 2015 study found that Refuges generated $2.4 billion in economic impacts to surrounding communities and returned more than four dollars to taxpayers from every dollar invested. Unfortunately, funding for the Refuge System has remained flat for years, limiting the benefits they can provide to the American people. I support providing significant additional funding for Refuges, in addition to language allowing the Fish and Wildlife Service to seek compensation from parties damaging Refuge resources.

Wildlife Trafficking

In FY 16, Congress funded a request to increase the Fish and Wildlife Service's enforcement budget to help combat the global scourge of illegal wildlife trafficking. I ask that you continue supporting the Service's work by committing additional funding to these efforts. We have made progress working with other governments and partners on the ground in Africa, Asia, and South America to make wildlife trafficking more difficult and less profitable but there is still much to be done if we hope to save elephants, rhinos, sharks, and other species from extinction, and to

cut off the funding these activities provide to organized crime syndicates, terrorists, and insurgent groups.

Land and Water Conservation Fund (LWCF)

For over 50 years the Land and Water Conservation Fund has been our nation's most effective conservation program. In my district, LWCF funds are currently slated to be used to acquire 177 acres located in the eastern portion of Saguaro National Park along Rincon Creek. Acquisition of the Rincon Creek properties is the park's highest priority due to their resource value and the imminent threat of their being sold for residential development. This is a crucial program that funds projects in every state and it needs to be fully appropriated. I urge the committee to support full funding of $900 million for LWCF in FY18.

National Conservation Lands

National Conservation Lands protect 27 million acres of cultural and natural treasures managed by the Bureau of Land Management (BLM). They are the crown jewels under the agency's care and deserve robust funding. I urge the committee to support increasing funding levels about the FY16 enacted amount

U.S. Territories and Office of Insular Affairs (OIA)

In FY17, the President proposed increasing Administration of Territories discretionary spending to a total of $75 million. I recommend increasing the Technical assistance account to further assist the Office of Insular Affairs in helping the islands deal with economic challenges, long-term energy security, protection of natural and cultural resources, national security concerns, and anticipating climate change.

Hardrock Mining Fees

I strongly urge the Committee to adopt the proposal to assess a per-ton fee on material displaced by hardrock mining activities, and to direct those revenues-estimated at $200 million per year-to cleaning up abandoned hardrock mine sites. Unlike the coal industry, the hardrock mining industry does not contribute to the cleanup of abandoned legacy mine sites, saddling taxpayers with the responsibility to address the nearly 500,000 such sites spread throughout the country.

Onshore O&G Inspection Fees

I ask the Committee to include inspection fees for onshore oil and gas activities as proposed, collecting $480 million over ten years. I appreciate the Committee's inclusion of offshore inspection fees for Fiscal Year 2017, and ask that those fees be continued in Fiscal Year 2018, with the slight modification to adopt a per-visit fee for production platforms instead of an annual fee. Unlike offshore inspections, however, onshore inspections are still paid for by the taxpayer. The onshore oil and gas inspection fee would be a miniscule burden on the industry, but provide badly needed funds for the Bureau of Land Management's oil and gas program.

Abandoned Mines and Power+

I support the Power+ proposal to accelerate the spending of $1 billion from the coal Abandoned Mine Land fund to facilitate economic development projects in coalfield communities. This

proposal is similar to H.R. 4456, the RECLAIM Act, which was introduced last Congress by Appropriations Committee Chairman Rogers.

Historic Preservation Fund

I support strong funding for historic preservation programs. Funding for the Historic Preservation Fund will support State Historic Preservation Offices and Tribal Historic Preservation Offices in their efforts to document and catalog our nation's historic resources. Additionally, I support appropriating $25 million for the Civil Rights Initiative.

Bureau of Indian Affairs

I fully support robust funding for the Bureau of Indian Affairs. This funding is integral to providing much needed BIE education construction, as well as continuing the comprehensive transformation of the Bureau of Indian Education (BIE). In addition, I strongly support increasing funding for Indian Health Service (IHS) so that we may address the healthcare disparities and shortfalls in Indian Country. Finally, I support the reclassification of both BIA and IHS Contract Support Costs (CSC) to mandatory funding beginning in FY2018.

The National Endowment for the Arts and the National Endowment for the Humanities

These two agencies make up the National Foundation on the Arts and the Humanities; making them the largest source of federal funding, respectively. Since 1965 both The National Endowment for the Arts (NEA) has awarded more than 145,000 grants and The National Endowment for the Humanities (NEH) has approximately 63,000 grants awarded. Since FY96 NEA has never fully recovered from the 40 percent budget cut from their peak funding year in FY92 of $176 million. Only recently on FY2017 did the U.S. House of Representatives pass an almost $2 million dollar increase for NEA nearly reaching $150 million. After this significant progress, these two agencies now face the threat of termination within our new administration.

I strongly support the survival of both these agencies and increased funding levels.
These agencies contribute greatly to this nation well beyond the aesthetic enjoyment of arts and culture. The arts are an American industry, producing $704 billion dollars a year with growth in GDP distribution in the last 15 years of 32.5%. America's arts and entertainment are leading exports, with $75 billion in overseas sales annually. Arts and culture related industries create jobs, attract investments, generate tax revenues, create trade surplus and stimulate local economies through tourism and consumer purchases. These art businesses represent 3.9 percent of all business and 1.9 percent of all employees, respectively. The arts and humanities are not only a big feature of cultural tourism in the United States but the most effective "soft power" this nation utilizes.

In the state of Arizona NEH is the fifth largest non-government employer with 350,000 jobs and over 22 billion in goods and services. NEA has award close to $5 million into Tucson-area arts nonprofits since 1998. This includes an annual signature arts event held in Arizona's Congressional District #3 that I regularly enjoy with the community, *Tucson Meet Yourself,* where NEA funds account for about 10 percent of their $350,000 budget. In addition to awarding direct grants to Southern Arizona groups, The Arizona Commission on the Arts is annually supported by the NEA with this fiscal year at $833,000. This money is then matched by the state

and distributed to nonprofit arts organizations after. Providing federal resources encourages local support, extends the reach of vital programs, promotes quality and diversity, and encourages entrepreneurship.

In addition to contributing to the development and economic growth of our communities, true to their nature, NEA and NEH also provides creative solutions to America's everyday local communities:

- The arts are improving our education systems through the integration of science, technology, engineering, *arts education*, and math known as STEAM. This fosters creativity, innovation, problem solving and critical thinking skills that will make America's future more competitive in the workforce.
- Through the NEA/Walter Reed Healing Arts Partnership establish in 2011, the arts are at the forefront of a national effort to support arts and health in the military.
- A literacy problem exists in many rural communities and tribal nations. In Arizona Congressional District#3 NEH has been crucial in addressing this issue in the following ways:

    1.) The *Humanities Initiatives at Tribal Colleges and Universities* allows for essential partnership between K-12 and tribal academic institutions to help increase literacy. These partnership projects through continued funding of NEH leads to increased sovereignty, self-determination, and tribal self-sufficiency by increasing literacy.
    2.) NEH funds distributed by the state humanities councils allow other rural communities to fund book festivals that attract authors to their removed communities. A recent book festival held in Payson, AZ in July of 2016 yielded attendance numbers of 600 readers of all age groups and brought 95 Arizona authors.

The National Endowment for the Arts and the National Endowment for the Humanities are economic engines, contributors to solutions, and keeps the proud diverse American history alive. The total amount allocated to these agencies is less than .016 percent of our annual budget. Execution of these agencies will have little impact in reducing the deficit and is not the solution.

Thank you for your consideration of these recommendations.

Congressman Leonard Lance's (NJ-7) Statement
Before the
House Subcommittee on Interior, Environment, and Related Agencies
February 28, 2017

The Honorable Ken Calvert
Chairman
Subcommittee on Interior, Environment,
and Related Agencies
B-308 Rayburn House Office Building
Washington, DC 20515

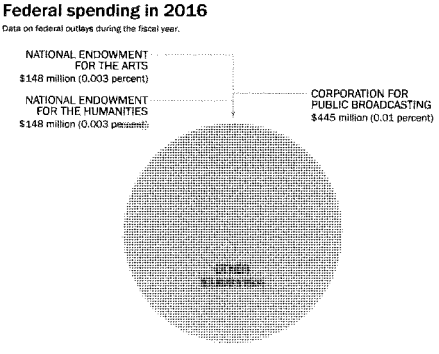
The Honorable Betty McCollum
Ranking Member
Subcommittee on Interior, Environment
and Related Agencies
2256 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum,

As you begin crafting the Interior, Environment and Related Agencies annual appropriation bill, I respectfully request that you adequately fund the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH) for Fiscal Year (FY) 2018. I greatly appreciate your efforts to fund these organizations in the past, and it is crucial they are preserved for the future.

Art is now, has been, and always will be a part of our Nation's fabric. It was President Kennedy in 1963, while speaking of Robert Frost at the dedication of the library at Amherst College that would bear his name, who said that art "establishes the basic human truth which must serve as the touchstone of our judgment" and that the artist "becomes the last champion of the individual mind and sensibility against an intrusive society and an officious state."

This year, the NEA and NEH each received $148 million, 0.006% of nearly $4 trillion federal budget.



Despite this comparatively meager appropriation, federal investments in the arts and humanities have a powerful multiplying effect. Each federal grant dollar spent requires a non-federal match. NEA and NEH officials estimate that this private-public partnership generates average investments of approximately eight times the grant amount in State, local, and private funds. Federal arts funding is a catalyst for economic development and job creation. More than 3.35 million Americans are employed by the arts—a larger workforce group than the legal profession, medical doctors or agricultural workers—and nearly one million U.S. businesses spend more than $61 billion annually in our local economies.

With the mission to bring the arts to all Americans, the NEA has supported arts activities in every Congressional district in the United States, including inner cities, rural communities as well as in support of our Nation's military families. Few other federal investments boast such a widespread benefit to all Americans and no other federal agency or private organization facilitates nationwide access to exceptional art.

Congressional support for the NEA has helped to sustain support in local communities for arts education, which has been proven to help close the education achievement gap and provide a lifelong benefit to children and adults. Students with an education rich in the arts have better grade point averages in core academic subjects, score better on standardized tests and have lower drop-out rates than students without arts education.

Additionally, as you know, NEH is the primary source of federal support for humanities research, teaching, preservation, public programming, and related activities in the U.S. The Endowment provides competitive grant funding for research and scholarship in history, literature, foreign languages, and other fields that provide individuals with critical ethical, cultural, and historical perspective. Additionally, NEH funding allocated through state humanities councils strengthens the cultural infrastructure of local communities in every state and territory across the nation.

Investment in the humanities also advances vital U.S. interests by fostering a globally competitive workforce, strengthening civic engagement, preserving our cultural heritage, and protecting our national security. As our world becomes increasingly more interconnected, building a solid foundation in the humanities becomes even more vital to U.S. interests. That is why the majority of our CIA analysts, State Department officials and staff members and diplomats at embassies across the globe are graduates of the humanities – as are leaders ranging from the late Steve Jobs to former Chairman of the Joint Chiefs of Staff Martin Dempsey!

NEH has been an outstanding steward of the relatively small amount of federal support it receives annually. Between 1965 and 2014, NEH successfully leveraged more than $4.8 billion in non-federal support (adjusted for inflation). However, current demand for humanities project support far exceeds funding availability and non-federal support for the humanities has declined in recent years, in part due to the current economic downturn. Each year, as billions of dollars are rightfully invested in research and education in science and technology, the relative federal investment in the humanities falls further behind.

We again thank you for your leadership on this important issue and urge you to continue your support for our nation's arts by providing sufficient resources for the NEA and NEH in the FY 2018 Interior, Environment and Related Agencies appropriations bill.

Thank you for your consideration and attention to this request and for your continued support of the arts and humanities.

Sincerely,

Leonard Lance
Co-Chair of the Congressional Arts Caucus
Member of Congress

Congressman Gregorio Kilili Camacho Sablan – Northern Mariana Islands

Members' Day Testimony on the Subcommittee on Interior, Environment and Related Agencies Fiscal Year 2018 Appropriations

February 28, 2017

Thank you Chairman Calvert, Ranking Member McCollum, and Members of the House Committee on Appropriations for the invitation to submit testimony from non-Committee Members on our priorities as you make decisions about Fiscal Year 2018 spending levels under the jurisdiction of the Interior, Environment and Related Agencies Subcommittee.

I urge you to appropriate *at least* $93.87 million for the Department of Interior, Office of Insular Affairs, Assistance to Territories program. This amount was contained in the Senate FY17 Interior, Environment and Related Agencies bill but has not been funded at that level due to the Continuing Resolution.

The Assistance to Territories program provide essential project funding to local governments, independent authorities, and educational institutions in Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands and the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; and certain non-profit organizations serving those areas. The projects may involve accountability, financial management, economic development, education, energy, management control initiatives, disaster assistance, natural and culture resources, capacity building, health initiatives and invasive species management.

Recent grants to my district, the Northern Marianas, have helped implement our first public transit system, develop an online portal for government services, study beach restoration, provide an invasive species coordinator and purchase a fully equipped emergency services vehicle.

These OIA Technical Assistance grants are small expenditures of federal dollars but have a large impact on our island communities. The grants provide essential assistance to our local governments for their health, safety and educational priorities.

I also request the subcommittee to maintain the language of H.R. 5538, the FY17 legislation, with respect to the Clean Water State Revolving Fund and Safe Drinking Water State Revolving Fund reservation to the U.S. Insular Areas.

Thank you for your consideration of this request. I look forward to working with you and your staff to help our nation's students and all working families.

Testimony

The Honorable Norma Torres
Congresswoman
35th Congressional District of California

Before the

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

Members' Day

February 28, 2017

Thank you, Chairman Calvert, Ranking Member McCollum, and distinguished Members of the Committee. I appreciate the opportunity to share my concerns and priorities with the Committee as you begin this year's appropriations process.

I serve as Ranking Member on the Indian, Insular, and Alaska Native Affairs Subcommittee which is tasked with overseeing all matters regarding Native Americans, including the approximately 566 federally recognized tribes and Alaska Native Corporations totaling nearly 1.9 million enrolled members. As you are aware, our committee jurisdiction covers measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

Our tribal communities are facing many challenges, but I also see a lot of opportunities in Indian Country. I am here today to encourage this committee to help our tribes take full advantage of those opportunities so that they can improve economic conditions for their members and put themselves on a path toward a prosperous future.

It is important to note that when tribal economies thrive, they aren't the only ones that benefit. They drive growth and job creation in the adjacent communities and regions as well. It's common for tribes that are thriving to be among their county's top employers and often contribute generously to local communities, benefitting their states and entire regions.

Therefore, helping our tribes achieve their fullest potential should be a top priority for all of us.

One of the biggest hurdles stifling economic growth in Indian Country is the state of education in many of their communities. This is why I urge you to increase funding to finally provide for the long overdue repairs and construction of Bureau of Indian Education Schools. Compared with the rest of the country, native students often attend schools with higher rates of substance-abuse,

poverty, and trauma and graduation rates seventeen percent below the national average. This puts these kids at a disadvantage from the very beginning. We must prioritize upgrading their learning environments to show them that we recognize their worth and potential.

Native Americans also live in some of the worst housing conditions in the country. Forty percent of on-reservation housing is considered substandard. The Bureau of Indian Affairs Housing Improvement Program provides an opportunity to help low-income working families to become homeowners. I encourage you to expand on this important program so that Native families can obtain standard housing and a home that they can call their own.

One of the promises the federal government made to Native Americans in exchange for land and peace was the promise to provide tribes healthcare. We must do a better job of honoring those pledges. It's well known that American Indian and Alaskan Natives life expectancy is less than other Americans. That is why it is imperative to support the Indian Health Service by boosting their budget so that they are able to adequately care for the safety, health, and wellness of Native peoples in urban, rural, and reservation communities.

It is also part of our federal trust responsibility to provide tribes with the funding necessary for sustainable management of their natural resources. Tribal communities, cultures, and economies rely on their natural resources, so let's support stewardships like what we've seen with the Columbia River Inter-Tribal Fish Commission, where tribal leadership has resulted in the preservation of an ecosystem and economic growth for the surrounding community while respecting member tribes' inherent sovereignty.

Finally, the repatriation of sacred objects and ancestors and protection of sacred places remains a paramount priority to tribes. That is why I also ask that we dedicate the resources necessary to fully fund the Tribal Historic Preservation Officer Program and Native American Graves Protection and Repatriation Act.

As you also hear from tribal leaders during the American Indian and Alaska Native Public and Outside Witness Hearing, I encourage you and your staff to prioritize the programs that will sustain economic progress, reverse decades of underinvestment, and improve health and education outcomes in Indian Country. Our tribal communities truly deserve nothing less.

Thank you again for the opportunity to express my support for furthering investment in Indian Country, so tribes can truly prosper and take care of their people as sovereign nations.

Statement of Congresswoman Nydia Velazquez NY-07
Interior, Environment, and Related Agencies Appropriations Subcommittee
Statement for the Record in Support of a $10 billion funding level for the Environmental Protection Agency for FY18

For over 40 years, the Environmental Protection Agency (EPA) has played a vital role advancing environmental research, supporting sustainable initiatives, and holding polluters accountable - all in an effort to make communities healthier and safer. As such, fully funding EPA programs will ensure it continues advancing its mission to protect human health and the environment.

In recent years, due to sequestration, government shutdowns, and budget cuts, EPA has had to take drastic measures to try and fulfill its mission. Forcing dedicated civil servants to take unpaid leave during furloughs left the agency short-staffed to implement statutory requirements. Through grant rescissions and other reductions, EPA has been hamstrung by targeted chronic underfunding.

The vital role of the EPA necessitates Congress dismiss outright any legislation that would eliminate EPA or severely curtail its budget. In fact, we should increase funding to pre-sequestration levels to ensure the principal source of environmental data functions at full capacity. Further, almost half of EPA's budget is distributed through grants, most of which are to State, local and Tribal governments that depend on that funding to support essential programs such as pesticide applicator training, hazardous waste management, indoor radon education, wetland development and water pollution control. Finally, through the Superfund program, EPA has an essential role in managing the cleanup of hazardous waste sites. With three Superfund sites in New York's 7th Congressional district, it is of particular importance to my

constituents that this program remains intact. Eliminating EPA or drastically cutting its budget is ill advised due to the agency's role in providing these unique services.

Therefore, I urge the House Appropriations Subcommittee on Interior, Environment, and Related Agencies to appropriate a minimum of 10 billion dollars to EPA to guarantee State, local and Tribal governments receive the federal funding needed to effectively implement programs supporting key environmental laws such the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxic Substances Control Act.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

TUESDAY, MAY 16, 2017.

PUBLIC WITNESSES—AMERICAN INDIAN AND ALASKA NATIVES

Mr. CALVERT. Good morning, and welcome to the public witness hearing specifically 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. 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 to remind them that honoring the Nation's trust obligations is a responsibility shared by all Members of Congress, regardless of our State or congressional district.

I assure you that your voices are heard by this subcommittee. For those new to this process, today's hearings are just the start of a dialogue we have come to depend upon to make smart choices in the budget and to earn the votes of our colleagues. American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee, just as they have been in recent years under the chairmanship of Democrats and Republicans alike.

Before we begin, I have a little bit of housekeeping items to share. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. The hearing can be viewed in its entirety on the committee's website, and 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 testimony. Your full written testimony will be introduced into the record. So please don't feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may earn you some great brownie points, so think about that.

We will be using a timer to track the progress of each witness. When the lights turn yellow, the witness will have 1 minute remaining to conclude his or her remarks. When the light blinks red, I will have to ask the witness to stop.

We will hear from every witness on each panel before members will be provided an opportunity to ask questions. Because we have a full day ahead, I request that we try to keep things moving in order to stay on schedule and respect each other's time. I am sure many of you have planes to catch.

With that, I will thank you again for being here today. I am happy to yield now to our distinguished ranking member, Betty McCollum, for her opening remarks.

Ms. MCCOLLUM. Thank you, Mr. Chair. This is a very, very important listening hearing that we have. There are other members flying in, but your full testimony will be given to them. I will be briefing the Democratic Members, as Mr. Cole and Mr. Calvert will be talking to—well, we all talk together. We are very nonpartisan when it comes to Native American affairs. So I welcome you all here.

Mr. Chair, thank you again for holding this very informational hearing the next 2 days.

Mr. CALVERT. Thank you.

So we are going to start with the National Indian Health Board, Vinton Hawley, the chairman. You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

NATIONAL INDIAN HEALTH BOARD

WITNESS

VINTON HAWLEY, CHAIRMAN

Mr. HAWLEY. Thank you for your time.

Chairman Calvert, Ranking Member McCollum, and members of the subcommittee, thank you for holding this important hearing and allowing me the opportunity to be here today. My name is Vinton Hawley. I am the chairman of the National Indian Health Board, and I also serve as the chairman for the Pyramid Lake Paiute Tribe in Nevada.

Today, I would like to offer recommendations on the fiscal year 2018 budget for the Indian Health Service. As you are aware, the health status of American Indians and Alaska Natives continues to be among the worst in the country. Historical trauma, poverty, lack of access to healthy foods, loss of culture, and many other determinants of health all contribute to the poor state of American Indian and Alaska Native health.

We live, on average, 4.5 years less than other Americans, but in some States that is 20 years less. But none of these challenges alone is as damaging as financially starving the Indian health system. All these determinants of health and poor health status could be dramatically improved with stronger investments in the health, public health, and health delivery systems in Indian Country.

In 2016, the IHS per capita expenditures for patient health services were under $3,000, compared to almost $10,000 per person for healthcare nationally. America needs to keep its promises to American Indians and Alaska Natives and fully fund the IHS.

Tribes are grateful for the recent increases to the IHS appropriation over the last several years but note that the increases have not allowed for expanded services but mainly keep up with inflation and population growth.

NIHB supports the budget request of the National Budget Formulation Workgroup, which is comprised of Tribal leaders, technical experts from across Indian Country. For fiscal year 2018,

Tribes recommend fully funding IHS at an estimated $30.8 billion, which includes amounts for personal health services, wraparound community health services, facilities, and capital investments.

We understand that getting $30 billion appropriated this year may not be possible in the current budget environment, so we recommend that Congress phase this in over 12 years. For 2018 then, we recommend $7.1 billion for IHS.

The Workgroup's fiscal year 2018 request has five top priority areas: purchase/referred care, hospitals and clinics, mental health, alcohol and substance abuse services, and dental services. These are real lives at stake.

A father from Northern Cheyenne reported that his daughter was born prematurely due to her mother's struggle with methamphetamine. The child battled for its life and caused trauma for the whole family and community. He said, "Meth abuse doesn't just affect one or two in our large extended Tribal families. It affects everybody. The services available on the reservation weren't helpful to my needs nor to my family."

This is just one example of why the money that Congress provides means life and death for our people.

Congress should also encourage programs at IHS that are culturally informed and locally driven. NIHB spoke with a young woman from the Oglala Sioux Tribe who courageously shared her story about multiple suicide attempts. She went into an inpatient facility in Rapid City but did not feel she received healing. It wasn't until she attended a Lakota cultural healing camp that her life turned around. She said, "It made me feel powerful. I got to learn about my culture and it made me feel closer to who I am." But the camp operates through donations and community support. These are the types of programs we should be encouraging with predictable, sustained funding.

Congress, please take the courageous and ethical step of adequately funding healthcare for this country's first peoples. While we understand that the jurisdiction of this committee is annual appropriations, I must mention the concern Tribes have about potential cuts to the Medicaid program.

Medicaid represents a substantial part of IHS third-party revenues. Current proposed changes to the Medicaid program outlined in the House-passed American Health Care Act will mean less services for our people and increase pressure on the severely underfunded IHS.

We encourage the committee to stand up against these Medicaid cuts. IHS and Tribal facilities are seeing referral dollars go much further thanks to Medicaid funding. These drastic cuts to Medicaid will only result in more rationed care and poor health outcomes for our people.

I would like to close with a quote from Jerilyn Church, CEO of the Great Plains Tribal Chairmen's Health Board. Last year she stated, "We make up 2 percent of the entire population of this country. We are the genocide survivors. It is not a big ask to ask for this country to fund schools, health, our judicial systems at a level that allows us to live functional, healthy lives".

In 2018, NIHB, on behalf of the 567 federally recognized Tribes across the United States, calls upon Congress to fully commit to funding our health services by enacting a robust budget for IHS.

Thank you very much for your time.

[The statement of Vinton Hawley follows:]

National Indian
Health Board

TESTIMONY OF THE NATIONAL INDIAN HEALTH BOARD – VINTON HALWLEY, CHAIRMAN
AMERICAN INDIAN & ALASKAN NATIVE PUBLIC AND OUTSIDE WITNESS HEARING
HOUSE APPROPRIATIONS COMMITTEE, SUBCOMMITTEE ON INTERIOR
MAY 16, 2017, 9:00AM

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 567 federally-recognized Tribes we serve, I submit this testimony on the Indian Health Service FY 2018 budget.

The federal government has yet to live up to the trust responsibility to provide adequate health services to our nation's indigenous peoples. Historical trauma, poverty, lack of access to healthy foods, loss of culture and many other social, economic and environmental determinants of health as well as lack of a developed public health infrastructure in Indian Country all contribute to the poor state of American Indian and Alaska Native (AI/AN) health. AI/ANs suffer some of the worst health disparities of all Americans. We live 4.5 years less than other Americans. In some states, life expectancy is 20 years less, and in some counties, the disparity is even more severe. Our suicide rates for AI/ANs are four times the national average, and suicide is the second leading cause of death for Tribal youth between the ages of 15 and 24.[1] Our populations are approximately twice as likely to die of alcohol-related causes as the general population.[2] According to CDC data, 45.4 percent of Native women experience intimate partner violence, the highest rate of any ethnic group in the United States. AI/AN children have an average of 6 decayed teeth, when other US children have only one.[3] But, none of these challenges, alone, is as damaging as starving the Indian Health systems. All of these determinants of health and poor health status could be dramatically improved with stronger investments in the health, public health and health delivery systems in Indian Country. In 2016, the IHS per capita expenditures for patient health services were just $2,834, compared to $9,990 per person for health care spending nationally. It is not much more complicated than that – America needs to keep its promises to American Indians and Alaska Natives and fully fund the IHS.

Tribes are grateful for the recent increases to the IHS Appropriation over the last several years, but note that the increases have not allowed for expanded services or improvements in equipment, buildings or staffing. While the IHS annual appropriated budget has increased by $1.2 billion (about 25%) since FY 2008 much of this increases simply covers needs associated with population growth, inflation, full funding of Contract Support Costs and maintaining current services. This leaves little extra money for making actual improvements in health services or to build public health infrastructure for American Indians and Alaska Natives. We are only 2% of the population. Congress, please take the courageous and ethical step of adequately funding health care for this country's first peoples. The following testimony reflects the IHS Tribal Budget Formulation Workgroup recommendations for FY 2018.[4] The Tribal workgroup is comprised of American Indian and Alaska Native Tribal leaders, technicians and researchers, nationwide, who come together each year form Indian Country's priorities as they relate to IHS. Through this process and product, this testimony reflects, therefore, the national Tribal voice.

Tribes recommend **$30.8 billion** to fully fund IHS. This includes amounts for personal health services, wrap-around community health services, facilities, and capital investments. Within this $30 billion is:

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[1] United States. Department of Health and Human Services, Indian Health Service. (n.d.). Trends in Indian health, 2002-2003. Rockville, MD: Indian Health Service

[2] Centers for Disease Control and Prevention. (2008). Alcohol-attributable deaths and years of potential life lost among American Indians and Alaska Natives—United States, 2001-2005. MMWR. Morbidity and Mortality Weekly Reports. Available online at: https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5734a3.htm

[3] Indian Health Service FY 2016 Budget Request to Congress, p. 78.

[4] The full FY 2017 Tribal Budget Request is available at http://nihb.org/legislative/budget_formulation.php

$16.45 billion for Medical Services; **$1.72 billion** for Dental and Vision Services; **$3.86 billion** for Community and Public Health Services; **$8.77 billion** for facility upgrades and upfront costs (non-recurring investments). While we have not seen the full FY 2018 President's Budget Request, we are encouraged by statements in the public blueprint that includes IHS among the "highest priorities" at the Department of Health and Human Services (HHS). We thank the Appropriations Committee for prioritizing CHR funding in the FY 2017 enacted budget. However, Tribes were dismayed to see a recommended $25 million cut in FY 2017 to the Health Education and Community Health Representative (CHR) programs at IHS. Both of these programs are critical to ensuring healthy Native communities. IHS receives little funding for preventative efforts, and these programs represent one of the few consistent investments in an essential public health service – helping to provide education efforts to community members in remote areas who may never otherwise encounter a health professional.

To begin the 12 year phase-in of the full $30 billion request, Tribes recommend a **$7.1 billion appropriation** in FY 2018. All areas of the IHS budget are important, and we hope to see a strong increase across the IHS budget FY 2018. We ultimately would like to see IHS have the ability to lead the way in innovative health care delivery, rather than struggle with technology and methods decades behind the trends. For example, IHS could expand telehealth, utilize online health portals and mobile technology to increase patient communication and transparency, and further integrate public health into clinical practice. We hope the Congress will entertain these possibilities as well as those captured in this testimony. The Tribes have identified several priorities including *Purchased/Referred Care (PRC)*; *Hospitals & Clinics; Mental Health*; *Alcohol & Substance Abuse Services;* and *Dental Services.*

Purchased/Referred Care – In FY 2018, Tribes recommend **$1.4 billion** for the Purchased/Referred Care (PRC) program. This is $507.9 million above the FY 2017 enacted level. The PRC budget supports essential health care services from non-IHS or non-Tribal providers. In FY 2015, PRC denied over $645 million in services – that is 132,000 needed health care services that AI/ANs were denied from receiving. This core funding is still a top priority for the Tribes, as some service Areas rely heavily on PRC dollars, and we hope to see it continued as a priority in FY 2018. These deferrals are real lives. One patient from the Oklahoma City Area is reported to have had a ruptured appendix. She went to their nearest facility and PRC funding wasn't available to pay for the emergency procedure. Another patient from the same area reported that a 62-year-old grandmother needed 2 knees replaced but no funds were available. To this day, she is unable to work or be the grandmother that she wants to be because of her bad knees.

Hospitals and Clinics – In FY 2018, Tribes recommend **$2.5 billion** for Hospitals and Clinics (H&C) which is $600 million over the FY 2017 enacted level. Hospitals & Clinics provides the base funding for the 650 hospitals, clinics, and health programs that operate on Indian reservations, predominantly in rural and frontier settings. IHS H&C faces tremendous challenges. Some of these factors include: Increased demand for services related to trends in significant population growth; Increased rate of chronic diseases; Rising medical inflation; Difficulty in recruiting and retaining providers in rural health care settings; and Lack of adequate facilities and equipment. Increasing Hospitals and Clinics funding is necessary as it supports the following: All primary medical care services, including inpatient care; Routine ambulatory care; Medical support services, such as laboratory, pharmacy, medical records, information technology and other ancillary services. It also provides the greatest flexibility to support community health initiatives targeting health conditions disproportionately affecting AI/ANs such as diabetes, maternal and child health, and communicable diseases including influenza, HIV/AIDS, and hepatitis.
Health IT: One area within the H&C line item is the area of Health Information Technology (HIT). IHS does not receive dedicated and sustainable funding for the agency to adequately support health IT

infrastructure, including full deployment of electronic health records (EHRs). The current Resource and Patient Management System (RPMS), is a comprehensive suite of applications that supports virtually all clinical and business operations at IHS and most Tribal facilities. No new funds have been appropriated to support operations and maintenance for the RPMS suite. This has resulted in a mass exodus of Self Governance Tribes who have opted to withdraw their IT shares to seek other commercial HIT solutions which promise to more readily address their needs. In fact, this has caused a domino effect in that the IHS agency technology budget is decreasing more rapidly because of the withdrawal of these shares. Without a viable solution, IHS Health IT system will be left behind, and IHS patients will be put at risk.

Mental Health – In FY 2018, Tribes are recommending **$301.1 million.** This is $207 million above FY 2017 enacted. This significant increase is needed to enhance the capacity of Tribal communities to develop innovative and culturally relevant prevention programs that are greatly needed in Tribal communities. Research has shown that AI/ANs do not prefer to seek mental health services that rely solely upon Western models of care; which suggests that AI/ANs are not receiving the services they need.[5] For example, NIHB spoke with a young woman from the Pine Ridge Reservation who courageously shared her story about her multiple suicide attempts. She went to an inpatient psychiatric facility in Rapid City, but did not feel that she received healing. It wasn't until she attended a Lakota cultural healing camp that her life turned around. She said, "It made me feel powerful. I got to learn about my culture and it made me feel closer to who I am." But the camp operates through donations and community support. Congress should provide dedicated funding for these types of activities. The geographic remoteness of most Tribal communities demands unique and innovative treatment options to address comprehensive mental health, substance abuse and psychiatric services.

Alcohol and Substance Abuse – In FY 2018, Tribes recommend **$396.9 million** for the Alcohol and Substance Abuse budget. This is $178.5 million above the FY 2017 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. Too many of our people look around their families and communities and feel the impact that addiction – whether somebody is out of work, homeless, abusive, abused, incarcerated, or no longer with us. These are the impacts on which it is practically impossible to place a dollar amount on. 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. Successful treatment approaches include traditional healing techniques that link the services provided to cultural practices and spiritual support. However, we now know that inadequate funding for alcohol and substance abuse services has a ripple effect on other services, such as overloading the agency's outpatient clinics, urgent care departments, and emergency departments with unnecessary visits (typically funded by Hospitals and Health Clinic funds and third party collections). One father from the Northern Cheyenne Tribe reported that his daughter was born prematurely due to her mother's struggle with methamphetamine. The child battled for its life, and caused trauma for the whole family and community. He said, "… meth abuse just doesn't affect one or two in our large extended Tribal families – it effects everybody…The services available on the reservation weren't helpful to my needs nor to my family…" Congress must provide sustainable funding to help families prevent and survive these challenges.

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[5] Beals, J., Novins, D.K., Whitesell, N.R., Spicer, P., & Mitchell, C.M., & Manson, S.M. (2005). Prevalence of mental disorders and utilization of mental health services in two American Indian reservation populations: Mental Health disparities in a national context. *American Journal of Psychiatry, 162,* 1723-1732.

Walls, M. L., Johnson, K. D., Whitbeck, L. B., & Hoyt, D. R. (2006). Mental health and substance abuse services preferences among American Indian people of the northern Midwest. *Community Mental Health Journal, 42,* 521 -535.

Dental Health – For FY 2018, Tribes recommend **$273.7 million** for Dental Health. This is $91.1 million above the FY 2017 level. Over 80% of AI/AN children ages 6-9 suffer from dental caries, while less than 50% of the U.S. population ages 6-9 have experienced cavities. These critical funds are desperately needed to improve the oral health of AI/ANs. Half of AI/AN youth live in a dental shortage area. NIHB and the Tribes continue to support the expansion of Dental Therapists (DTs) to Tribes outside of Alaska as a safe, reliable, cost-effective means for Tribal members to access oral health services. Sadly, provisions in the Indian Healthcare Improvement Act (IHCIA)[6] make it difficult to use IHS programs to use these effective providers. People with healthy teeth and healthy smiles feels better about themselves and experience better overall health outcomes. Our communities need our people and especially our youth to smile again. We encourage the Committee to work with the relevant authorizing Committees to repeal this section of the law so that IHS and Tribes can utilize scarce discretionary dollars in the most cost-effective way possible.

Facilities: In FY 2018, Tribes recommend a total of **$842 million** for facilities appropriations which is an increase of $297.4 million over the FY 2017 enacted level. These increases will be used to increase maintenance and improvement on IHS facilities, speed up the funding of projects on the IHS Healthcare priority list, and improve sanitation conditions in Tribal communities. IHS facilities represent some the oldest health facilities in the nation and at current rates of funding, a new facility built today would not be replaced for another 400 years.[7] Investments in facilities will allow the care provided in our communities to be on par with other health systems in the United States. In Alaska, for example over 5,000 rural homes are considered unserved by running water and wastewater. Individuals, instead, must rely on "honey buckets" to dispose of waste. This is just unacceptable. Tribes recommend including at least $157.8 million for Sanitation Facilities Construction in FY 2018.

Other Sources of Indian Health Funding

While the above recommendations address the IHS budget, the federal trust responsibility for health extends beyond the IHS. For example, Medicaid represents roughly 67% of 3rd party revenue at the IHS, and 13% of overall IHS spending. Current proposed changes to the Medicaid program outlined in H.R. 1628 will mean less services for AI/ANs and increased pressure on the severely underfunded IHS. We encourage the Committee to work with those on the authorizing committees to ensure Tribes are protected under changes to the Medicaid program. 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**. 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.

In February 2016, Jerilyn Church, CEO of the Great Plains Tribal Chairmen's Health Board stated: "Congress needs to be willing to put that investment into [IHS]. It is not asking too much. We make up 2% of the entire population of this country. We are the genocide survivors. It is not a big ask for this country to fund schools, health, our judicial systems at a level that allows us to live functional healthy lives." In FY 2018, NIHB calls on Congress to fully commit to funding our health services by enacting a robust budget for IHS. You can find a more detailed FY 2018 Budget Request at www.nihb.org.

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[6] 25 U.S.C. 1616l(d)

[7] *"Federal Indian Trust Responsibility: The Quest for Equitable and Quality Indian Healthcare - The National Tribal Budget Formulation Workgroup's Recommendations on the Indian Health Service Fiscal Year 2018 Budget."* June 2016. P. 64.

Mr. CALVERT. Thank you for your testimony.
Next Yatibaey Evans.
Ms. EVANS. Good morning. Thank you.
Mr. CALVERT. Good morning.

TUESDAY, MAY 16, 2017.

NATIONAL INDIAN EDUCATION ASSOCIATION

WITNESS

YATIBAEY EVANS, BOARD PRESIDENT

Ms. EVANS. Hi, my name is Yatibaey Evans. Good morning, Chairman Calvert and 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 is the only national organization advocating for improved educational opportunities that enable Native students to thrive in the classroom and beyond. We equip educators with the knowledge and tools needed to support our Native students in reaching their full potential. We also offer professional development opportunities, policy and advocacy assistance, as well as educational resources.

I currently serve as the president of the board of NIEA and am honored to be the first Alaska Native president in the history of the organization. I am happy to be with you today to talk about the needs of more than 650,000 Native students across the country.

Over the past year, the Every Student Succeeds Act has begun to be implemented within our States, leading to changes in how leaders in States across the country—from Oklahoma to California to Alaska and Minnesota—think about how to best educate our students.

NIEA has been leading the way, working with Tribes as well as Chief State School Officers, to make sure that we seize the opportunity that ESSA provides greater local leadership to improve educational outcomes for all students, including American Indian, Alaska Native, and Native Hawaiian students.

The subcommittee's work on fiscal year 2017 appropriations shows that you understand the importance of providing funding to improve BIE schools. Thank you for holding firm and including increases in several key areas.

Here are our fiscal year 2018 recommendations. Our written testimony contains quite a few details, but I would like to highlight some—four of them in particular: First, BIE school construction. We are asking for $263.4 million. I ask for this increase first and foremost to meet the needs of our Native students. NIEA recognizes that there are administrative issues with fully appropriating BIE's school construction list; however, our students should not suffer and be expected to learn in dilapidated buildings.

Far too many BIE schools are not in adequate physical condition to put Native students, or any students, in schools where students should be able to succeed. Numerous examples have come to NIEA's attention over the last year. There are schools without air-conditioning, broken windows, wiring that is uncovered, ceilings and floor exposed. We simply must do better. NIEA requests $130.3

million above the fiscal year 2017 amount to fully fund construction and repair.

Second, we would like to ask for $431 million for the Indian equalization program. ISEP funds provide the core budget amount for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel.

Unfortunately, ISEP funds have been reallocated to cover the program funds in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by Tribes. NIEA recommends $30.78 million above the fiscal year 2017 omnibus.

Third, I ask for $5 million for BIE immersion demonstration grants. And I want to thank the chairman, ranking member, and subcommittee for the $2 million in the fiscal year 2017 bill. It is well documented that Native students are more likely to thrive in environments that align with their culture.

The immersion program will support Native students to strengthen their language, improve academic outcomes, and become future leaders of their Tribes. We recommend that BIE immersion demonstration grants be a line item moving forward with a $5 million appropriation.

Fourth and finally, we ask that you continue the investment and oversight for and of the Bureau of Indian Education so that BIE schools that serve all Native students are able to attend them well and served appropriately. The BIE's ongoing work to reform and better serve Native students is critically important to Tribes.

In conclusion, fiscal year 2018 funding has the potential to translate bipartisan commitment to improving BIE's school construction into action. By ensuring that all schools have the facilities and resources necessary to provide a 21st century education, Congress and the Nation can reverse the challenges BIE faces and address the needs of our Native students. The over 43,000 students who depend on BIE funding deserve nothing less than full funding for the schools they need to realize their dreams.

Thank you for this opportunity.

[The statement of Yatibaey Evans follows:]

Testimony before the
United States House of Representatives
Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies
March 16, 2017

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 is the only national organization advocating for improved educational opportunities that enable Native students to thrive in the classroom and beyond. NIEA equips all educators with the knowledge and tools needed to support Native students in reaching their full potential. NIEA offers professional development opportunities, policy and advocacy assistance, and educational resources.

As President of the Board of NIEA and the first Alaska Native President in the history of NIEA, the needs of the more than 650,000 Native students across the country are daily concerns that must be national priorities. Native students must have the resources to receive an education that prepares them to succeed in life.

Over the past year, the Every Student Succeeds Act has begun to be implemented in states, leading to changes in how leaders in states across the country—from Oklahoma to California to Alaska to Minnesota—think about how to best educate students. NIEA has been leading the way, working with the tribes in each of the states, as well as the Chief State School Officers to make sure to seize the opportunity that ESSA provides: greater local leadership to improve educational outcomes for all students, including American Indian, Alaska Native, and Native Hawaiian students.

As NIEA notes the progress in states where tribal leaders have been at the table, Congress, tribal leaders, and Native education stakeholders should not lose sight of the many challenges that remain and the fulfillment of the Federal trust responsibility. Members of Congress, tribal leaders, NIEA and state leaders have a shared responsibility to serve Native students in need—and all stakeholders must act with urgency. In particular, funding for students attending Bureau of Indian Education schools is a critical priority that stands out as something this Subcommittee must lead on.

The Subcommittee's work on FY 2017 shows that you understand the importance of funding to improve BIE schools. NIEA thanks the Subcommittee for holding firm and including increases in several key areas. In particular, NIEA would like to thank you for the $2 million in funding for Native language immersion in the report language and the overall moderate increases in funding for BIE. NIEA also commends you on your leadership to hold the Department of Interior and BIE accountable on the ongoing reform. NIEA ask you continue your commitment to Native students for Fiscal Year 2018 appropriations.

The Subcommittee's work shows an understanding of the Federal trust responsibility. Established through treaties, federal law, and U.S. Supreme Court decisions, this relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. Under the federal government's trust corpus in the field of Indian education, it is important to state that the obligation is a shared trust among the Administration and Congress for federally-recognized Indian tribes will continue to be undermined until the federal government fully appropriates funding.

FY 2018 Recommendations
Appendix A provides a complete view of our budget priorities, but NIEA would like to highlight four particularly urgent issues.

- **Provide $263.4 million for BIE education construction.** Full funding of school construction would likely decrease costs over time, as less money would be spent attempting to maintain decrepit facilities. NIEA recognizes that there are administrative issues with fully appropriating BIE's school construction list. However, our students should not suffer and be expected to learn in dilapidated buildings.

  The facilities need, put simply is urgent. Far too many BIE schools are not in adequate physical condition to put Native students in schools where students will succeed. Numerous examples have come to NIEA's attention over the last year. Schools with no air conditioning, broken windows, wiring uncovered, and ceilings and floor exposed. Our country simply must do better.

  NIEA requests **$130.3 million above the FY 2017 amount to fully fund school construction and repair.** NIEA also requests that you make funds available for facilities and maintenance as separate line items, but the construction funding for BIE Schools is our top priority.

- **Provide $431 million for the Indian School Equalization Program.** These funds provide the core budget account for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel. Unfortunately, ISEP funds are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced

to provide funds for new initiatives that have not been vetted by tribes. NIEA recommends $30.78 million above the FY 2017 Omnibus.

- **Provide $5 million for BIE immersion demonstration programs.** I want to thank the Chairmen, Ranking Member and Subcommittee for the $2 million in the FY 2017 bill. NIEA deeply appreciates it. It is well documented that Native students are more likely to thrive in environments that align with their culture. This immersion program will support Native students to strengthen their language, improve academic outcomes, and become future leaders of their tribes. NIEA recommends that the BIE immersion demonstration grants be a line item moving forward with a $5 million request.

- **Continue the investment and oversight for and of the Bureau of Indian Affairs so that BIE Schools serve all Native students who attend them well.** The BIE's ongoing work to reform and better serve Native students is critically important to NIEA. BIE funded schools must meet the needs of the more than 43,000 students in the BIE students in the 183 schools in the system. NIEA has and continues to support reform, with the critical respectful recommendation that tribal leaders and Native education experts be included at every step so that reform is collaboratively done, and not imposed upon Native communities.

Conclusion

Fiscal Year 2018 funding has the potential to translate bipartisan commitment to improving BIE school construction into action. By ensuring that schools have the facilities and resources necessary to provide a 21st century education, Congress and the nation can reverse the challenges BIE faces and address the needs of Native

students. The over 43,000 students who depend on BIE funding deserve nothing less than full funding for the schools they need to realize their dreams through education.

Thank you again for the opportunity to address this Subcommittee, which has always made sure that Native education issues are fully considered. NIEA will be happy to answer any questions that you may have. For questions regarding this testimony, please email or call Ahniwake Rose, Executive Director of NIEA at arose@niea.org or 202-847-0033.

Appendix A: Appropriations Requests for the Department of Interior from the National Indian Education Association

Education Construction

Provide $430 million for Bureau of Indian Education (BIE) school construction and repair. *An increase of $125.2 million above FY 2017 enacted.*

- This funding category includes school construction, facilities improvement and repair, and replacement school construction.
- Schools operating within the BIE system are woefully outdated, and in some cases, dangerous for student and staff.
- The Department of the Interior's Office of Inspector General published in September of 2016, an evaluation titled "Condition of Indian School Facilities," estimated the cost of fixing the dilapidated BIE schools, concluding that more than $430 million would be needed to fix the problems already identified.

Facilities Operations

Provide $109 million for BIE facilities operations. *An increase of $42 million above FY 2017 enacted.*

- BIE schools use this funding for costs such as electricity, heating fuels, communications, GSA vehicle rentals, custodial services, and other vital operating expenses.
- For years, schools have only received roughly 50 percent of funding needed for these expenses. This shortfall is unacceptable as costs continue to rise for vital services.

Facilities Maintenance

Provide $76 million for BIE facilities maintenance. *An increase of $16 million above FY 2017 enacted.*

- BIE schools use this funding for the preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems.
- Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards.
-

Indian School Equalization Program (ISEP)

Provide $431 million for the Indian School Equalization Program. *An increase of $31 million above FY 2017 enacted.*

- These funds provide the core budget account for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel.
- ISEP funds are often reallocated to cover the program cuts in other areas of education.
- ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by tribes.

Johnson O'Malley

Provide $42 million for full funding. *An increase of $27.2 million above FY 2017 enacted.*

- The Johnson O'Malley program has provided grants to supplement basic student needs since 1934.
- It is currently being used across the country in innovative ways to assist with the unique cultural and scholastic needs of Native students.
- The federal government allocated $125 per student in JOM funding in 1995.
- Current funds (FY 2017) provide less than $63.80 per student, which are often the only source through which Native students – including those in public schools – can engage in basic education activities.
- Tribal nations request additional funds to increase the current per student allocation to previous levels and prepare for student count increases in future years.

Student Transportation

Provide $73 million for student transportation in the BIE system. *An increase of $17 million above FY 2017 enacted.*

- BIE schools incur significant costs in transporting Native students to and from school.
- These costs are considerably higher than most school systems due to the often-rural location of BIE facilities.
- Poor road conditions that link the BIE-funded schools increase vehicle maintenance costs.
- These high costs often lead to funding shortfalls, which then must either go unpaid or funded by diverting funds from other education programs.

Tribal Grant Support Costs

Provide $75 million for tribal grant support costs for tribally-operated schools. *An increase of $1.7 million above FY 2017 enacted.*

- Tribal Grant Support Costs fund the administrative costs of existing tribally-operated schools.
- Full funding is critical as these funds help tribes expand self-governance and tribal control over education programs by allocating monies for administrative costs such as accounting, payroll, and other legal requirements.
- Schools must divert critical teaching and learning funding to cover any shortfalls in operational costs.

Bureau of Indian Education Immersion Demonstration Grants

Provide $5 million for BIE immersion programs. *An increase of $3 million above FY 2017 enacted.*

- According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050.
- Funding under the BIE reform efforts should strengthen tribal sovereignty to increase capacity to support Native language immersion schools and provide Native students equal access to learning their cultures and languages.
- Providing Immersion Demonstration Grant funds would protect the cultural and linguistic heritage of Native students in education systems by providing Native students immersion learning in order to strengthen their language, improve academic outcomes, and become future leaders of their tribes.

Tribal Education Agencies/Departments

Provide $10 million to fund Tribal Education Agencies/Departments. *An increase of 7 million above FY 2017 enacted.*

- This funding assists Tribal Education Agencies (TEAs), who are uniquely situated at the local level to implement innovative education programs that improve Native education.
- Because they are administered by tribes, TEAs are best equipped to deliver education programs tailored to improve education parity for Natives.
- TEAs would use this much-needed funding to develop academic standards, assess student progress, and create math and science programs that require high academic standards for students in tribal, public, and BIE schools.
- Tribes utilizing self-governance over education have been very successful because they better understand the circumstances of their populations and can develop initiatives that meet local needs.

Broadband Internet Access

Provide $25 million to extend broadband internet access. *An increase of $14.7 million above FY 2017 enacted.*

- Technology is no longer a luxury in 2017, and serves as a necessity to keep up with today's advanced society.
- Less than ten percent of Indian Country has access to broadband internet technology.
- 60% of BIE schools do not have adequate digital broadband access, or computer access, to be aligned with college and career readiness standards.

Juvenile Detention Education

Provide $620,000 for juvenile detention education in BIA-funded facilities. *An increase of $120,000 above FY 2017 enacted.*

- This essential funding is used to provide educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities.
- One of the best methods to rehabilitate individuals is through education and eliminating this program creates additional costs by increasing the rate of criminal recidivism.

Forward Fund Remaining Three Tribal Colleges and Universities

Provide a One-Time Appropriation of $20 million to forward fund five TCUs. *Increase of $18 million above FY 2017 enacted.*

- All other TCUs are able to plan multi-year budgets and start each school year with predictable funding for operations. Forward funding these remaining five institutions is necessary for Haskell Indian Nations University; Southwestern Indian Polytechnic Institute and Institute of American Indian Arts.
- These three tribal colleges, which are the only education institutions funded through the BIE that are not forward funded.

Institute of American Indian Arts (IAIA) and Center for Lifelong Education

Provide $16.9 million to the Center & Museum under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act. *An increase of $7.4 million above FY 2017 enacted.*

- IAIA is the only fine arts institution that awards bachelor and master degrees devoted to the study of contemporary Native American and Alaska Native arts.
- IAIA has graduated more than 3,800 students from federally-recognized tribes and beyond. Of the $16.9 million requested, provide $11.8 million, with an additional one- time payment of $5.14 million to provide for forward funding.

Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic (SIPI) Provide $37.8 million to HINU and SIPI under the Snyder Act. *An increase of $18 million above FY 2017 enacted.*

- These institutions are federally chartered and funded separately from the other tribal higher education institutions and require additional funding considerations.
- A combined appropriation of $23 million for HINU and SIPI is necessary to ensure continued programs and services are available to Native students.
- Of the $37.8 million requested, a one-time payment of $14.8 million is needed to forward fund these institutions, so that they can receive their institutional operating funds on an academic calendar (July 1), rather than the federal fiscal year (October 1)

Mr. CALVERT. Thank you for your testimony.

Next, Carrie Billy, president and CEO of the American Indian Higher Education Consortium. You are recognized.

TUESDAY, MAY 16, 2017.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

WITNESS

CARRIE L. BILLY, PRESIDENT AND CEO

Ms. BILLY. [Speaking native language.] I am Carrie Billy, the president and CEO of AIHEC, the American Indian Higher Education Consortium.

And on behalf of the Nation's 37 Tribal Colleges, thank you for your past support. Your investment is yielding a remarkable and proven return. It is transforming families, communities, and Tribal nations. It is helping us serve more than 160,000 American Indians, Alaska Natives, and others each year through academic and community-based programs at more than 75 sites in 16 States.

Our requests today are fairly modest, and they are outlined in our prepared statement, so I will just mention two. An additional $10 million, for a total of $80.2 million, for institutional operations and technical assistance under titles I and II of the Tribal College Act.

That is all that is needed to provide funding at the fully authorized level for 27 Tribal Colleges for the first time in 37 years. So $10 million, 27 Tribal Colleges, first time in 37 years. I can guarantee you that you will not get a better return on your investment anywhere. Need proof? It is right here in this independent report. I don't have time to talk about it, but here it is.

Overall, operating funding for these 27 Tribal Colleges hasn't increased for 4 years. In that time, 14 of the 27 colleges have seen dramatic enrollment growth. Three schools are up 20 to 30 percent, two were up more than 40 percent, and one has more than doubled its overall enrollment in just 1 year.

Plus, we have two new Tribal Colleges joining the funding pool—College of Muscogee Nation in Oklahoma and Red Lake Nation in Minnesota—adding hundreds more students to an already stressed overall funding formula. So our first request is $10 million additional for titles I and II. It is time and it is a proven investment.

Second, thank you so much for working with us over the past few years to ensure that IAIA, Navajo Tech, and United Tribes receive their operating funding on an academic schedule. It has had an enormous impact on their stability.

Now only two schools under the Department of the Interior are not forward funded. They are fully owned and operated by the BIE by the Federal Government. That is Haskell in Kansas and SIPI in New Mexico.

Please help us, through report language and good old arm twisting, encourage the administration to find the resources to transition its own institutions to a funding that is based on an academic year schedule.

How can we expect our schools and colleges to create miracles, deliver world-class educational programs, and prepare the next generation of scientists, teachers, and entrepreneurs if they have inadequate operating funding and can't even develop a realistic budget every year? The answer is simple: We cannot.

If we want excellence, let's at least give our Tribal Colleges the tools they need to strive for normal. We will take it from there. From normal, commonplace, ordinary, we will create miracles. We will create transformative change. I know because I see it happening every day at Tribal Colleges.

Just last week, I attended the Sitting Bull College commencement on the Standing Rock Reservation. There at Sitting Bull College I saw the future of Indian Country: hardworking, passionate, proud, and committed to change. Fifty-three graduates ready to enter the workforce to join the Standing Rock government or Tribal council, many of whom are already graduates of Sitting Bull College or students, or enter the private sector and help grow the local economy.

Last week, Wiyaka Chasing Hawk earned a vocational certificate to operate heavy equipment. He gave the student benediction at the ceremony in his Lakota language asking for patience and strength for all the graduates.

Bridget Eagle, a long-time employee at the college, earned her degree in business administration. She was especially proud because her daughter also earned a degree last week.

Then there is ShanLee Taken Alive LeBeau and Tonya Wouner, both cum laude graduates, ready to educate young Lakotas with their bachelor's degrees in elementary education.

Harriet Blackhoop is all set to help address the water challenges on Standing Rock with her certification to be a water technician.

These individual students together will transform Indian Country.

Over the course of these hearings, the committee will hear of the many challenges we face as Native people. These challenges are real and serious. But as you listen to the stories, please remember the Tribal College students for whom no challenge is insurmountable. Our students, with their resilient ability to look back and hear our stories and songs have our history and language with them, and they have the tools and the confidence to shape a better world on our own land.

Tribal Colleges gave them that transformative power. Whether it is through an opportunity for a healthier life through innovative public/private—or community-based research projects, like our NIH-funded NARCH grant; a more prosperous community through public/private partnerships like our advanced manufacturing initiative; or revitalizing Native language in cultures through Tribal College established K–8 immersion schools right on the college campus, Tribal Colleges are there building a stronger future.

Mr. Chairman and members of the committee, thank you so much—and staff—for your work to sustain and strengthen the best experiment and experience in Tribal self-determination ever, and one of the best investments in the Federal Government, Tribal higher education. Thank you.

[The statement of Carrie Billy follows:]

STATEMENT OF CARRIE L. BILLY, PRESIDENT & CEO
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
ADDRESSING PROGRAMS IN THE BUREAU OF INDIAN EDUCATION

May 16, 2017

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 2018 (FY 2018) appropriations recommendations for the 29 colleges funded under Titles I and II of the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act); the two tribally chartered career and technical postsecondary institutions (Title V /Tribal College Act); the two Bureau of Indian Education postsecondary institutions; and the Institute of American Indian Arts (IAIA). The Bureau of Indian Education administers each of these programs, with the exception of IAIA, which is congressionally chartered and funded in its own account.

In FY 2018, TCUs seek:

- $80,220,000 to fund institutional operations under Titles I and II, and technical assistance authorized in 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 (which would fund 27 TCUs at the authorized level for the first time in 37 years) and $701,000 to address increasingly needed technical assistance, including a modest increase of $100,000 that would be the first increase in technical assistance in 12 years;
- $10,000,000 for Title V of the Tribal College Act, which provides partial institutional operations funding for two tribally chartered postsecondary career and technical institutions;
- $9,948,000 for the Institute of American Indian Arts;
- Minimum of $23,000,000 for Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, the Bureau of Indian Education's two postsecondary institutions.

The Bureau's two postsecondary institutions, Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic Institute (SIPI), remain the only academic institutions funded through the Department of the Interior still receiving their operating funds on the federal fiscal year (October 1) or as has been the practice for a number of years, several months into the fiscal year, when the annual Interior appropriation bill is enacted. All other Interior-funded schools – and nearly all education institutions nationally – receive their academic year funding in early July, so that they are prepared for the upcoming school year. Forward funding does not increase the federal budget in the long-term. Rather, it 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. We respectfully request that Congress encourage the Bureau of Indian Education to identify the funds, in a manner that does not negatively impact the other Tribal Colleges, to transition the distribution of its postsecondary

institutions (HINU and SIPI) operating grants from the federal fiscal year to an academic year calendar.

Other than HINU, SIPI, and IAIA, 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 marginal budgets – have suffered the ramifications of perennial across-the-board cuts, including sequestration.

II. Opportunity and Innovation in Indian Country

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 85 percent of whom receive federal financial aid – primarily Pell grants. In total, the TCUs annually serve 160,000 AI/ANs and other community members 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 regularly 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 serve many roles in their reservation communities, functioning as workforce and job creation engines, community centers, public libraries, tribal archives, entrepreneurial, small business, and career centers, computer labs, summer camps, community farms and gardens, economic development centers, applied research hubs, child and elder care centers, and more.

The federal government, despite its direct trust responsibility and binding treaty obligations, has never fully funded TCU institutional operations as authorized under the Tribally Controlled Colleges and Universities Assistance Act of 1978. Yet despite funding challenges, TCUs are leading the nation in preparing an AI/AN workforce, including nurses, land managers, and teachers for our Native schools. For example, half of all AI/AN special education teachers in Montana are graduates of one college: Salish Kootenai College. TCUs prepare other professionals in high-demand fields, including agriculture and natural resources management, human services, IT, and building tradesmen. By teaching the job skills most in demand on our reservations, TCUs are laying a solid foundation for tribal economic growth, which is the *only* way to move tribes and tribal members to self-sufficiency. But workforce development is not enough. TCU leadership understands that we must do more to accelerate the move to self-sufficiency – we must move beyond simple workforce training. Today, TCUs are tackling the tougher – but much more significant – issue of job creation, because we know that to break the cycle of generational poverty and end the culture of dependency that grips so much of Indian Country, simply filling jobs that would be filled anyway is not enough. We must create new industries, new businesses, and build a culture of innovation. Our job creation initiative is focusing initially on advanced manufacturing, through a partnership with the U.S. Department of

Energy, National Laboratories, TCUs, and industry. Already, we are seeing results, with new TCU-tribal-industry partnerships, new contracting opportunities, and new jobs for our students and graduates.

Tribal Colleges continually seek to instill a sense of hope and identity within Native youth, who one day will lead our tribal nations. Unacceptably, the high school drop-out rate for Native students remains around 50 percent. To help address this alarming reality, TCUs partnered with the Department of the Interior's Bureau of Indian Education to help create a durable "college going culture" in BIE middle and high schools. TCUs are reaching back to create a bridge for Indian students as early as the elementary school, encouraging them to abandon any notion of dropping out of high school and instead, to think that the natural course is to finish high school and go on to the local TCU. In addition, TCUs offer dual credit courses for high school students, provide math teachers for local high schools as a strategy for improving course delivery, host Saturday academies, after school programs and summer camps for middle and high school students, and at the other end of the spectrum, offer GED or HiSET training and testing, depending on their location. All are solid steps to bolster the prospects for future of Native youth and breaking the cycle of generational poverty.

As noted earlier, the TCUs' operations funding remains insufficient, and their budgets are further disadvantaged, because unlike other institutions of higher education, TCUs receive operations funding based on the number of Indian students served, with "Indian student" defined as a member of a federally recognized tribe or a biological child of enrolled tribal members. Yet, approximately 15 percent of the TCUs' collective enrollments are non-Indian students. While many TCUs do seek operating funds from their respective state legislatures for their non-Indian, state-resident students (also referred to as "non-beneficiary" students) successes have been, at best, inconsistent. 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 in remote areas.

III. Solid Investment of Federal Funds

In August 2015, an economic impact study on the TCUs, conducted by Economic Modeling Specialists International (EMSI), revealed that the known TCU alumni impact is $2.3 billion, which supports 28,778 jobs in the nation. From a taxpayer's perspective, the study concluded that the total monetary benefits to taxpayers compared to their costs (equal to the federal funds the TCUs received during the analysis year) yield a 2.4 benefit-cost ratio. In other words, for every federal dollar invested in the TCUs, the taxpayers receive a cumulative value of $2.40. The average annual rate of return is 6.2 percent, a solid rate of return that compares favorably with other long-term investments. On an individual basis, TCU students see an annual return of investment of 16.6 percent, and the vast majority of TCU-trained workers remains in Indian Country and contributes to the local economy. TCUs benefit taxpayers through increased tax receipts and reduced demand for federal social services; a win all-around.

IV. Challenges: Tax Base & Gaming Misconceptions

Local Tax and Revenue Base: 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 4.5 percent.

Gaming and the TCUs: Although several of the reservations served by TCUs have gaming operations, they are not the mega-casinos located in urban areas 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 in those states. Some have suggested that those tribes that operate the handful of extremely successful and widely publicized casinos located in or near urban areas, 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 FY2018

As noted earlier, it has been more than 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 under Titles I and II in FY 2018 would require only a modest increase of approximately $10.4 million over the FY 2017 appropriated level. These TCUs that educate the vast majority of TCU-attending students and serve some of the largest Indian tribes in the nation, have been level-funded since FY 2014. Since that time, the College of the Muscogee Nation in Okmulgee, Oklahoma became eligible for funding under Title I of the Tribal College Act, and several more could potentially gain eligibility in the next few years.

VI. Conclusion

AIHEC Member institutions/Tribal Colleges and Universities provide quality higher education to 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, economic development and has significantly reduced social, health care, and law enforcement costs. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate the Subcommittee's past and continued support of the nation's Tribal Colleges and Universities and your thoughtful consideration of our FY 2018 appropriations requests.

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

We have another Carrie, Carrie Whitlow, treasurer of the Tribal Education Departments National Assembly. Welcome, and you are recognized for 5 minutes.

TUESDAY, MAY 16, 2017

TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY

WITNESS

CARRIE F. WHITLOW, TREASURER

Ms. WHITLOW. Good morning.

Chairman Calvert, Ranking Member McCollum, and members of the subcommittee, my name is Carrie Whitlow, and I am an enrolled Cheyenne-Arapaho Tribal member. I serve as the executive director for the Department of Education Cheyenne-Arapaho Tribes. I am also the treasurer of the Tribal Education Departments National Assembly, TEDNA.

TEDNA is a national nonprofit membership organization for the education departments/agencies, TEDs, of American Indian and Alaska Native Tribes. Thank you for the opportunity to speak today about funding for TEDs.

We appreciate this subcommittee's commitment to Indian education for appropriating funds for the past 3 fiscal years to support TEDs through the Department of the Interior's title 25, section 2020 grants, and for providing increased Federal funding in fiscal year 2017.

This subcommittee clearly values the crucial role of TEDs in providing support in coordinating education programs and services to Native American students. To continue this vitally important work, TEDNA respectfully requests $5 million to support TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for fiscal year 2018.

Since the 1970s, Congress has stated a policy of supporting local, Tribal control of many formally federally run programs and services for Native Americans. Pursuant to this sound Federal policy, in 1988, Congress authorized section 2020 funding for TEDs to coordinate and develop Tribal education programs and services. However, it took more than 25 years for funds to be appropriated.

There are currently 11 section 2020 TED grantees whose vital work and initiatives under these grants are just getting started. I would like to briefly highlight one example of the important work the section 2020 grants fund from my more extensive written testimony submitted.

The Leech Lake Band of Ojibwe in Minnesota TED serves students attending eight State public schools as well as one BIE-funded school. The Tribe is using its section 2020 grant to develop a Tribal education code and a comprehensive education plan that will be culturally specific to Leech Lake Band of Ojibwe.

In this process, Leech Lake has actively sought the input of the community, including students, parents, and caregivers on the community's most important challenges and what is needed to foster

student success. Not surprisingly, many have voiced a need to be culturally supported within their school. As one student framed it, "education not only in the sense of a school setting but also our cultural ways and our language."

The feedback from the local Tribal community has led to a multi-pronged approach to policy and capacity building. This includes gathering data on the fields postsecondary students are graduating within, working with the Tribal workforce development division to identify current and future workforce needs, and coordinate with State agencies to ensure family financial stability so that students, parents, and caregivers can focus on education.

Activity funded by its section 2020 grant has strengthened the Tribe's relationship with outside entities and was a catalyst for Leech Lake's involvement in areas beyond its grant. This capacity building is precisely what Congress envisioned when it enacted section 2020 grants.

As my written testimony more fully explains, section 2020 grants enable TEDs to, one, support early education initiatives and develop culturally relevant curriculum; two, increase Tribal participation through providing coordination, administrative support services, technical assistance to schools, and education programs; and three, develop and enforce Tribal educational codes, policies and standards applicable to curriculum personnel, students, facilities, and support programs.

These are core educational governance functions that are most appropriately left to the local government closest to the students being served: the Tribes. Section 2020 grants help facilitate local Tribal control of education.

Thank you for the invitation to testify today. I ask that my full written testimony be made part of the record, and I am happy to answer any questions you may have.

[The statement of Carrie Whitlow follows:]

TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY

309 NW 13th Street, Ste. 103
Oklahoma City, OK 73103
O: 405.563.7912
F: 405.926.8323
info@tedna.org

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TESTIMONY OF CARRIE F. WHITLOW, CHEYENNE AND ARAPAHO TRIBES EXECUTIVE DIRECTOR OF EDUCATION AND TREASURER OF TEDNA, REGARDING FY 2018 FUNDING FOR TRIBAL EDUCATION

MAY 16, 2017

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee, my name is Carrie F. Whitlow and I am an enrolled member of the Cheyenne-Arapaho Tribes and have been committed to serving my people for the past 10 years in various capacities. Currently, I serve as the Executive Director for the Cheyenne-Arapaho Tribes Department of Education. I am also the Treasurer of the Tribal Education Departments National Assembly ("TEDNA"). TEDNA is a national non-profit membership organization for the Education Departments/Agencies ("TEDs") of American Indian and Alaska Native Tribes. Thank you for the opportunity to speak today about funding for TEDs. First and foremost, our sincerest gratitude for appropriating funds for past three Fiscal Years to support TEDs through the Department of the Interior's Title 25, Section 2020 grants—and especially for providing a funding increase in Fiscal Year 2017. This Subcommittee clearly values the crucial role of TEDs in providing, supporting, and coordinating education programs and services to Native American students. As this Subcommittee noted in its report last year, "TEDs are instrumental in helping tribes build the capacity to oversee the high quality and culturally appropriate education of tribal members."

I am pleased to report that tribal governments with TEDs are making historic progress in directing education programs and services – a role that federal education policy ignored for far too long and Congress has sought to change. Since the 1970s, with the Indian Self-Determination Act and scores of other laws, Congress has stated a policy supporting local, tribal control of many formerly federally-run programs and services for Native Americans. Finally, in the last few years Congress added direct federal funding for TEDs to the mix of the many governmental and socio-economic matters that Tribes now administer directly, with greatly reduced federal bureaucracy. As I will explain, continued funding is required to maintain and expand essential and successful work of TEDs for our Native American students, particularly those students

served by Bureau of Indian Education (BIE)-funded schools. For this, TEDNA respectfully requests $5 million to support TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2018.

AUTHORIZATION FOR FUNDING

Funding for TEDs through the Department of the Interior is authorized in the 25 U.S.C. § 2020.

JUSTIFICATION FOR FUNDING

The Department of the Interior Section 2020 funding authorization dates back to 1988. The original authorization was to "provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe." Since its enactment, Congress has retained this important authorization in every major reauthorization of federal education laws. However, the authorization remained unfunded for more than 25 years. Remarkably, due to the commitment of this Subcommittee, Section 2020 grants finally received funding in Fiscal Year 2015. There are currently eleven Section 2020 TED grantees whose vital work and initiatives under these grants are just getting started. They and many other TEDs need continued and increased Section 2020 funding.

While most K-12 Native American students nationwide attend state public schools, the BIE-funded schools still serve tens of thousands of Native American students across the country, primarily in rural areas. For some Native American students, the 183 BIE-funded schools remain the only educational option because of the unavailability or unsuitability of state public schools for geographic or other reasons. Today, in keeping with federal laws encouraging tribal self-determination, Tribes operate most BIE-funded schools through contracts or grants. A few remain directly operated by the BIE.

As this Subcommittee is well aware, all BIE-funded schools are – and historically have been – drastically underfunded. Just last year, the Government Accountability Office testified to this Subcommittee about the BIE-funded schools' longstanding issues including poor and unsafe conditions of school facilities and poor quality of educational opportunities. U.S. Government Accountability Office, Testimony before the Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives, *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities,* GAO-16-391T at 3 (Mar. 16, 2016). As the GAO stated, these factors potentially seriously harm Native American students and may irreparably hinder their academic success. *Id.* Undoubtedly, the BIE-funded schools and the students they serve are most in need of the assistance of TEDs.

This is precisely what Section 2020 grants are intended to address. A chief aim Congress identified for Section 2020 grants is the development of Tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs. Given this congressional intent and mandate, I would like to speak to my own experience as a tribal education director, as well as the highlight the work of two Section 2020 grantee tribes.

In my experience as Education Director with the Cheyenne-Arapaho Department of Education, I can attest to the value of building relationships with local school districts and the community. Indeed, our relationships with local school districts help us ensure equal opportunity for our students and facilitate a culturally rich education through Tribal education programs. Moreover, as a Tribal government, we understand the unique needs of our community and students. Thus, we also have achieved success by working one-on-one with students to provide emotional and academic support. This close relationship with the people we serve and the other entities serving our students is essential and is a central component of the two Section 2020 grantees' work that I would like to discuss next.

The Leech Lake Band of Ojibwe in Minnesota TED serves students attending 8 state public schools as well as Bug-O-Nay-Ge-Shig School, a BIE-funded school. In prioritizing capacity-building and crafting education policy, Leech Lake has actively sought the input of the community, including students, parents, and caregivers. The Tribe gathers information on the community's most important challenges, how stakeholders define "success" and what is needed to foster success in schools. Not surprisingly, many have responded that they need to be culturally supported within their school. As one student framed it: "education not only in the sense of a school setting, but also our cultural ways and our language." The feedback from the local, tribal community has led to a multi-pronged approach to policy and capacity building. This includes gathering data on the fields post-secondary students are graduating within, working with the tribal workforce development division to identify current and future workforce needs, and coordinating with the Minnesota Family Investment Program to ensure family financial stability so that students, parents and caregivers can focus on education.

The Tribe's Section 2020 grant funds an essential, foundational component of building tribal capacity. In order to meet its students' needs, Leech Lake is using its Section 2020 funding to develop a tribal education code and a comprehensive education plan that will be culturally specific to Leech Lake Band of Ojibwe. Activity funded by its Section 2020 grant has strengthened the Tribe's relationships with outside entities and was a catalyst for Leech Lake's involvement in areas beyond its grant. The Tribe's approach to supporting students mentally, culturally, emotionally and physically will foster student success in any educational setting.

The Rosebud Sioux Tribe in South Dakota is using its Section 2020 grant to broaden its assistance to its K- 12 students' educational needs. More than twenty-five years ago, the Tribe adopted one of the first tribal education codes in the United States, which, among other things, provides for the development of tribal curriculum and educational standards for all schools serving the Tribe's students. Because the vast majority of students attend state public schools on or near the Tribe's Reservation, the focus of education reform under the Code to date has been on these schools. Now, with the Section 2020 grant funds, the Tribe can better address the needs of students in the BIE-funded schools that serve the Tribe. The Section 2020 grant Code revisions will also help the Tribe focus on improved coordination between the BIE-funded schools and the public schools. This is precisely the type of work that Congress envisioned when it enacted Section 2020, and continued appropriations are essential for the Rosebud Sioux Tribe and other tribes to enact and revise their education codes accordingly.

The Section 2020 grantees are just beginning to demonstrate the positive impact they can have in Native American education. We want to continue our important work and build on our fledgling success, and continued – and increased – funding will help us do that. We face many unique challenges with the BIE-funded schools. As I have explained, they are all historically and presently severely underfunded and quite often geographically remote. There is another key aspect of their distinctiveness: BIE-funded schools typically are not well linked either amongst themselves or with their neighboring public school systems, even though all of these schools often serve the same student populations. Extra planning and coordination is required to make connections, share data, resources, and strategies and oversee and monitor efforts to improve education and educational opportunities where BIE-funded schools are involved and TEDs are in the best position to do that work.

This is how Section 2020 grants will best help Native American students – by developing and implementing programs, initiatives and strategies to increase graduation rates and post-secondary school readiness, and foster much-needed cooperation and coordination with entities carrying out education services and programs on Indian reservations. More specifically, TEDs will be able to 1) support early education initiatives and develop culturally relevant curriculum and assessments; 2) increase tribal participation through TEDs providing coordination, administrative support services, technical assistance to schools and education programs, including maintaining and sharing electronic data regarding Native American students; and 3) develop and enforce 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 are core educational governance functions that are most appropriately left to the local government closest to the students being served: the Tribes. Section 2020 grants clearly help facilitate *local tribal control* of education.

While TEDNA recognizes this Subcommittee's long-standing commitment to funding TEDs, we would be remiss if we did not again point out that the $2 million figure authorized in Section 2020 for TED funding is more than 25 years old and in need of updating to reflect today's true cost. If the authorization were simply adjusted for inflation, it would more than double. Accordingly, we view a $5 million authorization as the bare minimum required to fulfill the intent of funding the important work of TEDs in Native American education. Further, while Section 2020 funding of course goes directly to TEDs, TEDNA, working closely with BIE, continues to play an important role in providing technical assistance to TEDs. TEDNA's role is one that this Subcommittee understands and has long-acknowledged, and we respectfully request that it be memorialized in the report issued by this Subcommittee.

REQUEST

Continued investment in TEDs is sound federal policy. It efficiently focuses and maximizes scarce resources for a historically underserved population. It encourages and supports local control and tribal self-determination in education. This Subcommittee has an exceptional opportunity to further these goals and help generations of Native American students. TEDNA respectfully requests $5 million for TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal Year 2018 to continue the ground-breaking, challenging, and beneficial work being done through the Section 2020 grants.

Mr. CALVERT. Thank you for your testimony, and all your testimony.

Obviously, education is a high priority of this committee, and I hear you on a new school construction. This entire committee, we are very concerned about that, and we are trying to figure out where to get the resources. Obviously, our demand is a lot more than the $200 million you are asking for. It is in the billions. And so we are going to hopefully come up with a solution to this problem, but it is not for lack of trying.

Any other questions or comments?

Ms. McCollum.

Ms. MCCOLLUM. Just really briefly. Thank you, Mr. Chair.

Mr. Hawley, there was a brief news clip when I was getting ready to come in this morning talking about how internationally, young adults—and they were using, I think, 10- to 18-year-olds—were living longer; in other words, they were doing better.

Mr. HAWLEY. Right.

Ms. MCCOLLUM. Have we seen success with some of the interventions, and do you have a list of interventions that are working on suicide prevention? You gave one example, but if you have more that you could give to the committee to make sure that we are appropriately funding programs.

I am going to be really quick in what I am asking. It is more for supplemental. Thanks for your appendix. It is great, Ms. Evans.

But, Ms. Billy, do you have a copy of that to enter into the record, what you were saying?

Ms. EVANS. Yes.

Ms. MCCOLLUM. Do you know if you are able to come up with the number of NIH grants that the Tribal institutions have been using to supplement and enhance their program dollars? Because some of the Federal grants that you also use have been zeroed out, whether it is the arts or the humanities or the sciences. If you have that information available, if you could share it with the committee.

Ms. BILLY. We can definitely do that. There is a great program at NIH called the Native American Research Centers in Health—something like that—that has just a little bit of funding, but extremely helpful. So we can get you that list.

Mr. CALVERT. By the way, we will introduce that report into the record, and any other—report.

Ms. MCCOLLUM. Yeah. It is NEA and the humanities that have been zeroed out, not NIH.

But Mr. Cole is fighting for every penny he can get. So any arrows I can put in his quiver, I am ready to do, so thank you.

Ms. BILLY. We will. Thank you.

Mr. CALVERT. Speaking of arrows, Mr. Cole.

Mr. COLE. Well, it is always good. My friend stocks my quiver pretty well every year.

So I just want to actually make a couple of comments just to get them in on the record. Number one, thank all of you for being here and thank you for your testimony. It is extremely helpful to this committee.

And as my good friend from Minnesota suggested, there are other pots of money out there that, it doesn't all come through Inte-

rior. We have actually done pretty well in Labor-H the last couple of years, and President Obama chose to pursue a number of his youth initiatives through that particular thing.

And because we have got a much bigger jurisdiction, we have got a bigger pot of money and we are able to do maybe a little bit more. I think that is the big challenge this committee has, is just to what our overall allocation is.

I mean, I don't know how we are ever—number one, I don't know how we have done as much as we have in the last few years in some ways, because all collectively, both education and health, have been the top priorities on this subcommittee, and honestly, have gotten more new money even in a shrinking budget than anyplace else.

But unfortunately, the chairman does have to think about how he runs the National Park System and the Bureau of Land Management and a myriad of other things that are under our jurisdiction with a fairly limited amount.

So there are two things I would like to suggest we figure out, Mr. Chairman, how to pursue. One would be, on the health programs, we are never going to catch up as long as this is all discretionary spending. That is just a huge problem for us, and I think it is really, from what I can determine, rooted in the fact that the Indian Health Service predates Medicare and Medicaid by many decades.

That is the way we used to do it. And so that was a system functioning, and we saw the consequences of that, frankly, during sequester, where because they were outside the mandatory umbrella, they took cuts that no other health programs had to take. And that really put extra burdens on Tribes.

So, one, we need to see if there is some way legislatively that we can do something, and that takes care of a lot of our issues with forward funding and a lot of other things.

The second one, honestly, I approach with some hesitation. You and I have mentioned it occasionally. While I want to keep the jurisdiction of this committee intact, on the other hand, we just simply have more money at Labor-H, for instance, than this committee does.

Indian Health Service—we have all the rest of Health for Human Services except Indian Health Service. And the chairman and I had the opportunity, we actually visited with Secretary Price. You know, he has got a vast agency. I think this is sort of new to him.

And when we took him the figures, which you mentioned, Mr. Hawley, in your testimony, per capita Native American health funding with everybody else, I think he was genuinely shocked. He really did not know. And that is no disrespect to him. I mean, there is not a Tribal presence to speak of in Georgia, so it is not something he would particularly know about.

And he is certainly committed to work with us and try to help us. But with the best will in the world, there is only so much money in this budget. And, you know, we could probably find an extra billion dollars in the Labor-H bill.

Mr. CALVERT. We will move it over to your jurisdiction, as long as they keep the money over here.

Mr. COLE. Yeah. Not all the—send the money with it, and I will add money on top of it.

Mr. CALVERT. I am just——

Mr. COLE. I just think there needs to be some way to look at these things, because I think we are going to be, perpetually, trying to catch up until we either get a larger pot of money, particularly in the healthcare area, or we find or—and maybe it is a combination—some way to transfer some of these responsibilities into the mandatory program so that there is a larger, again, pool of money.

I really worry, this year particularly, none of us know what kind of allocations we are going to get. That is going to be very difficult to continue the progress we have had, let alone catch up on the very legitimate needs.

So let me just end with this: I invite any of you out there, legislatively, if you have got some ideas about how to proceed—I see Caitrin over there. She is never short of ideas about how to proceed—and if we can work together. We need to find some ways to just simply, honestly, get a bigger pot of money for some of these programs.

Mr. CALVERT. You are absolutely right, Chairman Cole. We have talked about this, and to get healthcare over would be the answer we would give to the nondiscretionary side of the budget, which then we have to work together with your jurisdiction.

Mr. COLE. Certainly. Yeah, if we can do some things. I am just trying to figure out how to align this stuff in a way that would put greater resources available that we could draw from for these very legitimate needs.

I mean, when you cite your statistics of, life spans are 4.5 years less, and in some cases, I guess Montana, if I remember correctly, 20 years less between White men and Native American men, those are pretty stunning indictments of how we have operated over many, many decades.

So it has to change, and I know we are trying. I know this committee really in a very bipartisan way is trying. So I just wanted to get those on the record, just those things to think about, and to invite those of you that are testifying here today, or those of you in the audience that hold significant positions in Tribal governments and various national Tribal advocacy groups, to kind of help us think through what kind of framework we can approach it. Because I think we are stuck with a $31 billion allocation or whatever. There is just no way to rapidly make it out of poverty.

Mr. CALVERT. If we are lucky.

Mr. COLE. If we are lucky. I am sorry. More than I meant to say, but I will yield back and be more quiet the rest of the day, but I wanted to get those things out.

Mr. CALVERT. No, no. Always happy to hear from you.

Thanks to you and to this panel, and we appreciate your attendance.

Mr. CALVERT. Next, our second panel, if you will come on up. National Council of Urban Indian Health, the Indian Health Center of Santa Clara Valley, Riverside-San Bernardino County Indian Health, and the California Rural Indian Health Board, so some folks from back home. That is good.

Hi. How are you doing? Good to see you.

Welcome, and we appreciate you being here. And we will start right away.

Ashley Tuomi. Is that close?

Ms. TUOMI. Close.

Mr. CALVERT. Close, okay. That counts in government work.

Ms. TUOMI. Yep.

Mr. CALVERT. National Council of Urban Indian Health. You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH

WITNESS

ASHLEY TUOMI, NATIONAL PRESIDENT

Ms. TUOMI. Thank you.

My name is Ashley Tuomi. I am an enrolled member of the Confederated Tribes of Grande Ronde of Oregon, the CEO of American Indian Health and Family Services of Southeast Michigan, and the president of the National Council of Urban Indian Health, or NCUIH.

On behalf of the 43 clinics and programs located in 22 States—one you will hear from in a few minutes, another one later today—I am grateful for this opportunity to once again testify before you guys today.

NCUIH represents culturally competent, quality healthcare clinics in urban environments across the country. Currently, over 70 percent of American Indians and Alaska Natives live in these areas, often because of the Federal Government's relocation policy or lack of economic opportunity.

Before I ask for additional funding for fiscal year 2018, I must convey our profound appreciation for the funding increase for urban Indian healthcare which was included in the fiscal year 2017 bill, thanks to this subcommittee's strong leadership. However, as you know, even with that increase, IHS is still significantly underresourced and usually funded at between 50 and 60 percent of need.

While healthcare spending per capita across the Nation was more than $9,990 in 2016, IHS spending on healthcare per user was just $2,834. As you know, Federal prison per capita spending is higher than that of Indian Health Services.

Even with the much appreciated fiscal year 2017 increase, IHS spends little more than 1 percent of its budget on the provision of healthcare to urban Indians. In addition, IHS's Office of Urban Indian Healthcare Programs acquired seven new national institute for alcohol addiction programs over the past year, bringing the number of programs and clinics from 36 to 43 with a minimum budget to work with.

Unlike IHS and Tribal facilities, urban Indian programs can only draw from one line item for funding, the urban Indian line item. Taking money from Tribes who are also underfunded is not the answer, as Indian healthcare as a whole is in need of more funding. Increasing the overall IHS funding and increasing the urban line item is the solution.

Last year, I discussed the need for urban clinics to receive 100 percent Federal Medical Assistance Percentage, or FMAP. Urban Indian health programs were coming into existence when the Social Security Act was amended in 1976 to include IHS and Tribes. But that should not exclude urban programs, considering they are providing the same services and care as IHS and Tribes provide to Indians living on reservations.

The Federal Government's trust responsibility extends beyond reservation borders, and failure to provide urban Indian health programs with 100 percent FMAP harms clinics and programs. Fulfilling this 100 percent FMAP would reaffirm trust responsibility as well as encouraging States that may feel compelled to restrict Medicaid eligibility. The cost to do this, according to IHS, would be minimal at approximately $2.3 million per year.

One of the great programs that has helped tremendously is the Special Diabetes Program for Indians. Grants made to help this program have seen a reduction in diabetes cases, as well as subsequent healthcare cost. This program expires on September 30, and due to its success, we would like to see it renewed.

SDPI supports over 330 diabetes education, treatment, and prevention program in 35 States. The failure to reauthorize this program would severely undermine the promising progress UIHPs have made against diabetes.

American Indians and Alaska Natives are 1.6 times at higher risk of diabetes than the general population. And over the past 11 years, this program has helped to reduce end-stage renal disease by 43 percent. End-stage renal disease is a major driver of healthcare cost, and this program will help to offset costs not only in IHS but in Medicaid and Medicare as well.

IHS and Tribal providers, as well as other comparable Federal health centers, are covered by Federal Tort Claim Act. However, urban programs were left out and must purchase their own malpractice insurance, which is costly.

Two large highly regarded UIHPs in Oklahoma, which are represented by NCUIH, each pay $250,000 per year for malpractice insurance. And while this may seem unrelated to this subcommittee, it would allow programs and clinics to focus their funding on helping patients and resources.

Finally, we would ask that a memorandum of understanding between Indian Health Services and the Department of Veteran Affairs be fully implemented. They have this agreement with Tribes but not with urbans. Many American Indian and Alaska Native vets prefer using urban health programs because of accessibility and cultural reasons.

There are also times when the VAs experience high traffic, and urban Indian programs can reduce this workload. After their sacrifice for this country, it is our responsibility to make sure that all of our vets are taken care of.

I appreciate the support that the subcommittee expressed last year on the MOU when I testified, and I regret to report that our efforts to work with the agencies involved have not been successful, and that is why I am back again this year asking for your help.

Thank you for your time today.

[The statement of Ashley Tuomi follows:]

NCUIH Testimony before House Interior Appropriations Subcommittee on FY18 Interior Appropriations Bill
May 16, 2017

Introduction

My name is Ashley Tuomi, and I am the President of the National Council of Urban Indian Health (NCUIH), which represents urban Indian health care programs (UIHPs) across the nation that provide accessible, high-quality, and culturally-competent health care to urban Indians, a category which comprises more than 70% of American Indian/Alaska Native (AI/AN) people. My testimony today will focus on the Indian Health Service (IHS).

"Urban Indian" refers to any AI/AN person who is not living on a reservation, either permanently or temporarily—often because of the federal government's forced relocation policy or lack of economic opportunity. Congress has long recognized that the federal government's obligation to provide health care for AI/AN people follows them off of reservations:

> *"The responsibility for the provision of health care, arising from treaties and laws that recognize this responsibility as an exchange for the cession of millions of acres of Indian land does not end at the borders of an Indian reservation. Rather, government relocation policies which designated certain urban areas as relocation centers for Indians, have in many instances forced Indian people who did not [want] to leave their reservations to relocate in urban areas, and the responsibility for the provision of health care services follows them there."*

No other Congressional panel better understands the health care-related concerns of urban Indians than your subcommittee, Chairman Calvert and Ranking Member McCollum. As you perceptively noted in report language to the FY17 Interior Appropriations Bill, urban Indians are

> *"entitled to receive vital culturally-appropriate health services from urban Indian organizations, just as they would have received health services from IHS-run and tribally-run facilities if they lived on or near a reservation. Unfortunately, urban Indian health organizations are struggling to recover their costs because they are not designated in relevant statutes as eligible providers on an equal par with IHS and Tribal Health Program facilities."*

Here are NCUIH's recommendations to the House Interior Appropriations Subcommittee for FY18:

1. Increased Funding for IHS

Before I ask for additional funding for FY18, I must convey our profound appreciation for the funding increase for urban Indian health care which was included in the FY17 bill, thanks to this Subcommittee's strong leadership. However, as you know, even with that increase, IHS is still significantly under-resourced, and usually funded at between 50% and 60% of need; and some facilities run out of money in the middle of the fiscal year, which can force patients to forego serious health care and delay basic health care. While health care spending per capita across the

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nation was more than $9,990 in 2016, IHS spending on health care per user was just $2,834. NCUIH, as part of the National Tribal Budget Formulation Workgroup (NTBFW), has highlighted both IHS' inadequate funding and its inevitable consequences.

Even with the much-appreciated FY17 increase, IHS spends little more than 1% of its budget on the provision of health care to urban Indians. Furthermore, because IHS' Office of Urban Indian Health Programs now oversees an additional seven National Institute on Alcoholism and Alcohol Abuse (NIAAA) programs, spending on urban Indian health care must take into account that the number of programs being funded by the line item have increased from 36 to 43.

Unlike IHS and Tribal facilities, UIHPs have no access to other line items, including those for referred care and construction. Tribes, whether they receive health care directly or indirectly from IHS, are already being short-changed, so the solution is not to take money from the Tribes to address the unmet needs of urban Indians; rather, IHS' overall budget needs to be increased in order to allow the agency to, among other things, better serve AI/AN people who live in urban, suburban, and rural areas.

NCUIH is very appreciative that Tribes, through the NTBFW, strongly support increases in funding for urban Indian health care. As a whole, Congress, has, by inadequately funding IHS, put the federal government in clear violation of the Trust Responsibility to provide health care for AI/AN people. We know that the lawmakers on this Subcommittee have fought for more IHS funding, and NCUIH gives them our profound thanks.

2. Provide UIHPs with 100% Federal Medical Assistance Percentage (FMAP)

FMAP, the amount of Medicaid service costs paid by the federal government is set by law at 100% for IHS and Tribes, but not for UIHPs, because UIHPS did not exist when that law was written. However, UIHPs were created by Congress at the urging of Tribes to ensure that their members would receive good health care off of reservations. This is particularly true for those forced to leave during the Relocation Era, because it is understood that the Trust Responsibility extends beyond the borders of the reservation, as does the federal government's obligation to provide health care.

Consequently, the failure to provide UIHPs with 100% FMAP harms facilities that already don't have access to many resources and severely limits services for patients. Unfortunately, the Center for Medicare and Medicaid Services and IHS have not worked together to correct this unintended oversight. Therefore, NCUIH asks the House Interior Appropriations Subcommittee to correct this problem in the FY18 bill.

100% FMAP for UIHPs would reaffirm the federal government's Trust Responsibility; help states which, due to overall health care obligations, may otherwise feel compelled to restrict Medicaid eligibility; allow UIHPs to provide additional services to their AI/AN patients and therefore improve their health care outcomes; and supplement the funds of historically under-resourced IHS.

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According to IHS, which has recommended 100% FMAP for UIHPs in their budget proposals, the cost would be minimal: $2.3 million annually. Achievement of this objective would help to stretch the precious dollars this Subcommittee is able to provide to IHS, thus allowing the agency to provide more and better services to Indian Country.

3. Reauthorize the Special Diabetes Program for Indians (SDPI)

It is imperative that SDPI be reauthorized before its expiration on September 30. Grants to health care providers in Indian Country made pursuant to SDPI have been instrumental in the marked reduction in the incidence rate of diabetes—and the related savings to Medicare, IHS, and third party providers. SDPI supports over 330 diabetes education, treatment, and prevention programs in 35 states. The failure to reauthorize this program would severely undermine the promising progress UIHPs have made against diabetes.

Congress is very familiar with the grim statistics of the toll inflicted on Indian Country by diabetes. AI/AN adults are 2.3 times more likely to have diabetes compared with non-Hispanic whites and the death rate due to diabetes for AI/AN people is 1.6 times higher than the general U.S. population. And the costs in dollars are also extraordinary—in 2012 alone 11% of AI/AN people with diabetes accounted for 37% of all IHS adult treatment costs. However, Congress also knows that grants awarded under SDPI achieve outstanding results and that the program ultimately saves significant money and saves lives in the long run.

This objective is of particular interest to your Subcommittee because the savings from investments in the fight against diabetes more than pay for themselves in better health outcomes for AI/AN people. In just 11 years, largely thanks to SDPI, the incidence rate of End-Stage Renal Disease (ESRD) in AI/AN people with diabetes declined by 43%--a greater decline than any other racial or ethnic group. Significantly, ESRD is a major driver of health care costs in Indian Country—for Medicare, Medicaid, third party providers, and IHS. Your support for SDPI's reauthorization helps make your IHS appropriations go farther.

4. Include UIHPs in the coverage of the Federal Tort Claims Act (FTCA)

Under FTCA, a health center, its employees, and eligible contractors are considered federal employees and are made immune from lawsuits for medical malpractice. A patient who alleges acts of medical malpractice by a covered health center must instead sue the federal government, which assumes responsibility for costs related to a claim resulting from the performance of a medical, surgical, dental, or related function. And, most significantly, there is no cost to a covered health center or its providers.

IHS and Tribal providers, as well as other comparable federal health care centers, are covered by the FTCA. Arbitrarily denied FTCA coverage, however, UIHPs must buy their own expensive malpractice insurance. Two large, highly-regarded UIHPs in Oklahoma which are represented by NCUIH each pay $250,000 per year for malpractice insurance.

This objective may seem unrelated to your Subcommittee's work, but extension of FTCA coverage to UIHPs would allow them to devote more resources to caring for their patients and

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maximize the value of your appropriations to IHS. Any help your Subcommittee can provide, including prompting the relevant House authorization committee, would be profoundly appreciated.

5. Implement the Memorandum of Understanding (MoU) between IHS and the Department of Veterans Affairs (DVA) for the Provision of Health Care to AI/AN Veterans

DVA and IHS have implemented this MoU for IHS and Tribal providers, but not for UIHPs. AI/AN veterans often prefer to use Indian health care providers for reasons related to performance, cultural competency, or availability of non-health care-related but Indian-specific services. I appreciate the support the Subcommittee expressed last year when I testified, and I regret to report that our efforts to work with the agencies involved have not been successful, and that is why I am back again this year asking for your help. It is understood that AI/AN veterans are more likely to receive adequate health care if they are allowed to determine how, when, and where they are served. DVA sometimes experiences surges in demand which understandably impacts its ability to serve, and these surges can often be satisfactorily addressed through the use of UIHPs.

Given their sacrifices, it is grievously wrong to oppose the provision of accessible, high-quality, culturally-competent health care by UIHPs to AI/AN veterans. Working with your colleagues on the House Appropriations Subcommittee for Military Construction, Veterans Affairs, and Related Agencies, NCUIH is confident that sufficient pressure can be applied to the two agencies in question to ensure that AI/AN veterans receive the health care their profound sacrifices have earned.

Conclusion

Thank you for this opportunity to testify before the Interior Appropriations Subcommittee. In review, here are our requests of the Subcommittee for FY18:

1. Continue to increase funding for IHS in order to address the general spending shortfall for AI/AN health care and allow for an increase in the line item for urban Indian health care;
2. Provide UIHPs with the same 100% FMAP already received by IHS and Tribal facilities, which, at minimal expense, would improve health care outcomes and stretch further your appropriations for IHS;
3. Support the reauthorization of SDPI, which, in fighting the scourge of diabetes in Indian Country, ultimately saves lives and generates significant savings and maximizes the value of this Subcommittee's funding for IHS;
4. Urge your colleagues on the House Judiciary Committee to support the inclusion of UIHPs under the Federal Tort Claims Act, as IHS and Tribal facilities already are, so that they can invest your appropriations in patient care instead of expensive malpractice insurance; and
5. In collaboration with your colleagues on the DVA funding panel, please direct IHS and DVA to finally implement the MoU for UIHPs so that AI/AN veterans can receive the health care their sacrifices have earned.

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Mr. CALVERT. Thank you.

Next, Sonya Tetnowski, CEO of the Indian Health Center of Santa Clara Valley.

TUESDAY, MAY 16, 2017.

INDIAN HEALTH CENTER OF SANTA CLARA VALLEY AND CALIFORNIA CONSORTIUM FOR URBAN INDIAN HEALTH

WITNESS

SONYA TETNOWSKI, CEO

Ms. TETNOWSKI. Good morning, Chairman Calvert, Ranking Member McCollum, and subcommittee members. My name is Sonya Tetnowski. I am the chief executive officer for the Indian Health Center of Santa Clara Valley, an Urban Indian Health Program in San Jose, California. I am an enrolled member of the Makah Tribe of Washington State. I would first like to thank the subcommittee for holding Tribal witness hearing days.

In addition, IHC has received an IHS contract, which does not allow for us to get as many resources as we need to run our facility. As a 330 federally qualified health center, we are certified by the AAAHC for ambulatory healthcare and by the National Committee of Quality Assurance as a recognized patient center medical home.

We provide medical, dental, mental health, traditional, and community services to our over 22,000 clients throughout Santa Clara County, where there are more than 26,000 American Indian and Alaska Natives.

Of our clients, 89 percent are served by Medicaid, and 43 percent of our Medicaid clients are under the age of 18. Of all the patients served by the IHC, 73 percent are under the poverty line. Urban Indians are three times more likely to be homeless than non-Indians.

And we do our best to adjust these social determinants of health in our healthcare setting, but if 100 percent FMAP eligibility was expanded to include Urban Indian Health Programs, all IHC-eligible AI/ANs would be able to access the Federal trust responsibility throughout the I/T/U system of care, making I/T/U system of care whole.

Medicaid has given us the opportunity to serve our urban AI/AN community, but our capacity and infrastructure are in dire need of investment to accommodate this need. We have been able to leverage our current resources to continue the work with a measured return on investment.

Every change in funding, reduction, and program or change in funding methodology has direct impact on patient care. I would like to extend my appreciation for the UIHP assessment, which increases understanding of our community's needs.

We seek the committee's consideration for followup measures to this assessment, including funding formularies and clear spending protocols to promote transparency and accountability, measurable technical assistance so that the UIHPs can maximize billing poten-

tial, leverage resources, and continue to manage and monitor progress of our patients served.

Given the robust programs we have been able to develop as a 330, we could not continue to operate only on IHS funding. I would like to voice my support for legislation like H.R. 292, reintroduced by Congressman Young and Ruiz, which would exempt programs serving AI/AN from sequestration. Decades of unfulfilled Federal obligations have devastated Tribal communities who continue to face persistent shortfalls and overwhelming unmet need.

Federal support remains critical to ensuring the delivery of essential healthcare services both on and off reservation land. As this committee is aware, relocation played a significant role in the health and well-being of the 723,000 American Indians and Alaska Natives in California, with a large number of them being or descendants of those who were impacted by the Indian Relocation Act of 1956.

The impacts of this are still far reaching, as San Jose was an assigned relocation center, and just in the IHS facility alone, we have identified 114 different Tribes served.

Urban Indians not only share the same health problems as the general Indian population, their health problems are exacerbated in terms of mental and physical hardship because of the lack of family and traditional cultural environments. In many cases, like mine, the Urban Indian Health Program is the only American Indian program in the county. We have recognized that for the urban Indian health youth that are at greater risk of serious mental health, substance abuse problems, suicide, increased gang activity, teen pregnancy, abuse, and neglect.

The IHC has worked diligently to address these ever-growing needs, but we need steady support and continued funding to plan for the seventh generation. We have developed a youth-guided, family-driven approach to mental health and wellness.

We believe healthy individuals make up healthy communities, but it is our responsibility to find ways to bring the support to the community. Culturally competent care depends on us.

I would like to voice my support for Senator Cole's Indian Health Care Improvement Act bill, H.R. 1369, which confirms the Federal Government's duty to all AI/AN people making, permanent the Urban Indian Health Program and recognizing AI/ANs can be served where they reside.

We ask that while you consider appropriations for fiscal year 2018, consider a $10 million increase for the I/T/U system of care with a formulary that takes into account the entire AI/AN population and steps to create network capacity and infrastructure to meet the health needs wherever they are. As long as you don't do this by divesting Tribal moneys but by increasing the abilities of Tribes and Indian healthcare providers to reach the AI/AN community where they are, rather than forcing them into an already strained system, who also does not have enough to serve the people they already have in the system.

So your support will help make the Federal trust responsibility whole and move us closer to a seamless I/T/U system of care, where IHS-eligible AI/AN can access primary care, behavioral health, and specialty care networks within the four walls or beyond through

1115 and 1915(b) waivers. The U in the I/T/U system of care needs your support to ensure that the system remains strong and the investment in the system can withstand any scrutiny.

As the chair of the California Consortium of Urban Indian and Health Centers, representing 10 UIHOs in California providing health services to 78,000 patients, we ask that you increase the title V urban Indian line item so that it can support the patients and continue the continuity of care we have already established with our patients and reach those who have not had the opportunity to receive those services yet.

Together we can stabilize the I/T/U system of care by increasing the funding, increasing urban's opportunities throughout legislation, and to help us—and to help you meet the requirements of Public Law 94–437, title V, by providing culturally competent care to every American Indian and Alaska Native.

Thank you for your time today.

[The statement of Sonya Tetnowski follows:]

INDIAN HEALTH CENTER
OF SANTA CLARA VALLEY

1333 Meridian Avenue, San Jose, CA 95125

Statement of Sonya Tetnowski, CEO of
Indian Health Center of Santa Clara Valley
Submitted to the U.S. House of Representatives – Committee on Appropriations
Subcommittee on Interior and Related Agencies
Department of Interior – Indian Health Service
May 2017

Good morning, Chairman Calvert, Ranking Member McCollum, and Subcommittee Members. My name is Sonya Tetnowski, and I am the Chief Executive Officer of the Indian Health Center of Santa Clara Valley, an Urban Indian Health Program (UIHP) in San Jose, California. I am also an enrolled member of the Makah Tribe. I would first like to thank the Subcommittee for holding these tribal witness days hearings, especially in light of your very limited hearing time this year.

In addition to our IHS contract, Indian Health Center is a 330 Federally Qualified Health Center, and we are certified by the Accreditation Association for Ambulatory Health Care and by the National Committee for Quality Assurance (NCQA) as a recognized Patient Center Medical Home (PCMH). We provide medical, dental, mental health, traditional and community wellness services to our more than 22,000 clients throughout Santa Clara County, where more than 26,000 American Indian and Alaska Natives (AI/ANs) reside. Of those Clients, 89% are served by Medicaid and of that 43% of those are under the age of 18. Of all the patients served by the Indian Health Center of Santa Clara Valley, 73% fall with the Poverty line threshold. If 100% FMAP eligibility was expanded to include UIHPs, all IHS eligible AI/ANs would be able access the federal trust responsibility throughout the I/T/U system of care, making the I/T/U system of care whole.

Medicaid has given us an opportunity to serve our urban AI/AN community, but our capacity and infrastructure are in dire need of investment to accommodate the needs. In order to create and maintain a culturally relevant continuity of care, we should be able to house specialty care and accommodate any types of referrals to and from tribes. We have been able to leverage our current resources to continue the work that we have accomplished with a measured return on investment, an example being. In 2015, 51.6% of IHCSCV diabetic AI/AN patients had good glycemic control (A1C<8.0), compared to overall Urban sites averaged 46.3% in 2015. In 2016, when the Diabetes Prevention Program was in place, IHCSCV AI/AN patients had good glycemic control which improved to 76.3%, where overall Urban sites averaged 46.7% in 2016. In 2017, so far, IHCSCV AI/AN patients with good glycemic control has decreased to 60%, with the loss of the DPP program. I bring this up as every change in funding, reduction in programs or change in the funding methodology has a direct impact on patient care.

I would like to extend our appreciation for the UIHP Assessment, which increases understanding of our community's needs. We seek the committee's consideration of follow-up measures to this Assessment, including a funding formulary and clear spending protocols to promote transparency and accountability, measurable technical assistance so that UIHPs can maximize billing potential, leverage resources and continue to manage and monitor progress of all patients served.

We are grateful for your dedication to the health and wellness of our AI/AN communities with your $232 million increase to the IHS budget. We are particularly grateful for your mark of $48.2 million for Urban Indian Health Programs, which was ultimately compromised as a $2.9 million increase for Urban Indian health. Your support helps our AI/AN community receive the culturally responsive health care that is our treaty rights in the form of the federal trust responsibility, wherever they choose to live, rather than where they were once put.

Given the robust programs we have been able to develop as a 330, we could not continue to operate with only IHS funds, and given a potential fiscal cliff in the future, but I would like to voice my support for legislation like H.R. 292, reintroduced by Congressmen Young and Ruiz, which would exempt programs serving AI/AN from sequestration. Decades of unfulfilled federal obligations has devastated tribal communities who continue to face persistent shortfalls and over-whelming unmet needs. Federal support remains critical to ensure the delivery of essential health care services both on and off the reservation land. As this committee is aware, "relocation" played significant role in the health and wellbeing of the 723,225 AI/AN in California with a large number of them being or descendants of those who were impacted by the Indian Relocation Act of 1956, AKA Public Law 959. The impacts of this are still far reaching, as San Jose was an assigned location center and just in the IHC facilities alone we have identified 114 different tribes served. Urban Indians not only share the same health problems as the general Indian population, their health problems are exacerbated in terms of mental and physical hardships because of the lack of family and traditional cultural environments. In many cases, like mine, the Urban Indian Health program is the only American Indian program in the county. We have recognized that for the Urban Indian youth are at greater risk of serious mental health and substance abuse problems, suicide, increased gang activity, teen pregnancy, abuse and neglect. The Indian Health Center of Santa Clara Valley has worked diligently to address these ever growing needs, but we need steady support and continued funding to plan for the seventh generation. We are developing a youth-guided, family-driven approach to mental health and wellness services. Without the voice of the youth and the families during the planning process, we are no able to provide services that will be impactful to our community. By including the community in planning their services they have identified additional traditional/cultural series, workforce development training, Veterans' support and other services that will bring support and healing to the community. We believe healthy individuals make up healthy communities, and it is our responsibility to find ways to bring that support to the community. Culturally Competent Care depends on us!

I would also like to voice my support for Senator Cole's Indian Health Care Improvement Act bill, H.R. 1369, which confirms the federal government's duty to all AI/AN people, making permanent the Urban Indian Health Program and recognizing that AI/ANs need to be served where they reside.

We ask that while you are considering appropriations for FY 2018, consider an increase for the I/T/U system of care, ("I – Indian Health Service, T- Tribal health providers (Tribal 638), and U- Urban Indian Health Providers) with a formulary that takes into account the entire AI/AN population and steps to create network capacity and infrastructure to meet our health needs wherever we are. As long as you don't do

this by divesting tribal monies, but by increasing the abilities of the tribes and Indian Health Care Providers to reach the AI/AN community where they are, rather than forcing them into already taxed systems who also do not have enough to serve the people they already have in the system. So, your support will help make the federal trust responsibility whole and move us closer toward a seamless I/T/U system of care where IHS eligible AI/ANs can access primary care, behavioral health, and specialty care networks within the four walls or beyond through 1115 and 1915(b) waivers. The "U" in the I/T/U system of care needs your support to ensure that the system remains strong and the investment in the system can withstand any scrutiny.

As the Chair of the California Consortium of Urban Indian Health, representing 10 UIHO's in California providing health services to diverse AI/AN communities, serving over 78,000 AI/AN patients, we ask that you increase the Title V Urban Indian Line Item so that we can support our patients and continue the continuity of care we have already established with our patients and reach those who have not yet had that opportunity to get support from our respective programs.

Together, we can stabilize the I/T/U system of care by increasing the funding, including "Urban's) in legislation, and help us to help you meet the requirements Public Law 94-437, Title V, by providing Culturally Competent Care to every American Indian and Alaska Native.

Respectfully,

Sonya M. Tetnowski
Chief Executive Officer
Indian Health Center of Santa Clara Valley

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

Next, Mark Jensen, CEO of the Riverside-San Bernardino Indian Health Service. Welcome.

TUESDAY, MAY 16, 2017.

RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

WITNESS

MARK JENSEN, CHIEF FINANCIAL OFFICER

Mr. JENSEN. Thank you, and good morning, everyone.

I am Mark Jensen. I am the chief financial officer for Riverside-San Bernardino County Indian Health. We are located in southern California. I am substituting today for Teresa Sanchez, our board president, who had a family emergency and could not be here to testify.

We are thankful for the support of Congress and the funding provided to improve the health status of our people. This is why I was appointed by our consortium Tribes to bring to your attention a tactic that has been recently used by the IHS to stagnate growth in our budgets.

Mr. CALVERT. Some water?

Mr. JENSEN. Thank you. That would be great.

Starting in 2014 and continuing into 2015, 2016, and 2017, the IHS has been redirecting new annual congressional moneys from the recurring category to the nonrecurring category. The IHS indicates it has been doing this to ensure that 100 percent of contract support cost is funded.

But starting in 2016, contract support costs have their own appropriation line. Yet this damaging practice continued on needlessly into 2016, and now into 2017. The negative effect on Indian health programs across the country is that our budgets are not growing from year to year as they have been in previous years. The result is flat budgets that do not keep pace with inflation.

It is beginning to take a terrible toll. For our program, budgets have only grown 2.3 percent over the past 4 years. Meanwhile, the IHS national budget has been funded by Congress at a much higher rate.

The bottom line is the new moneys are not trickling down to where it is needed most, and that is the Tribal healthcare programs. And IHS can now more easily manipulate these new moneys by keeping it for themselves to fund their own special projects.

These new moneys provided by Congress every year need to be recurring moneys to help us keep up with the cost of inflation and patient growth demands.

A second area of growing concern is purchase and referred care funding, formerly known as contract health services. The California Tribes are much different than Tribes in the other 49 States. The reason is that we don't have available to us hospitals and specialty services, such as cardiologists and neurologists.

Because of the lack of these expensive medical services, the California Tribes have to go out into the community and hire these hospital and specialty services, and it gets really expensive.

We have asked the IHS to take these factors into their calculation so as to make it more fair to the California Tribes. The IHS has attempted a weak response to our strong needs by placing a no-access-to-hospitals factor in tier 3 of their tier 3 system. And according to their own tier system, tiers 1 and 2 get funded every year. But in most years, there is not enough purchase and referred care moneys to make it to tier 3. The result is the California Tribes fall further behind the rest of the Tribes in the country.

In conclusion, I am authorized by my consortium Tribes to ask this committee to instruct IHS to do two things: First, direct IHS to restore funding from the nonrecurring category to the recurring category, starting with fiscal year 2014 and moving perpetually forward. Recurring moneys grow the budgets, and this is the method IHS has used historically to grow the Tribal budgets. They need to get back to that method.

Second, direct IHS to move the no-access-to-hospitals factor from tier 3 into tier 2, so as to ensure that California Tribes get a fair increase every year. Two GAO reports have also recommended similar changes to make the formula more equitable.

I thank you for your time and consideration.

[The statement of Mark Jensen follows:]

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

HEARING ON THE PRESIDENT'S 2018 BUDGET REQUEST

Testimony of Mark Jensen, Chief Financial Officer
Riverside-San Bernardino County Indian Health, Inc.

I am Mark Jensen and I am the Chief Financial Officer for Riverside-San Bernardino County Indian Health, Inc. located in Southern California. Thank you for the opportunity to testify about the 2018 appropriations for the Indian Health Service.

Riverside-San Bernardino County Indian Health, Inc. is a consortium of nine California 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 also serve members of 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. Nearly two-thirds of our patient population is comprised of members from these local Tribes or other non-consortium Tribes who live in our two-county service area. Overall, we serve over 15,000 Native Americans and 3,000 related family members, and experience over 100,000 patient visits each year.

Our consortium operates 7 health clinics at different locations under a self-governance compact with the Indian Health Service. We are proud to offer a broad range of services at our clinics, including medical, dental, optical, behavioral health, pharmacy, laboratory, environmental health, community health representative, outreach and health education services.

We are thankful for the support of Congress and the funding provided to improve the health status of our people. We are especially thankful for your invitation to return each year to share our experiences as you weigh the coming year's funding decisions. In doing so you honor the Nation-to-Nation relationship between the federal government and Indian tribes. Thank you for taking so seriously IHS's mission to honor the government's trust responsibility to provide culturally-competent and high-quality health care for all Native Americans.

Ensuring Funds for Tribally-Operated Programs

This Committee has been a steady supporter of tribally-operated health care programs because tribally-driven health care works. The success of the IHS self-governance and self-determination contracting programs shows the monumental impacts Tribes have when they are able to take control of the health care system serving their members. Indeed, the programs that struggle the most in the IHS system are, unfortunately, those that are still operated by IHS.

Despite the advances achieved through tribal self-determination, history teaches that when budgets stay flat or drop, health care suffers—as occurred with the 2013 sequester. The same can happen when budget increases go to bureaucratic oversight or special IHS projects that never filter down to Tribes. This is the case with the Joint Venture Construction Program, which provides a boon for a few individual sites but provides no benefit to other Tribes. For example, California Tribes have submitted 50 applications to the Program over the past 10 years, but only 1 has been granted. In addition, there are no Capital Projects for any of the California Tribes on the National IHS Capital Project List. While we do not doubt that these projects are highly deserving, we ask the Committee to ensure that general health care increases are not ignored.

Budgetary instability, coupled with excessive bureaucracy, is also a problem when IHS chooses to classify funds as "non-recurring," including as "grant" funds. This designation forces Tribes to compete with one another and injects budgetary uncertainty from year to year. Worse yet, the unnecessary designation of funds as "grants" forces us to follow an entirely separate award process and reporting mechanism whose only purpose seems to be to keep grant administrators employed. As this Committee knows, the Methamphetamine and Suicide Prevention Initiative (now called the "Substance Abuse and Suicide Prevention program") and Domestic Violence Prevention Initiative funds used to flow easily through our Self-Governance Compact. But 4 years ago former IHS Director Yvette Roubideaux unilaterally changed that nicely-working process, without any consultation and over tribal objections. Now we work under extremely burdensome reporting conditions, IHS carves aside funds for bureaucratic oversight, and we too are forced to carve out funds to meet new administrative burdens instead of serving our community. Even desperately needed Special Diabetes funds are set aside to fund Area diabetes coordinators who do nothing to enhance our programs on the ground.

We have seen a pattern in recent years where IHS reclassifies funds previously considered to be annually "recurring" monies, into the "non-recurring" categories. At first, IHS claimed this was necessary to provide full contract support cost funding in 2014 and 2015, which made no sense. But even long after Congress eased the burden on program funding by moving contract support costs into a separate appropriation, the agency continues its practice. The result is IHS seizes greater discretion over how it spends these funds to the detriment of the Tribes. As a result, tribal budgets cannot grow to meet the increased needs of our members or even to keep pace with our expanding population. Worse yet, IHS denies us the contract support costs to which we are entitled to administer these funds, forcing us to divert more program dollars away from services.

We ask this Committee to instruct IHS (1) to restore funds moved from the recurring to non-recurring category, (2) to direct that these and new funds shall be distributed as "tribal shares" through self-governance compacts and self-determination contracts (and not through grants or other non-recurring funding mechanisms), and (3) to direct IHS to pay contract support costs on these funds. This is especially important given Congress's removal this year of the "notwithstanding" clause IHS had relied upon to argue that these funds were not subject to the requirements of the Indian Self-Determination and Education Assistance Act (ISDA). The ISDA

works; much of IHS's bureaucracy does not. IHS should not be permitted to undermine the ISDA—the best thing Congress ever did to improve the state of Indian health.

PRC Funding Formulas that Account for Geographic Need

We are grateful that the Committee recognizes that "IHS does not provide the same health services in each area" and that "[h]ealth services provided to a community depend upon the facilities and services available in the local area . . . ." House Committee Report on Dep't of the Interior, Environment and Related Agencies Appropriations Act, 2017, H.R. REP. NO. , Division G, at *54, *available at* https://rules.house.gov/sites/republicans.rules.house.gov/files/115/OMNI/DIVISION%20G%20-%20INT%20SOM%20FY17%20OCR.pdf. We in California have never had access to a tribal hospital and we lack access to the specialty services that come when such facilities are available in other IHS Areas. As a result, we spend far more dollars than we receive for Purchased/Referred Care (PRC) because we must refer our patients to a private provider for specialty care instead of, for example, sending them to an IHS funded facility as exists in Phoenix or Anchorage.

The IHS PRC distribution formula needs to be adjusted to address this location factor, so it favors Areas where tribal and IHS specialty providers and hospitals simply do not exist. Today IHS uses a 3-tier system: Tier 1 is base PRC funding based on the prior year's allocation, and Tier 2 is for medical inflation and population growth. Although Tier 3 is for Areas lacking hospitals and for cost of living adjustments, in 7 of the last 15 years Tier 3 was never reached.

We ask that the "no access to hospitals" factor be moved to the Tier 2 allocation category so that programs lacking access are not disproportionately impacted by PRC shortages. Two GAO reports have also recommended similar changes to make the formula more equitable.

Exempt IHS Funds from Any Block Grant Proposals

We understand that many health reform proposals being considered in Congress would transform the Medicare and Medicaid payments for tribal health providers, or turn these programs and federal grant programs into block grants to be provided to individual States. Our Tribes are sovereign and have a Nation-to-Nation relationship with the Federal government. No State should be placed in the middle of that relationship. Health reform funds for tribal programs must be exempt from any block grants made to States.

Reauthorize the Special Diabetes Program for Indians

Our patient population has a high incidence of diabetes and the Special Diabetes Program for Indians has been a great success for our organization. That said, this funding has consistently been in jeopardy due to the need for annual or bi-annual reauthorizations and separate appropriations. The Special Diabetes initiative has been one of the most successful of all Indian health programs. We therefore ask Congress to make the next reauthorization permanent and to increase the annual amount to $200 million.

* * *

We thank you for your time and consideration. The needs of the Indian health system are great, but Tribes have proven they can efficiently maximize the resources provided. We ask that you continue to increase funds for the IHS budget so that Native Americans one day will receive the same quality health care afforded to all other Americans.

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

Next, Lisa Elgin, chairwoman of the California Rural Indian Health Board. Welcome. You are recognized.

TUESDAY, MAY 16, 2017.

CALIFORNIA RURAL INDIAN HEALTH BOARD

WITNESS

LISA ELGIN, BOARD CHAIRWOMAN

Ms. ELGIN. Good morning, chairman and committee members. My name is Lisa Elgin, and I am the board chair for the California Rural Indian Health Board, known as CRIHB. Thank you for giving CRIHB the opportunity to testify about funding of the IHS.

As authorized by the Indian Self Determination, Education, and Assistance Act, CRIHB is authorized to provide services to Public Law 93–638 contracted Tribal health programs.

CRIHB was founded in 1969 to bring federally funded health services back to Tribal communities in California. These services were withdrawn as a result of Federal termination practices that began in the 1950s. As a result of these practices, many American Indians in rural areas had no access to medical or dental services, and child mortality rates were abysmal.

Since CRIHB was founded, California Tribes have built a network of 32 Tribal health programs and has served more than 80,000 patients who are eligible for IHS services. While our health has improved, our population is growing, and we still face some of the worst health inequities of underserved population in the U.S.

Here are our requests: First, we respectfully request that the committee fully fund the IHS and ensure the California IHS area receives equitable funding, regardless of overall funding level received by IHS. It is evident from numerous GAO reports and current funding levels that California does not receive equitable funding, despite having more American Indian and Alaska Natives and more federally recognized Tribes than any other State.

During the last several years, bipartisan collaboration between Congress and the administration has resulted in a noticeable overall increase for the IHS budget since fiscal year 2008.

Year after year, the Federal Government has failed by drastically underfunding IHS far below the demonstrated level need. The treaties entered into between the Tribes and government establish a responsibility for the Federal Government to provide healthcare to Tribes and American Indian and Alaska Natives. The Federal Government has a legal, moral, and trust responsibility to uphold its part of the treaties and provide these services to serve our diverse population.

We request full funding of the IHS at $30.8 billion, phased in over 12 years. This is the amount calculated by Tribal leaders on the National Tribal Budget Formulation Workgroup of IHS, representing all 12 IHS areas, to develop the national IHS budget recommendations for fiscal 2018 budget year.

Second, we request the committee to do everything in its power to have all government GAO recommendations related to IHS serv-

ices acted upon, particularly those recommendations relating to ensuring equitable funding to underfunded areas like California.

Third, we ask that the committee increase funding through the IHS facilities M&I program to catch up with the amount of facility space of the IHS facilities inventory, including California IHS area. We respectfully request that the committee fund the IHS facilities M&I funding in the amount of $105 million.

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 to the IHS facility construction priority list, nor joint venture program. As a result, Tribes in California have cobbled together funding and taken out loans in order to build facilities for our growing population. This funding, if increased, will go a long way to help maintain our facilities.

Fourth, we ask that the committee request a GAO report on the IHS facilities construction priorities system, which have been substantially revised since 1991.

Next, we ask your support for the SDPI program. This authorization ends September 30, 2017, so swift congressional action is needed for continuity in staffing, medical supplies, prevention, and education services.

Next, we ask that you support the American Indian and Alaska Native mental health substance abuse programs by fully funding Methamphetamine Suicide Prevention Initiative and the Domestic Violence Prevention Initiative. These programs are currently funded through a competitive grant process that creates barriers to care and requires Tribal programs to fight against each other for critical funding.

We also thank you for your continued support of the California Indian Youth Regional Treatment Programs. Your support will assist the youth to strengthen communities.

We also ask that you require IHS to develop a new method to purchase/referred funds to account for variations across IHS areas. We have testified before on this, and we are still asking for funding for actual need.

In conclusion, on behalf of California Rural Indian Health, I ask that IHS appropriations be increased to fully fund its services and programs over the next 12 years and that you hold the IHS accountable for inequities in its funding distribution, because it continues to impede our efforts to provide level of care to our area.

Thank you.

[The statement of Lisa Elgin follows:]

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Testimony of Lisa Elgin, Board Chair for the California Rural Indian Health Board
May 16, 2017

Good morning, Chairman and Committee members. My name is Lisa Elgin and I am the Board Chair of the California Rural Indian Health Board (CRIHB). Thank you for giving CRIHB the opportunity to testify about funding of the Indian Health Service. As authorized by the Indian Self Determination, Education, and Assistance Act (ISDEAA), CRIHB is authorized to provide ISDEAA services to seven Public Law 93-638 contracted Tribal Health Programs (THPs), with another five THPs as associate members. CRIHB serves twenty-six tribes under the ISDEAA contract, with an additional seven other tribes as associate members.

CRIHB was founded in 1969 to bring federally funded health services back to tribal communities in California. These services were withdrawn as a result of federal termination practices that began in the 1950s. As a result of these termination practices, many American 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 THPs and serve more than 80,000 patients who are eligible for Indian Health Service (IHS) services. 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. According to the Kaiser Family Foundation, American Indians and Alaska Natives (AI/ANs) are significantly more likely to report being overweight or obese, having diabetes or cardiovascular disease and experiencing frequent mental distress than other populations[1]. Additionally, according to the UCLA Center for Health Policy Research, those who self-report California tribal heritage are twice as likely to have been diagnosed with diabetes as individuals from tribes outside of California (31% versus 16%).[2] Here are our requests:

1. First, we respectfully request that the Committee **fully fund the IHS and ensure that the California IHS Area receives equitable funding, regardless of the overall funding level received by the IHS.** It is evident from numerous Government Accountability Office (GAO) reports and current funding levels that California does not receive equitable funding, despite having more AI/ANs and more federally recognized tribes than any other state. During the last several years, bipartisan collaboration between Congress and the Administration has resulted in a noticeable overall increase for the total IHS budget of 53% since FY 2008, sadly however, this has only resulted in a slight increase in the IHS services portion of the budget. Year after year, the federal government has failed AI/ANs by drastically underfunding the IHS far below the demonstrated need. The treaties entered into between the tribes and the federal government establish a responsibility for the federal government to provide health care to tribes and AI/ANs. The federal government has a legal, moral, and trust responsibility to uphold its part of the treaties and provide these services in order to serve our diverse AI/AN population. In light of this, it is clear that the IHS should be fully funded. In 2015, the

[1] Kaiser Commission on Medicaid and the Uninsured analysis of the Centers for Disease Control and Prevention's Behavioral Risk Factor Surveillance System Survey Data (BRFSS), (2011).
[2] UCLA Center for Health Policy Research. (2012). *American Indian and Alaska Native Diabetes: Critical Information for Researchers and Policy-Makers.*

IHS per capita expenditures for patient health services were just $3,136 compared to $8,517 per person for health care spending nationally. Conditions at the IHS have been referred to as being "in a state of emergency" and the Government Accountability Office has released reports on the IHS's high-risk status, which I will discuss next. For these reasons, we request full funding of the IHS at $30.8 billion, phased in over 12 years. This is the amount calculated by tribal leaders on the national Tribal Budget Formulation Workgroup of the IHS, representing all twelve IHS Areas, to develop the national IHS budget recommendations for the FY 2018 budget year. Funding IHS at $7.1 billion in FY 2018 will instill trust in Indian leadership that the recent gains we have made are real, and that we are truly working together to build a more equitable and quality-driven Indian health system.

2. We request that the Committee do everything in its power to **have all Government Accountability Office (GAO) recommendations related to Indian health care acted upon, particularly those recommendations related to ensuring equitable funding to underfunded Areas like California.** The GAO High-Risk Series report (GAO-17-317) published in February of this year added the "Management of Federal Programs That Serve Tribes and Their Members" to the GAO's High Risk List. The report details how the IHS has ineffectively administered Indian health care programs. In the past 6 years, the GAO has made 14 recommendations related to Indian health care that remain open. On page 204 of the High-Risk Series Report, it reads:

> It is critical that Congress maintain its focus on improving the effectiveness with which federal agencies meet their responsibilities to serve tribes and their members. Since 2013, we testified at 6 hearings to address significant weaknesses we found in the federal management of programs that serve tribes and their members. *Sustained congressional attention to these issues will highlight the challenges discussed here and could facilitate federal actions to improve Indian . . . health care programs.* (Emphasis added.)

3. We ask that the Committee **increase funding of the IHS Facilities Maintenance and Improvement (M&I) program** to catch up with the amount of facility space in the IHS Facilities Inventory, including the California IHS Area. We respectfully request that the committee fund the IHS Facilities M&I funding in the amount of $105 million. This line item previously 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. Even with recent increases to this funding that raised the amount to $74 million, we believe work still needs to be done on this issue. A national investment in federal and tribal construction funding is necessary. In California this funding is critically important because despite many years of trying and more than fifty applications, no tribal health clinic or hospital facility has ever made it onto the IHS Facility Construction Priority List nor Joint Venture program list. As a result, tribes in California 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.

4. We ask that the **Committee request a GAO report on the IHS Facilities Construction Priority system**, which has not been substantially revised since 1991. The 2016 IHS and Tribal Health Care Facilities' Needs Assessment Report to Congress was delivered in July 2016. On page 19 of the Report, it states:
    a. The cost to increase IHS facilities to needed capacity is enormous, about $14.5 billion with expanded and active authority facility types.
    b. To maintain overall capacity at the current fraction of needed capacity (~52 percent) would require more than $300 million annually.
    c. In 2015, only two-thirds of the 1993 facility priority list is complete. At this pace, even that sub-set will not be completed until 2041.

    On page 3 of the Report, it states that at the current rate of Health Care Facility Construction (HCFC) appropriations and existing replacement rate, a new 2016 facility would not be replaced for 400 years. The current list creates a backlog that will prevent applications for new facilities for decades. It is important to note that there are no California tribal health facilities on the IHS priority list. (The Ft. Yuma, CA facility is in the Phoenix Area.) Many clinics in California are in serious need of repair and/or are too small to meet the growing need. Access to care in California is a significant problem, whereas other Areas receive significant facilities dollars for facility construction even though patients have immediate access to the large Indian hospitals. A professional and objective report by the GAO is needed to reevaluate the IHS Facility Construction Priority System.

5. We ask for your **support of the Special Diabetes Program for Indians Reauthorization Act of 2017 (S.747)**. The current authorization for the Special Diabetes Program for Indians (SDPI) ends September 30, 2017, so swift Congressional action is needed for continuity in staffing, medical supplies, prevention and education services, and other SDPI-related treatment efforts. SDPI is saving lives. The longer renewal in S.747 is critical to ensuring programmatic stabilization for Tribal communities when it comes to diabetes treatment and prevention. We are also pleased that S.747 would provide annual increases based on medical inflation. This would assist THPs keep up with the basic level of need for diabetes treatment equipment and services.

6. We ask that you support AI/AN mental health and substance abuse programs by **fully funding the Methamphetamine Suicide Prevention Initiative and the Domestic Violence Prevention Initiative**. These programs are currently funded through a competitive grant process that creates barriers to care and requires tribal programs to fight against each other for critical funding. We know that suicide, drug use and domestic violence are more prevalent among AI/ANs in comparison to other races and these funds are critical for THPs to serve their populations that are in such need. The health disparities that exist in our community require permanent funding for these programs. We also thank you for your continued support of the California Indian Youth Regional Treatment Centers. Your support will assist Indian youth with their recovery journey and help to strengthen AI/AN communities.

7. We ask the Committee to **ensure that the IHS Memorandum of Agreement (IHS-MOA) rate is not capped**. The 1996 memorandum of agreement between the federal Health Care

Financing Administration (now the Centers for Medicaid and Medicare Services (CMS)) a IHS provides that the IHS-MOA rate is negotiated annually between IHS and CMS, th approved by the Office of Management and Budget (OMB) before being published in t Federal Register. The IHS-MOA rate our THPs receive is an outpatient, per-visit rate t includes all on-site laboratory and X-ray services, as well as all medical supplies incidental that visit. During the 2017 IHS California Area Office consultation with IHS headquart officials in Sparks, Nevada, IHS indicated that the federal government may begin reviewi a change to the IHS-MOA rate, with a focus on reducing or capping the rate. A cut to or c on the rate would negatively impact Tribal clinic care and the health of our patients. T ability for THPs to bill Medicaid is particularly important for California, as there are no II clinics or hospitals and THPs clinics lack the availability of no-cost ancillary and specia services. The methodologies used to calculate the rate are not published or circulat California THPs rely on the IHS-MOA rate to assist them in providing basic, needed hea care services to their direct care clients and to augment their IHS funding. A reduction in t IHS-MOA rate will result in the THPs having to reduce the services provided to their client

8. Finally, we ask that the Committee **consider requiring IHS to develop and use a n method to allocate Purchased/Referred Care (PRC) funds to account for variatio across IHS Areas.** CRIHB has testified before about lack of fundamental fairness in II allocation of program funding. The foundation of the allocation method, the use of "ba funding," is not tied to any measure of actual need. Instead it is based on what a giv program received the year before. Many THPs in California strongly recommend receivi the maximum PRC funding afforded to them through existing law and all steps in the curr formula. In the GAO-17-317 report on page 211, the GAO recalls its June 2012 finding th IHS had taken few steps to evaluate variations in the funds it allocates for the PRC progra which varied from $299 to $801 per capita across the 12 IHS Areas in fiscal year 201 Additionally the report reads:

> IHS does not know the origin of the base funding formula, which, according to IHS officials, has existed since the 1930s and accounted for 82 percent of the funds allocated to the area offices that year. Annual adjustments for population growth and inflation are made as a percentage of base funding and are the same across all areas. Additional program increases are not large enough to alter funding variations because these additional increases have been a relatively small proportion of PRC funds that area offices receive. Because IHS continues to use this methodology, it cannot equitably allocate funds to meet the health care needs of Indians. In order to ensure IHS equitably allocates PRC funds, the GAO recommended that Congress consider requiring IHS to develop and use a new method to allocate funds to account for variations across areas.

In conclusion, on behalf of the California Rural Indian Health Board, I ask that the II appropriations be increased to fully fund its services and programs over the next 12 years a that you hold the IHS accountable for inequities in its funding distribution because it continues impede our efforts to provide the level of care other IHS Areas provide. Thank you.

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

Mr. Jensen, your testimony regarding nonrecurring to recurring, we will look into that, find out what is going on.

And on this IHS construction, I know the infrastructure throughout Indian Country throughout the United States is woefully behind, and so just like Indian schools, we have a big challenge ahead of us. And I am going to take up Mr. Cole on his offer to work together to see if we can get some additional dollars any way we can get it to take care of some of these challenges. So I appreciate your testimony.

With that, Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, I concur with the remarks that you made. And to add onto it, this programming and seamless transition between veterans, Indian Health Services, and getting services where and as needed is something that we talked about when I was on the Veterans Affairs Committee and that we have discussed here. I think we need to have the staff figure out if we need to put report language in the VA bill as well as in our bill to just get it done. A couple of us are on DOD and watch them struggle with healthcare records between the VA. So sometimes stronger medicine—to use maybe a bad phrase—is needed to get things moving.

The diabetes funding has come up a couple of times, and I am sure it will come up again. And if my memory serves me correct, Mr. Cole, that is a combination of some different funding. There is funding for the diabetes programs that goes through Indian Health Service and there is funding in the CDC and there is funding in the Affordable Care Act.

To your point earlier, it takes a pretty astute accountant, both in Indian education and Indian health, as well in Indian Tribal government accounts, to take all these different streams of money and figure out how they make things whole.

But as we look forward, working to reauthorize and keep this moving forward, an eight-point reduction in diabetes is something to celebrate. I wanted to make sure I had the number right, so I took a look at it—that is something that we need to keep working towards. As cuts are made, we have to make sure that as we are funding what we can here, there is not a cut made some other place that throws everything out of balance.

So, Mr. Cole, I think we have got our homework cut out for us on the Indian diabetes special project funding.

Mr. CALVERT. Mr. Cole, you are recognized.

Mr. COLE. Very quickly, Mr. Chairman. I hope we do look at some of these places. These urban Indian healthcare centers do an amazing job, and that is where a lot of our population is. Over the break, I actually went to the new facility in Oklahoma City.—It was quite stunning. But they have done it by raising the money themselves. I mean, basically had a capital campaign. And we have got a much better facility. It is being more used. But, again, we are not up to speed.

I wonder if we could urge—again, on these diabetes programs—the appropriate committees of jurisdiction, which I assume is Energy and Commerce, to do their job. I mean, they need to reauthorize this program.

And I wonder if we could also urge again in our report language this Indian health centers, urban health centers having to pay malpractice insurance when nobody else does, in the Federal system is unbelievable. That is a lot of money out of pocket.

Your point was extremely well made. That is a function the Federal Government ought to be paying themselves. Those individual clinics shouldn't be having to do that, particularly when, again, IHS facilities don't—nobody else does it. It is just them. And that is something that we need to look at.

Mr. CALVERT. Especially if they take the claims out of the judgment account and not out of our budget.

Mr. COLE. Absolutely.

Mr. CALVERT. Yeah.

Mr. CALVERT. Well, thank you very much. I appreciate your testimony.

We will move on to the next panel.

Thank you.

Next, the Cherokee Nation, the Muscogee Creek Nation, and the Osage Minerals Council.

Mr. COLE. Osage.

Mr. CALVERT. Osage.

That is why I have Tom here: to keep me straight.

I got Cherokee right.

Mr. COLE. Well, you are one.

Mr. CALVERT. That is right. Everybody have a seat.

We thank you for coming out this morning. First, we will recognize Bill John Baker, the Principal Chief of the Cherokee Nation.

Welcome.

TUESDAY, MAY 16, 2017.

CHEROKEE NATION

WITNESS

BILL JOHN BAKER, PRINCIPAL CHIEF

Mr. BAKER. Chairman Calvert, Ranking Member McCollum, and distinguished members of the subcommittee, Osiyo.

I am Bill John Baker, Principal Chief of the Cherokee Nation, our country's largest Native American Tribe. I appreciate the opportunity to testify before you this morning. We are more than 350,000 Tribal citizens and have long been a driving force in the economy of our State. We employ over 11,000 people and support 18,000 jobs. Our economic impact on northeastern Oklahoma for 2016 alone exceeds over $2 billion. We are a stabilizing force in our region.

Early this year, we broke ground on a $200 million, 470,000-square-foot health center, and in 2019, this facility will be the largest health center in Indian Country. I want to thank this subcommittee who had such a large role in making this possible in opening up the joint venture for his.

The Cherokee Nation is making a difference for our citizens and for Oklahoma, and this is why the proposed funding cuts in the President's fiscal year 2018 budget concern me. The blueprint calls

for an 18-percent cut to the Department of Health and Human Services. Such drastic cuts to his would have a lasting impact on our healthcare system. Jobs would be lost. Patient wait times would increase. We estimate that nearly 92,000 patients would go unseen, putting their health and lives at risk.

The blueprint also calls for a 12-percent cut to the Department of Interior. This cut to Interior would be unfair to Cherokee students. At least 2000 would go unserved. The drama, band, and robotics programs at our BIA school we operate would be eliminated. It would lead to the closure of daycare centers, reduced staff and hours at nutrition sites, and the number of citizens that we serve.

As you work through the appropriations process, I urge you to reject any cuts to his, BIA, BIE, and other Tribal accounts. I applaud the subcommittee for highlighting BIE school construction and repair in recent years.

Last year, I called for the establishment of a BIE program equivalent to the his joint venture program. I repeat that request today. Sequoyah High School requires immediate assistance. Because of the great cost to replace these aging facilities, it is unlikely we will receive BIE funding. We need a solution. If given the opportunity to assume school construction and repairs in exchange for fixed operating and maintenance costs, we could alleviate some of the massive backlog. We must embrace innovative solutions to school construction.

I would also like to update you on an issue I raised 2 years ago. We continue to have a stalemate with the Interior and the Interior Business Center over their shift in policy regarding costs related to Tribal enrollment activities and calculating our indirect cost rate. This issue has caused a serious delay in determining our indirect cost rate for fiscal year 2017. The House Appropriations Committee included language on this matter in fiscal year 2016. The language directed the Interior to report to the subcommittee on its justification for this change and how it would apply to Tribal enrollment activities.

Your directive has been ignored. Our discussions are moving in the wrong direction. Verifying Tribal citizenship and preventing fraud is crucial to eligibility for many of the Federal programs we administer. For decades, these costs have been allowed. We ask for your assistance to ensure that the long-lasting policies which properly allowed such costs remain in effect.

Finally, we continue to support full funding for his and BIA contract support costs and thank the subcommittee to fully fund contract support cost without jeopardizing program funding. Failure to fund these costs impedes our ability to meet the needs of Cherokees.

We respectfully urge the subcommittee to continue employing a separate and indefinite appropriation. Thank you for granting me this opportunity today.

[The statement of Bill John Baker follows:]

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CHEROKEE NATION®
P.O. Box 948 • Tahlequah, OK 74465-0948 • 918-453-5000 • cherokee.org

Office of the Chief

Bill John Baker
Principal Chief
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S. Joe Crittenden
Deputy Principal Chief
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Testimony of Bill John Baker, Principal Chief, Cherokee Nation
House Interior Appropriations Subcommittee
May 16, 2017

Chairman Calvert, Ranking Member McCollum, Vice Chairman Stewart, Chairman Cole, and distinguished members of the subcommittee:

Osiyo.

I am Bill John Baker, and it is my great honor to serve as Principal Chief of our country's largest Native American tribe, the Cherokee Nation. I deeply appreciate the opportunity to testify before you this morning.

To begin, I commend you for your work on the fiscal year 2017 omnibus appropriations measure and thank you for your continued steadfast support of Indian Country. In a very tough spending environment, you were able to secure increases for the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE). I wish you continued success as you move into the fiscal year 2018 process.

With more than 350,000 tribal citizens, the Cherokee Nation has long been a driving force of the economy in Oklahoma. Today, we directly employ more than 11,000 men and women and support nearly 18,000 jobs. Our economic impact on northeast Oklahoma exceeds $2.03 billion.

We are a stabilizing force in our region, especially at a time when our state's budget is shrinking.

But even the Cherokee Nation will find it difficult to brush off funding cuts like those outlined in the President's fiscal year 2018 budget request.

Next week the administration will release its full budget request for FY18—a document that will presumably expound on the March blueprint that called for a 12 percent cut to the Department of the Interior and an 18 percent cut to the Department of Health and Human Services.

Reductions of this magnitude would be devastating. An 18 percent cut to IHS would have a real and lasting impact on Cherokee Nation's Health Services, the country's largest tribally-operated health care system. Hundreds of vacant positions would go unfilled. Jobs would be lost. Patient wait time would increase, and an estimated 91,878 patients (approximately 9 percent of annual patient visits) would go unseen, jeopardizing their health and lives.

A 12 percent cut to Interior programs would cause at least 2,000 students to go unserved and the elimination of the drama, band, and robotics programs at Sequoyah High School, the school operated by Cherokee Nation. It would lead to the closure of daycare centers, reduced staff and hours at nutrition sites, and the establishment of limits on the number of clients that receive assistance.

I sincerely urge you to reject any proposed cuts to these programs.

BIE School Construction

Everyone knows the problems facing BIE schools, especially with regard to school construction and facility repair.

I applaud the subcommittee for highlighting this issue in recent fiscal years and dramatically increasing the construction account in the FY 2016 appropriations measure. I further commend you for continuing robust funding for this purpose in the FY17 omnibus budget.

However, we must be realistic about how far that funding will go. We understand the fiscal challenges you face when putting together your bill. If you were to appropriate the necessary amount to repair or replace every BIE school that needs repair or replacement, every other program under the subcommittee's jurisdiction would face the prospect of flat funding or cuts.

In recent years I have called for the establishment of a BIE equivalent of the IHS Joint Venture Construction Program. I repeat that call today. Congress, the administration, and Indian Country have to come together and embrace innovative solutions for BIE school construction. The status quo is not an option.

We operate Sequoyah High School, a BIE school in Tahlequah, OK. Sequoyah has an enrollment of 360 students from 24 tribes and has a strict focus on academic success. Last year, Sequoyah students earned over $2.2 million in scholarships including two Gates scholars.

Our students achieve in spite of Sequoyah's aging and generally insufficient facilities. Sequoyah consists of 17 structures, 13 of which are more than 40 years old. The main high school and the science classrooms are 50 years old, and the robotics classroom is 86 years old and located more than a quarter-mile from the main high school. In the face of these challenges, the robotics team recently captured the state championship.

Sequoyah also houses 65 students who live on campus. At present, however, the residential dormitories have been relegated to a temporary dormitory due to the discovery of significant mold deposits throughout the entirety of both the boys and girls dormitories. This has placed a limit on the number of dormitory units available to students, which in turn negatively affects enrollment (about 50 students per year have been denied admission to Sequoyah simply due to a lack of dormitory space). Mold, caused by leakage in roofs and plumbing systems and asbestos, has been discovered in many facilities, requiring extensive abatement.

A key problem at Sequoyah is major plumbing issues campus-wide, resulting in a substantial amount of water leakage incidents. Aged plumbing systems have caused leakage issues in all but one building. This greatly contributes to the mold concerns that require extensive abatement and repair.

In addition, security and safety concerns have become a critical concern for the school. The layout of the current school infrastructure, as well as a lack of space has increased security risks

on campus. Currently, classes are being held in the campus storm shelter, which could lead to a capacity issue in the event of severe weather.

BIE's Operation and Maintenance funding is not enough to meet the needs of the school, and, as such, the buildings continue to degrade, space continues to be an issue, and enrollment continues to fall.

Like so many BIE schools, Sequoyah requires immediate assistance. Yet because of the great need throughout Indian Country, and the great cost to the federal government to replace many of these facilities, last year BIE selected less than a dozen schools to move forward with repairs or replacement. Sequoyah was not one of the schools selected to continue with this process.

And considering the current $1.3 billion backlog, I find it hard to believe we will be selected any time soon under the current criteria and program guidelines.

The need, however, will still be there.

This is why we need new ideas and solutions. If tribes were able to incur construction costs for these facilities in exchange for fixed operations and maintenance costs—like the IHS joint venture—we might be able to alleviate some of the significant backlog and create new educational opportunities in Indian Country. If we maintain the status quo and wait for BIE to go through the entire list, we'll be in the same place year after year.

We cannot simply wait for funding that is unlikely to come. The challenges are too great, and the consequences of delay are too grave. Therefore, we urge the subcommittee and all of Indian Country to start to rally around new solutions to the problem of school construction, including a new joint venture-like program for BIE.

Contract Support Costs

We continue to support full funding of IHS and BIA contract support costs, and thank this Committee for its work to date to fully fund contract support costs without jeopardizing program funding. We respectfully urge the Committee to continue with its current approach of employing a separate and indefinite appropriation.

As you know, the 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. As the U.S. Supreme Court has confirmed in several decisions, the federal government has a legal obligation to fully fund contract support costs. *Cherokee Nation et al. v. Leavitt, Salazar v. Ramah Navajo Chapter,* and *Arctic Slope Native Association v. Sebelius.* Despite these 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 the Cherokee Nation must divert from direct patient care to cover contract support costs, we are forced to forego about 6,000 patient visits. Failure to fully fund these costs impedes our ability to meet the health care needs and the other needs of Cherokee citizens.

An important component of fully funding contract support costs is ensuring that the agencies adopt and implement effective internal guidelines for calculating and reconciling CSC payments so that estimates are accurate and the methodology is not unnecessarily burdensome. The approach developed by BIA to date does this. However, we remain deeply troubled by the approach being used by IHS which is unduly complex and which has led and will lead to substantial errors in estimating CSC requirements. Such errors have direct consequences on Congress's ability to appropriate funds that IHS, tribes and tribal organizations, require for the delivery of health care services. We urge the Committee to continue with its important oversight of the agency's work on these matters, to remind IHS of the need to simplify its process, and to instruct both agencies not to seek to reduce tribal contract support cost entitlements.

Indirect Costs

Two years ago, the House Appropriations Committee included the following in the report accompanying the FY 2016 Interior, Environment, and Related Agencies appropriations bill:

> *Indirect Costs—The Committee is concerned that a recent Administration policy change with regard to indirect cost reimbursement may not fairly apply to Indian Tribes and tribal organizations. The Secretary is directed to report to the Committee justifying this policy change and in particular its application to tribal enrollment activities.*

I would like to update you on this matter. Since the time of the Committee's report, we have engaged in discussions with the Interior Department but the matter is not yet resolved. Interior's longstanding policy properly allowed costs related to citizen enrollment to be included in calculating indirect costs, but in late 2014, Interior staff announced an intent to take a different position. There has been no change in the law to justify such a policy change. To the contrary, the work in verifying tribal citizenship has been, and continues to be critical to determining eligibility for many federally-funded programs that tribes, like the Cherokee Nation, administer. We have provided Interior with detailed information explaining the reasons why this work is necessary for the efficient performance and administration of federal awards, and is therefore properly allocable in the indirect cost pool under the law. The Intertribal Council of the Five Civilized Tribes and NCAI have expressed support for the Cherokee Nation on this issue.

However, we are increasingly concerned that our discussions with Interior are moving in the wrong direction. For example, an important part of our work is creating photo identification cards. These cards provide a cost-effective way to verify eligibility for the federally-funded programs that we administer and were specifically designed to prevent fraud by meeting TSA standards. (The cards are laminated, show the individual's photo, id number, signature and a hologram so they cannot be reproduced). Since the photo id program was established, Interior consistently agreed that its costs were properly treated as indirect costs, but are now questioning this. There is no basis for such arbitrary reversals of position. We welcome any assistance that this Committee can provide to ensure that longstanding past policies which properly allowed such costs remain in effect.

Thank you again for this opportunity to testify.

Mr. CALVERT. Thank you, Chief. Thank you for your testimony. Next, James R. Floyd, Principal Chief, Muscogee Creek Nation. Sorry, Tom.

You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

MUSCOGEE CREEK NATION

WITNESS

JAMES R. FLOYD, PRINCIPAL CHIEF

Mr. FLOYD. Thank you, Chairman Calvert.

Good morning, everyone. Congressman Cole, Congresswoman McCollum, good to see you again.

Muscogee Creek Nation, I am James Floyd, Principal Chief, speaking today on behalf of the more than 82,000 members of the Muscogee Creek Nation, neighboring Tribe of the Cherokee Nation, and I support many of the points that were brought out in previous testimony.

I would like to begin my remarks this morning to, first of all, talk about the need for regular order in the budget process. As we go into fiscal year 2018, we need to make sure that Congress does follow the regular order process in getting the appropriation bills enacted. We have worked since 2015 with continuing resolutions.

Mr. CALVERT. It is time to make that change, sir.

Mr. FLOYD. Along with that, I think it is time that we again talk about mandatory funding versus just the discretionary that we have endured since inception. I guess I can put it that way. I know my whole entire career, more than 30-some-odd years, we have dealt with discretionary funds. So, having been a senior executive within the Department of Veterans Affairs, I guess I can say I enjoyed the 2-year funding and the advanced funding and the mandatory funding in terms of being an executive and managing healthcare systems for the VA. That was very crucial in us making sure that we did not have stops in service delivery to our veterans, and I think the same thing should occur with our Indian people. We all know about the treaty and trust obligations, and I think this would fulfill that. And I would be glad to assist in any way possible with doing so. But I think that it is imperative that this year we address that.

I would also suggest that we increase funding to expand the joint venture program. Chief Baker talked about that. We presently have a joint venture program in Eufaula, Oklahoma, one of the highest unemployment counties in the State of Oklahoma, exceeding 10 percent. The difference that makes: We have invested in this particular joint venture $30 million of our funds; we are moving from a 5,000-square-foot clinic to a 70,000-square-foot clinic. That 5,000-square-foot clinic was built in the late 1960s. Facilities within the Muscogee Creek Nation include three State-licensed hospitals and six outpatient clinics. The average age of our facilities is 40 years old. So they all need replacing. We have two right now that need to be placed in the joint venture program. So I think expanding that provides that we can continue to keep up with ade-

quate facilities for the safety of the staff, for the provision of care, and improvement of quality to our patients.

Most recently, the Tribe itself invested $90 million of our own money to rebuild a hospital in Okemah which was originally built in 1948. We are just now going to be opening that in October. So you can see that model of kind of desperation funding of these facilities is just not the way to go. So I think the expansion of the joint venture program would go a long way toward systematically replacing aging facilities and have quality facilities that we need, and so I strongly support that.

So we request an increase in funding for hospitals and clinics as we go into 2018—thank you, sir—and we understand—we haven't clearly seen all the proposed reductions but expect that to be 12 to 18 percent. And, you know, having endured continuing resolutions for previous years, that in itself brought cuts to the program. So we don't really want to see proposed further cuts that would just continue to reduce the services that we provide. And so we ask that you fully fund hospitals and clinics, line items, so we can provide those basic services that our patients need.

I would also like to speak about the Self-Governance Program and talk about that, that we do two things: one, expand that to other services and programs within the Department of Health and Human Services. There are programs in the Health and Human Services Department that go through States and are offered to the Tribe in terms of grants. That really needs to be looked at in terms of those being able to be compacted from the Department of Health and Human Services directly to the Tribes.

And, finally, I just wanted to talk about real estate trust services and say that, you know, we need to continue to look at that and continue to move forward with fee-to-trust processes, sir.

Thank you, very much, for your time this morning.

[The statement of James R. Floyd follows:]

Statement of the Honorable James R. Floyd
Principal Chief, Muscogee (Creek) Nation,
To the
U.S. House of Representatives, Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 16, 2017

Chairman Calvert, Ranking Member McCullom, and members of the Subcommittee, I am pleased to appear before you today on behalf of the 82,000 members of the Muscogee (Creek) Nation. We have reviewed the President's budget blueprint, and provide our written statements for the record and for your consideration regarding appropriations of the IHS, the DOI, the BIA, the BIE, and tribal-related programs at HHS.

The Need for a Regular Order Budget Process

To begin, I want to offer a general observation that I am sure that the Members of this Subcommittee will agree with – the need for the appropriations process to be conducted in regular order, with the passage and signing of individual appropriations bills into law. The continuing resolutions under which agencies have had to operate during the past three years have resulted in uncertainty and fiscal difficulties for federal agencies and the tribes. This subcommittee has demonstrated a bipartisan commitment to regular order in the appropriations process, and I sincerely hope that for FY 18, an Interior Appropriations Act becomes law.

Indian Health Service and the Department of Health and Human Services

Within the blueprint, it states The President supports direct care services such as Indian Health Service (IHS). Although we are not a safety net provider, we are fulfilling the government's trust obligation and appreciate the President's support to continue to provide care to American Indians, specifically the Muscogee people. The Muscogee Nation respectfully asks that:

Funding for IHS be made "Mandatory" and categorized as "Entitlement" instead of discretionary beginning with the 2018 Budget. Spending on Indian health care is a treaty and trust obligation of the United States, which warrants the "Mandatory" spending designation. Indian Health is often hit with discretionary cuts and to provide care, it is essential Indian Health funding be maintained. During sequestration and CRs, Indian Health funding is delayed which impedes the needs of the Muscogee people as well as other beneficiaries utilizing our health system. Our citizens should have a sense of security regarding healthcare funding.

We request increased funding to expand the Joint Venture Construction Program. Muscogee Nation has 3 hospitals and 6 clinics. More than half are in rural areas and have buildings averaging 40 years. Demand has outgrown space and it's nearly impossible to fulfill the need. Muscogee Nation has engaged in 2 joint venture projects that have been successful allowing us to see more patients, recruit and retain professionals in a Health Professional Shortage Area, and expand services. However, the Muscogee Nation is self-funding a new facility in Okemah,

OK, which will replace a facility built in 1948. Additional funding to support Joint Venture projects will ensure we continue to have facilities to meet growing patient needs.

The Muscogee Nation requests an increase in funding to provide adequate delivery of patient care. Only 46% of our total healthcare budget is received through an IHS compact. Funding per- capita for our patients is $2,800 compared to $5,500 Medicaid per capita. The demand far exceeds the resources. Most recently we had to experience mass layoffs and decrease services just to maintain the most essential health care services such as primary care. Most of our patients are 22-55 years old and have no insurance. Referrals for specialty and priority care such as cancer are unmet due to lack of funding and other health care needs of our people.

Cost sharing exemptions should be maintained for American Indians under the marketplace. As a federal trust responsibility, many American Indians are eligible for Qualified Health Plans and should be afforded the opportunity to enroll without cost sharing. Cost sharing in a population where the income base is minimal is a deterrent to enroll, and negates the trust responsibility to American Indians. I also request ACA Medicaid Expansion continue. While Oklahoma did not expand it, repealing it would totally diminish the opportunity to ever expand it for our citizens.

Diabetes is plaguing our nation; we need permanent authorization for the Special Diabetes Program for Indians (SDPI). Current authorization ends in September 2017 and has not seen an increase since 2002. The Muscogee Nation Diabetes Program supports 3,547 patients and has seen an improvement in diabetes control from 19% in 1999 to 40% in 2016. The loss of this program would be detrimental to the health status of the Muscogee people.

We support increased funding for Public Health services. Funding is very limited for primary care services, and for preventative care it is almost totally lacking. Funding for services such as health screenings is a wise investment in prevention, as opposed to expensive disease treatment later. Funding shortages prevent IHS from effective disease prevention programs.

Continue to fully fund Community Health Representatives (CHR). CHRs are an integral part in identifying the needs of the community and are hands-on with patients in their homes. Many of our Muscogee Elderly and disabled live in rural areas and make traveling difficult; CHRs provide transportation for our elders and disabled to and from health services and thus save lives.

The Tribal Self-Governance program must be expanded to enter into self-governance compacts with the Department of Health and Human Services agencies outside of the IHS, such as the Center for Disease Control (CDC). Partnering with agencies will further efforts for disease prevention instead of placing the tribes in a competitive arena with states. It would be beneficial for the Muscogee Nation to have legislative authority to conduct Self-Governance with other Department of Health and Human Services agencies so additional funding and resources could be made available for disease prevention and management.

Provide adequate funding for workforce recruitment and retention. The Muscogee Nation is challenged with fulfilling professional vacancies to serve our people. One rural facility in

Eufaula, OK has been without a full-time physician since last July and full-time dentist for approximately 6 months. Lack of funding has caused recruitment and retention to suffer.

Department of the Interior
Bureau of Indian Education (BIE) - The Muscogee (Creek) Nation opposes the proposed BIE reorganization plan that does not establish the Oklahoma Area Education Office as an Education Resource Center and reduces the education services currently provided by the OAEO to Indian students and tribal citizens residing in Oklahoma, Kansas and Texas.

We also adamantly oppose the BIA's reduction or elimination of funding to the Eastern Oklahoma Tribal Schools Facilities Management Program that significantly reduces the Facilities Management Services provided to the four BIE programs and their respective tribes.

The Muscogee (Creek) Nation receives $1,158,475 in federal BIE funds annually that are used for Higher Education Scholarships and Adult Education. This spring the Nation awarded 2,309 scholarships to students that will help offset rising tuition costs. The goal is to not only educate our students, but also to allow them to flourish without the burden of extreme student loan debt.

Trust Real-Estate Services - The Muscogee (Creek) Nation compacts Real Estate services for restricted and trust landowners from the Bureau of Indian Affairs. The Nation takes its Trust responsibility very seriously and any budget reduction would have a detrimental effect on our ability to provide essential services in the areas of appraisals and land operations. Any reduction in the appraisal budget will decrease the amount of appraisals being performed on for landowners for Rights-of-Way, conveyances, surface leasing, purchase, and probates. Furthermore, a reduction in the land operations budget would prevent the Realty office from conducting surveys that are used in partition suits, boundary line disputes, housing legals, and other legal proceedings.

Johnson O'Malley
The Muscogee (Creek) Nation supports Senate Bill 943 introduced on April 26, 2017, by Senators Heitkamp, Senator Lankford and Senator Daines. The Bill directs the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes.

Self-Governance Funds (DOI) – The Muscogee (Creek) Nation is currently operating at FY 2015 levels ($6,824,284) due to the use of "continuing resolutions" by Congress rather than a regular budget. If adjusting for the inflationary rate over the course of three years, the appropriation for FY 2018 would need to be $7,029,012.52 Based on this calculation, the Muscogee (Creek) Nation is suffering a $204,728.52 operational loss. Frankly put, this is unsustainable. Self-Governance funds support jobs, infrastructure, economic development, education, and the utilization of our Natural Resources for the betterment of our communities. Budget cuts will have a debilitating impact on economic growth and infrastructure development for the Muscogee (Creek) Nation and the 11 counties that comprise our territorial boundaries.

Natural Resources Management – The Muscogee (Creek) Nation Ag Youth Development program relies on Self-Governance monies to fully fund our youth programmatic operations. A loss of Self-Governance funds would result in an inability to fully offer livestock and project scholarship funding to native youth further increasing the barriers to access and entry to the agriculture industry. Additionally, the federal funds received support our summer programmatic events including sending Muscogee (Creek) Youth to leadership development camps, FFA alumni camp, and 4H Round-Up. Participation in agricultural activities often requires official uniform dress, which is another barrier to rural youth. In order to offset that need, the MCN Ag Youth Development program also accesses Self-Governance funds to provide 4H and FFA jackets to youth members. By easing access to agricultural programs and services with supplemental support, native youth in rural and socioeconomically depressed areas can be exposed to practical business and employment opportunities through agricultural experience and education.

Public Safety and Justice - The Muscogee Creek Nation has a fully operational law enforcement program that includes the Lighthorse Administration, Department of Justice, and a fully functioning Judicial System that are partially funded via Self-Governance funds. Our Lighthorsemen have become an integral part of law enforcement throughout our jurisdiction via a host of cross-deputization agreements with local municipalities and county governments. With an ever-shrinking state budget, non-tribal law enforcement agencies greatly rely on the support of the Nation to assist in maintaining order and peace.

* The MCN District Court is also funded through Self-Governance funds and would be greatly affected by budget cuts, leading to reductions in essential services to its already distressed clients. The Court handles a variety of cases from child support to adoption to deprived children and would be forced to send some of these cases to an already backlogged state court system.

Federal Transit Administration – The Muscogee Creek Nation has received an average of $905,000 per year over the last three years in federal FTA funding, which places us among the six largest tribal transit programs in the Nation.

* The rural portions of the Muscogee (Creek) Nation are in an economically depressed region. Of the 10 poorest towns in Oklahoma with a population over 2,000 people, 3 of the towns are in the Muscogee (Creek) Nation. Okmulgee, the tribal capital, ranks number 9 of the 10 poorest towns in Oklahoma. McIntosh County is ranked the 5th poorest county in Oklahoma. Many citizens cannot afford the costs of vehicle ownership. There is a great need among this population for rides to work, rides to medical facilities, and rides to stores for food and clothing. The level of need also fluctuates greatly by the time of month and weather conditions.

* The Nation's Transit Department has grown into one of the largest in the United States over the past four years. The Department prides itself on having provided rides for 65,813 passengers during FY2016 for a total of 440,817 passenger miles. Of the 65,813 trips, 7,783 were rides to work, 639 were transporting Veterans to the VA Hospital in Muskogee, and 6,324 were non-Veteran trips to other area medical facilities. Also of note, 43% of the passengers were elderly.

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

Next, Cynthia Boone, council member of the Osage Minerals Council.

TUESDAY, MAY 16, 2017.

OSAGE MINERALS COUNCIL

WITNESS

CYNTHIA BOONE, COUNCIL MEMBER

Ms. BOONE. Good morning, Mr. Chairman and members of the subcommittee. My name is Cynthia Boone. I am a member of the Osage Minerals Council. The Osage Minerals Council has eight members. Thank you for the opportunity to testify.

Our Osage Reservation is unique in all of Indian Country. First, the Osage purchased our 1.5-million-acre reservation in 1883 for about a million dollars. Second, the Osage Minerals Council, not the Osage Nation, is responsible for developing and protecting the Osage Minerals Estate. The Osage Minerals Council was given this opportunity under a 1906 act of Congress and the Osage Nation Constitution.

Development of oil on our reservation goes all the way back to the 1890s, more than a hundred years ago and before the allotment of our reservation in 1906. As you know, under allotment, Congress divided up Indian lands and provided small parcels to individual members of the Tribe. In our case, Congress allotted the surface lands but not the minerals. Congress reserved our entire Minerals Estate for the benefit of all members on the Tribal rolls at that time.

Congress called our members on the rolls at that time headright owners. Each headright owner had one share of royalties from the production of oil and gas in the Osage Minerals Estate. Today, many of those headright interests are fractionated.

The Osage Minerals Estate has been producing oil since 1896, making it one of the oldest fields in the United States. Our Minerals Estate fields still contains proven reserves. In 2015, it was estimated that headright owners would receive about $13.6 billion in royalties from 2012 to 2017. That is about a billion dollars a year. Despite our success, the Osage Minerals Council faces many of the same challenges as other energy-producing Tribes. We also face some challenges that are unique to the Osage.

First, like other Tribes, energy production on our lands is limited by a lack of staff, expertise, and resources in the Bureau of Indian Affairs agency offices. Without the BIA staff or expertise to keep up with the energy industry, we are not able to fully develop our resources to benefit the Osage headright owners. For example, we estimate that the BIA averages more than a year just to approve a single workover permit. A workover permit only approves maintenance for an existing oil and gas well. You can imagine the delays for permitting a brandnew well. The BIA needs far more than the $5 million or so budgeted in the past to manage our oil and gas development across Indian Country. BIA needs 10 times that amount. When you compare the BIA's budget to the $187 million

budget that the BLN budget has for oil and gas development on Federal lands, it is no wonder that the Government Accountability Office recently determined that the BIA management hinders Indian energy development and needs sweeping exchanges.

Second, unlike other Tribes, the 1906 Allotment Act creates special requirements for leasing on our land. For example, leasing on the Osage Minerals Estate is specifically excluded from the Indian Mineral Leasing Act. Instead, the Interior follows Osage-specific regulations, and the BIA is the only agency involved in approving our oil and gas permits in our Minerals Estate.

The BIA does not get any help from BLM or the Office of Natural Resources Revenue like other Indian reservations. The Osage Minerals Council also has unique management responsibilities, but our funding is limited as well. We currently manage the estate with an annual drawdown from royalties that should be distributed to the Osage headright owners. This is an unfair burden on our headright owners, and there is not enough funding for effective management of the estate.

Meanwhile, every year since 1921, the State of Oklahoma has collected a 5-percent gross production tax from our royalties. In many years, the tax generated is in excess of $5 million for the State but provides no benefits to the Osage Nation. With this impact from State taxes and many responsibilities for managing the Osage Minerals Estate, we respectfully request that the subcommittee provide direct funding to the Osage Minerals Council to help us hire the staff we need to manage the estate and promote drilling and production.

As highlighted in our written testimony, we need about $2 million in funding to employ experienced staff, create a digital database to monitor well production and environmental hazards, and about $5 million in funding is needed to plug abandoned wells. Just as an example, BIA found roughly 1,400 wells for plugging. Each of these wells cost between $10,000 to over $100,000 to properly plug and abandon. These are old, open wells, and they are a hazard to all.

Even worse, the BIA has not complied with environmental review requirements for years. This subjects the United States and the Osage Minerals Council and Osage leases to never-ending litigation and kills development of new wells.

We need to turn this situation around. Oil and gas production at Osage Minerals Estate supports thousands of jobs and provides badly needed economic development.

We respectfully request that you increase the BIA's national energy budget, and we request $4 million in direct funding for the Osage Minerals Council so that we can bring management of the Osage Minerals Estate into the 21st century.

Thank you for the opportunity to testify, and I am available to answer any questions.

[The statement of Cynthia Boone follows:]

Osage Minerals Council

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

May 16, 2017

Good Morning and thank you Mr. Chairman and distinguished Committee members for the opportunity to share with you the appropriation priorities of the Osage Mineral Council.

My name is Cynthia Boone. I am a Member of the Osage Minerals Council (OMC). The OMC is the tribal governmental body recognized under the Act of June 28, 1906, 34 Stat. 539, as amended (the "1906 Act") and by the Osage Nation Constitution to administer, develop, and protect the Osage Mineral Estate.

For those who may be unfamiliar with the Osage Mineral Estate, I will provide a brief history of the unique and complex history between the Osage and the United States. Oil was first discovered in recoverable quantities below the Osage Reservation in the 1890s. As a result of that discovery, the Osage Mineral Estate was reserved in trust by the United States for the benefit of the 2,229 Osage tribal members when the Osage Reservation was allotted in 1906 under the Osage Allotment Act of 1906. The 1906 Osage Allotment Act established the right of each of the 2,229 tribal members to receive one headright share (1/2,229) of future income from the royalties collected from the production of oil, gas, and other minerals from the Osage Mineral Estate.

The Osage Mineral Estate has been under continuous development since 1896, making it one of the oldest oil fields in the United States. Despite its long history of development, the Osage Mineral Estate still contains ample proven reserves and was estimated by the Office of the Inspector General in 2015 to generate $13.6 billion in royalties for the headright owners between Fiscal Years 2012 and 2027.

Importantly, the 1906 Osage Allotment Act created unique and distinct legal requirements for leasing the Osage Mineral Estate and for the respective duties of the United States and the Osage Tribal Council in the development of the Osage Mineral Estate. As a result, leasing, production, and development of the Osage Mineral Estate has always been governed by unique and separate laws from the rest of Indian Country. For example, the Osage Mineral Estate has been specifically excluded from the Indian Mineral Leasing Act, and no other general mineral leasing acts or oil and gas regulations govern the Osage Mineral Estate. Instead, the Secretary of the Interior has promulgated Osage-specific regulations and the local Bureau of

Indian Affairs (BIA) office manages the entirety of the Osage mineral leasing program for the federal government. The Bureau of Land Management (BLM) and the Office of Natural Resources Revenue have no direct role in the Osage Mineral Estate.

Today, the United States continues to hold the Osage Mineral Estate in trust pursuant to the 1906 Act, as amended. Congress has added to the United States' general trust responsibility over the Osage Mineral Estate by directing the Secretary to offer mineral leases "as may be deemed for the best interest of the Osage Tribe of Indians ..." and by directing the Secretary to require that the regulations governing leasing of the Osage Mineral Estate include provisions to ensure "that the highest percentage of ultimate recovery of both oil and gas [is] secured." 45 Stat. 1478, 1479 (1929)

Unfortunately, and similar to other energy producing tribes, development of the Osage Mineral Estate has been obstructed by the BIA Osage Agency's lack of sufficient staff, expertise, and resources to effectively manage and oversee energy development. This has prevented the OMC from fully utilizing its resources and has directly limited the revenue received by Osage headright owners. For example, the OMC estimates that it takes BIA Osage Agency, on average, more than one year to approve a simple workover permit, which is required before an operator is allowed to perform maintenance and/or remedial operations in an existing oil or gas well, and the timeframe is longer still for new well permits. This is in large part due to agency understaffing and the delays associated with complying with federal hurdles like the National Environmental Policy Act and the Endangered Species Act, to the great detriment of the Osage people.

That the BIA is the sole federal agency charged with the management of the Osage Mineral Estate is an especially important detail given the sparse nationwide budget for the BIA. The Osage Mineral Estate does not receive any benefit from the BLM's or ONNR's comparatively massive annual budgets. Despite the dramatic need for increased BIA resources to manage oil and gas development to benefit many reservations and tribal members across Indian Country, the President's fiscal year 2017 budget instead boosts the oil and gas budget for the BLM by $27.6 million to a total of $186.6 million, while the BIA budget for oil and gas development remains flat at a paltry $5.9 million for the entirety of Indian Country. With such little funding it is no surprise that the Government Accountability Office recently found that BIA's management has "hindered Indian energy development" and "needs sweeping changes."[1]

The OMC asks that the Subcommittee take action to help tribal nations by increasing the BIA's budget for conventional energy and compliance. Energy development on Indian reservations provides benefits far beyond what are obtained when similar resources are developed on federal lands. Developing Indian energy resources provides needed economic development, jobs, and infrastructure growth on Indian reservations.

Further, I respectfully request that the Subcommittee provide direct funding to the OMC so that the OMC can ensure the successful future of the Osage people by building infrastructure

[1] U.S. Government Accountability Office, Indian Energy Development: Poor Management by BIA Has Hindered Energy Development on Indian Lands, GAO-15-502 (June 2015); Office of the Inspector General, BIA Needs Sweeping Changes to Manage the Osage Nation's Energy Resources, CR-EV-BIA-0002-2013 (Oct. 2014).

and hiring personnel to improve and increase the amount of drilling and production in Osage County, studying the environmental impacts of its drilling program, and expanding tribal self-governance programs to manage the Osage Mineral Estate.

The OMC's energy development is a major economic engine for northeastern Oklahoma. Each year, Osage oil and gas production results in tens of millions of dollars in economic activity on the Osage's reservation, in nearby towns, and throughout the region. The mining industry and its support services employ many tribal members and help to support tribal and state governmental programs. Currently, the Osage Mineral Estate produces, on average, 13,500 barrels of oil per day and the OMC is attempting to open up additional acres of mineral leases dedicated to exploration. These are exactly the kinds of investments Congress should be making. Increased energy production on Indian lands provides badly needed jobs and revenue for tribal members. Facilitating Indian energy and economic development is exactly what is needed to lift many tribes out of ongoing dependence on federal budgets.

Currently, the OMC's only source of revenue is an annual drawdown from the mineral royalties trust fund that would otherwise be distributed to the Osage headright owners. Frustratingly, every year since 1921, the State of Oklahoma has assessed and collected a five percent (5%) gross production tax on the Osage Royalty Interest and in many years this tax has generated in excess of five million dollars to the State with no benefit returned to the Osage Mineral Estate. As you are likely aware, Oklahoma's tax on the Osage Royalty Interest is unheard of in Indian Country, outside of Oklahoma.

The OMC needs additional funds to be able to successfully manage the Osage Mineral Estate. As the lessor of the Osage Mineral Estate, the OMC enters into leases worth billions of dollars without an expert's assistance or advisement. We are unable to employ necessary staff to advise the OMC in our management of the Osage Mineral Estate. We respectfully request the following specific funding to improve the management of the Osage Mineral Estate for the benefit of the Osage people:

- **$650,000** to employ experienced technical staff such as a petroleum technical advisors, geomatics engineers or geologists to advise the OMC before entering into mineral leasing agreements and to create a long-term economic development plan;
- **$500,000** to employ an accountant or auditor to monitor lessee payments and fines for compliance with lease terms;
- **$350,000** to hire professionals and consultants to develop a Reservation-wide energy management analysis and remediation program to consider and address all of the impacts of this energy development to our people, lands, air, water, roads, law enforcement, traffic and health care systems;
- **$500,000** to create a digital records management and modeling program so the OMC can inventory and monitor well production, environmental hazards, and lease productivity; and,
- **$5,000,000** to the Osage Agency to plug abandoned wells.

The OMC desperately needs the funding to employ technical staff and to hire professionals and consultants to develop a Reservation-wide energy management and environmental analysis. The BIA has failed to comply with NEPA for years,[2] which has exposed the United States, the OMC, and the OMC's lessees to ongoing litigation and new development and production of the Osage Mineral Estate has come to a screeching stop. With this funding, the OMC could properly study the environmental impacts of energy development and develop remediation programs to mitigate any impacts.

The need to properly plug abandoned wells is a good example of the shortfall in funding we have received to manage the Osage Mineral Estate over the last 100 years and the impacts this shortfall has had on our community. There are several thousand unplugged and abandoned wells in the Osage Mineral Estate, of which the BIA has identified roughly 1,400 wells as a priority for plugging. Each well can cost between $10,000 to over $100,000 to properly plug and abandon and repairing an improperly plugged well costs $50,000 on average. Improperly plugged and unplugged wells pose an obvious safety hazard and this problem must be addressed. By plugging wells correctly, future environmental issues and liability related to fluid or gas leakage can be avoided.

In addition to the danger posed by unplugged or improperly plugged wells, the funding increases we request are needed to better manage the Osage Mineral Estate. The funding requested would enable the OMC to provide the stable infrastructure necessary to promote long-term energy and business investment while protecting the environment, resulting in new jobs and increased revenues for tribal members. Further, in order to meet its trust obligations to all Indian tribes, the United States must provide adequate funding to the BIA for conventional energy development.

Thank you for the opportunity to provide the testimony of the Osage Minerals Council and for your consideration of these important issues.

[2] Office of the Inspector General, BIA Needs Sweeping Changes to Manage the Osage Nation's Energy Resources, CR-EV-BIA-0002-2013 at 14-15 (Oct. 2014).

Mr. CALVERT. Thank you. Thank you for your testimony. I appreciate that.

Chief Baker, your testimony, obviously, you struck a chord when you talked about the 2018 budget. You are not the only one that is worried about it. I think that you will find a choir to sing to around here. But we are all anxious to see what the budget looks like when it comes around on May 22. So we will see what happens.

But we will need all of your help, I suspect, when that occurs. And, certainly, we will take a look at this issue with indirect cost rate and find out why our directive was ignored. That is not a good thing. I will certainly follow up on that.

And as far as the mandatory spending side, we were talking about that earlier today, Chief Floyd. And so Chairman Cole and I will be working on that together with his committee, and I hope we can come to some kind of solution to that problem.

And energy production in the United States is important. We will certainly look at that. And we have challenges, not just in Indian Country, but throughout the United States, as far as getting these permits done in an orderly fashion.

Ms. BOONE. Thank you.

Mr. CALVERT. With that, Ms. McCollum, you are recognized.

Ms. MCCOLLUM. Thank you, Mr. Chair. Once again, I think you summarized some of the issues really well.

Ms. Boone, one of the challenges that we were hearing back several years ago when we were doing public witnesses is that people were being hired out of the Bureau to work in the private sector because they could make so much more money. That was creating this ever cycling spindown in staff shortage. I know things have changed a little bit in the market, but it sounds like the staffing levels haven't improved. So I know we will take a close look at that.

And then, gentlemen, both of your testimony reflects some of the earlier testimony on Tribal colleges and students attending Tribal colleges. There is a huge gap in what those students have, whether it is for tuition dollars, boarding dollars, and that. It is really making the cost of college a real struggle.

I have had the opportunity to speak to students working on their advanced education after finishing high school not only from Minnesota, but from around the country. And this country cannot afford to leave anybody behind who wants to enter the workforce and be part of the future of this country. So I want to understand some of this funding gap better because they get hit in a couple of different ways beyond what other college students do. And quite often these young adults are young parents too, trying to balance work life and home life.

I am picking this up more as a theme this year in all the testimony. So I thank you both for bringing that forward.

Mr. CALVERT. Thank you.

Mr. Cole.

Mr. COLE. Thank you very much.

I want to begin by pointing out that Chief Baker was much too diplomatic to point out that this hospital he is building has become the largest American built, surpassing the Chickasaw hospital. So

I have to say this is a great program. And our Tribes have really, really used these, I think, exceptionally well. And, frankly, it is a great boon to all of Indian Country because this is our money going into building these facilities we are operating, basically. But it takes a burden off the Federal Government and puts it on the Tribe. And that, frankly, then frees up other money to go to Tribes that are not as fortunate, quite frankly, in terms of being able to afford the cost of facilities. So it is a big win for the Federal taxpayer for sure and for Indian Country. And it is a program we ought to continue to fund.

But these Tribes are to really be commended because they are taking an enormous responsibility upon themselves and using their own resources in ways that, again, help those that are a lot less fortunate.

I, too, want to just echo my concerns about the budget cut proposals but also suggest that we look at our own budget committee because that is where those decisions are going to ultimately be made. I mean, the President's proposal is just that: It is a proposal. And I sit on that committee. And the tendency will be—the President wants to do some things that I agree with very much. I mean, we have not adequately funded defense. He wants to increase that. I think that is a necessary thing to do. And if you want to offset the cost, I understand that. But you need to look over the entire budget, not just focus on the nondefense discretionary. And I am afraid that is what we will do.

And if we basically adopt the administration proposals on defense without raising—and my friend here will know exactly what this is—the 302(a), which is the total discretionary spending line, then these cuts will come. And they won't come in exactly the manner forecast, but if all of a sudden my friend the chairman's allocation falls dramatically, he is going to have to do the best they can. So it is what Congress does on the budget, honestly, more than what the President proposes that is really the key. And we are having those debates and discussions.

I don't think that that budget will be out until June. So I think making the points in May, when the President's budget comes out, are important. Now, again, to be fair, particularly in the area of Indian health, the chairman and I both visited with Secretary Price about this is not one of the areas that ought to be suffering these kinds of cuts. And the administration, in its own budget, said this would be a priority item, Indian healthcare service. He didn't tell us exactly what that meant. And I suppose we will have a fuller disclosure.

But those are things that, I mean, an already underfunded system just can't afford. There is no way we can have cuts of that magnitude without seeing dramatic impact in Indian Country and health outcomes as well.

So I appreciate all of you highlighting that. And this mineral issue, as Ms. Boone knows, is particularly not only in Osage Country. It is difficult for Utes. It is difficult for the Three Affiliated Tribes. But this unique relationship that they have with the BIA really does hamper the funding issues even beyond what we see, you know, in the other areas because the BLM just has a lot larger budget. And we ought to look to see if there is some way—and it

would probably require a legislative action—to at least make those resources available in Osage Country as well.

I mean, this is one of those leftover type situations—we have so many—of which, in Indian Country, that are due to very unique historical circumstances. It has been a very mixed blessing for the Osage, to say the least, as my friend would know. But it is something that ought to be able to be solved. They ought to have access to a larger pool of money. And I don't know why the BLM shouldn't be—their resources, at least—available for some of these kind of issues because it really—as Ms. Boone pointed out, these are old fields, and we are making it so hard to drill. These don't produce a lot of oil. Most of these are stripper wells, under 10 barrels, a lot of them under 5, and some of them one and 2, literally. So, when it is taking a year to get a permit to rework a well that is only producing——

Mr. CALVERT. Why doesn't the BIA just contract that out to the BLM since they are more apt——

Mr. COLE. That is something we ought to explore.

Mr. CALVERT. They are more apt to do that. It would probably be more logical for them to——

Mr. COLE. But there needs to be some way. Again, the Osage situation is very unique in Indian Country. But there has got to be a better way to administer this thing than what we are doing now.

Mr. CALVERT. Sure.

Mr. COLE. Anyway, I yield back. Thank you.

Mr. CALVERT. Thank you.

And thank you all for your testimony. We appreciate you being here today.

Next up is Valorie Walters, Executive Officer and Trustee of the Chickasaw Nation—I got that one right——

Mr. COLE. You got that one right.

Mr. CALVERT [continuing]. And Oklahoma Humanities Council.

Jennifer L. Johnson, Ph.D. Student, University of Oklahoma, Spoken Creek Documentation Project.

Good morning. Thanks for coming.

Without any further ado, I am going to recognize Valorie Walters with the Chickasaw Nation.

Welcome.

TUESDAY, MAY 16, 2017.

CHICKASAW NATION AND OKLAHOMA HUMANITIES COUNCIL

WITNESS

VALORIE WALTERS, EXECUTIVE OFFICER AND TRUSTEE

Ms. WALTERS. Good morning, Mr. Chairman and members of the subcommittee. Thank you all so much for allowing me to testify today. I am here to talk with you about the Oklahoma Humanities Council and also how they help tell the Native story as well as those across the U.S.

The programs within the humanities cover all areas, from history, philosophy, literature, and ethics. And the programs them-

selves include everything from museum exhibits to literature sessions to films. In these stories or in these programs, we are able to share the importance of the Native American history all across the United States, which, as we all know, is very important to all of us as Americans.

Our audience for the Oklahoma Humanities includes everyone. We truly believe that the Humanities Council or that the humanities is something for everyone—of all ages, all races, all income levels. It is really for everyone.

I want to talk to you a little bit about some of the programs that happen in Oklahoma. We have supported Symposium on the American Indian, which is a week-long symposium at the Northeastern State University where Tribal members and humanities scholars share their knowledge of American Indian contributions in art, literature, and sustaining traditional culture. Along with that, we have also helped in "An Everlasting Fire: The Seminoles of Oklahoma," where we actually helped support them in redesigning their gallery through artwork, photos, audio, and video recordings.

Throughout the State, we actually help with, also, festivals that take place. One is the soft language department of the Sac and Fox Nation where we supported them as they put on an Algonquin cultural and language festival and brought together Tribes and different organizations to help celebrate their history and culture.

We have helped with the Cherokee National Historical Society's Heritage Center Outreach Educational Program. And this is a cross-cultural teaching where they expanded over 14 counties and actually reached 15,000 people in sharing their history, their culture, their arts, everything for the Cherokee people.

Ms. WALTERS. We worked with the Metro Caddo Cultural Club in Norman, Oklahoma, where they have received several grants in participating their Caddo culture, celebrating that through traditional dances and demonstrations of foodways. Now, this also actually leads into a bigger discussion about diabetes and the impact that has on Native Americans.

In Oklahoma, we have also worked for different films or producing different films. We work with curriculum to profile Native Oklahoma women.

We have worked with the National Cowboy & Western Heritage Center to help fund a wonderful exhibit: "Power and Prestige: Headdresses of the American Plains."

So, in 2015, when the NEH offered State humanities funding for programs about veterans, Oklahoma partnered with OETA and some Tribes to produce a film called "Native Oklahoma: Vietnam Veterans." And it was a 30-minute documentary that was shared with all Oklahomans.

We also, as part of the Chickasaw Nation, have partnered with the Oklahoma Humanities to bring about some funding to help with our literature program called "Let's Talk About It," which is a free and open program to folks all across Oklahoma in various public libraries.

In other States, whenever we talk about sharing the Native stories, we are talking about various States across the U.S.: Alabama, Colorado, South Dakota, Texas focus on Native American traditions in their States. Colorado's institutes on the Cheyenne and Arapaho

Tribe were planned with the Tribe's input and include Tribal presenters.

Texas supported the Caddo Traditions Teachers' Workshops and a 2-day program allowing teachers the opportunity to meet with Tribal members and scholars.

We do all kinds of programs within the humanities. We do films. We do programs for reading, some of the documentary films. We have done a Native Hawaiian where it featured a 60-minute documentary called "Hawaiian Masterpieces: Ka Hana Kapa," showcasing the art and techniques of master practitioners used by ancient Hawaiians.

Indiana actually produced a film focused on the Fall Creek massacre and its aftermath.

Rhode Island's Council for the Humanities funded two documentaries, one that explored New England Native identity from the point of view of language preservation and loss, and another one on King Philip's War and its effect on the Native people.

Now, as I talked about films, we also do festivals, which include film festivals as well. The festivals funded—the Idaho Humanities Council funded a Native American film series featuring five monthly documentary films by Native Americans. The South Dakota Festival of Books annually features a history and tribal writing track with American Indian humanities scholars and authors. Significant Tribal voices have included people like Sherman Alexie to help tell the stories.

We support exhibits to help tell the Native American story. Throughout, we have councils in Indiana, Massachusetts, Michigan, Texas, and South Carolina, who have all funded exhibits that help tell the Native American stories.

The Michigan Humanities Council partnered with local groups to bring an interpretive highway exhibit described as a last Potawatomi homestead.

In New Jersey, funding from the New Jersey Council for the Humanities enabled the reinstallation of the Newark Museum's Native American collection in a new location.

Some of our other programs that help tell the Native American story include festivals, history days, curriculum, always that we help.

So, in conclusion, I just want to say, first of all, thank you for your time. We do certainly appreciate everything that you all do, and we truly believe that the humanities help tell the Native story. And we thank you for all of that.

[The statement of Valorie Walters follows:]

Testimony on Behalf of the Oklahoma Humanities Council

Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Valorie Walters, Executive Officer for the Division of the Chickasaw Cultural Center, Chickasaw Nation, and board member, Oklahoma Humanities Council; addressing the National Endowment for the Humanities, May 16, 2017.

Mr. Chairman and Members of the subcommittee, I appreciate the opportunity to present testimony on behalf of the Oklahoma Humanities Council, Oklahoma's affiliate of the National Endowment for the Humanities (NEH). You will hear testimony during these two days about many issues of critical importance to Native Americans, but all too often, the less tangible issue of how we preserve, celebrate, and increase awareness of our rich history and culture is overlooked. I am here to provide information on the importance of NEH funding—which helps us tell this story that is so fundamental to understanding the history of the nation as a whole—to Native Americans in Oklahoma and across the nation.

The NEH Office of Federal/State Partnership oversees grant support to the 56 state, jurisdictional, and territorial humanities councils and it is their programs I would like to address today. These councils are nonprofit organizations dedicated to providing the general public with academically sound programs that educate, enlighten, and engage citizens throughout the country. For over four decades, the state humanities councils have made the academic humanities disciplines available to the citizens of their states and territories. The rich content found in the fields of history, philosophy, literature, ethics, and jurisprudence have been the basis of programs whose formats are as varied as the topics they address. They include museum exhibits, documentary films, symposia, speakers' bureaus, elementary and high school outreach programs, teacher institutes, and reading and discussion sessions.

These programs have been directed to wide and diverse audiences of all ages and ethnicities. They include veterans, school children, teachers, parents, senior citizens, minorities, underserved populations, the newly literate, prisoners, librarians, and their patrons—in short, the citizens of our nation. Across the country, the state humanities councils share a true belief that the humanities belong to everyone. Our mission statements, goals, and objectives include reaching all audiences, including those who are underserved, or whose stories are undertold.

Many of the stories shared are those from our Native American communities. According to the 2015 census, Native Americans number over 3 million nationwide, representing 567 federally recognized tribes. Although a minority (roughly 1.2%) of the total U.S. population, the story of the Native American past and present is important to all Americans. Our contributions to American society have been and continue to be significant in all areas of public life and service, including over 200,000 active duty military members and veterans.

This collective history is our nation's oldest history. Critically important to Native people, our culture, traditions, and history are passed down through generations. Additionally, however, we are proud to share our past and vibrant present with our fellow Americans.

A well-proven and critical means of relating the stories of Native heritage and current contributions is the public programming supported by the National Endowment for the Humanities through the state humanities councils. In Oklahoma, the state humanities council has sponsored many programs over the years that have brought Native culture to wide audiences. Among them is funding for the "Symposium on the American Indian" at Northeastern State University in Tahlequah. This week-long symposium is free and open to the public. Humanities scholars and tribal members share their knowledge of American Indian contributions in art, literature, and the sustaining of traditional culture and practices today.

Also funded by the council is "An Everlasting Fire: The Seminoles of Oklahoma," an exhibit at the Seminole Museum in Wewoka that explores their history and identity. The vast collection of historical artifacts, artworks, photographs, sound, and video recordings in the museum's collections were used in this redesign of gallery space. The museum is also employing new museum standards to ensure longevity of the collections while educating the public

The Sauk Language Department of the Sac and Fox Nation held its Algonquin Cultural and Language Festival that brought tribal cultural and language organizations together for a two-day celebration of the similarities and diversities of the Algonquin language. Exhibits, demonstrations, and presentations took place in Stroud, Oklahoma.

Cherokee National Historical Society's Heritage Center outreach educational program has also received council funding. This cross-cultural teaching and demonstration program is designed to serve youth through adult ages throughout a fourteen-county jurisdictional region that constitutes the Cherokee Nation. The program reaches about 15,000 people. The program allows for the interpretation of the economic and social aspects of Cherokee society, its beliefs, religion, language, culture, arts, architecture, oral history, and technology.

The Metro Caddo Cultural Club in Norman, Oklahoma has received several grants from the council for their Caddo Festival. This event celebrates Caddo culture through traditional dance performances and demonstrations of foodways. The speakers engage the audience in discussion of the nutrition of native foods and modern foods. These topics open a discussion of the devastating effects of the national epidemic of diabetes.

The programming sponsored by the council spans diverse formats. The Oklahoma Humanities Council also funded a documentary film entitled, "Lost Nation: The Ioway," which reached over 61,000 audience members through its airing on public television stations. A K-12 classroom curriculum guide was funded to profile women of Native Oklahoma whose accomplishments illustrate their importance to society. These role models' stories were shared with educators, who in turn were able to use the curriculum in their classrooms. The National Cowboy and Western Heritage Museum of Oklahoma City hosted a council-funded exhibit entitled, "Power and Prestige: Headdresses of the American Plains." Nine eagle feather headdresses from the Northern and Southern American Great Plains tribes were exhibited. Ledger art, photographs, and text panels interpreted the use and style of the headdresses.

In 2015, when the NEH offered state humanities councils funding for programs about or for veterans, Oklahoma Humanities Council sought the partnership of our state's public television station, OETA. The resulting thirty-minute video entitled "Native Oklahoma: Vietnam Veterans" tells the unique stories of veterans from several Oklahoma tribes.

A project that illustrates another partnership is the development of a reading and discussion theme for the council's *Let's Talk About It, Oklahoma* series that take place free of charge across the state in public libraries. The Chickasaw Nation contributed matching funds for the theme development that features contemporary Native authors.

Similar programs have taken place across the nation sponsored and funded by state humanities councils. These programs take many forms. Teacher institutes in Alabama, Colorado, South Dakota, and Texas focused on the Native American traditions in their states. "Alabama Fever: A Games-Based Discovery of Territorial Alabama" explored interactions of Native people in the Alabama Territory with British, Spanish, and American settlers. Colorado's institutes on the Cheyenne and Arapaho tribes were planned with the tribes' input and included tribal presenters. South Dakota regularly presents teacher institutes on American Indian history in order to enhance understanding of South Dakota's indigenous people. Finally, Texas supported the Caddo Traditions Teachers' Workshop in a two-day program allowing teachers the opportunity to meet with tribal members and scholars.

Reading programs for children and adults alike regularly feature Native American authors and themes. In Colorado, the Motheread/Fatheread program has been of benefit to children and parents of the Southern Ute tribe. Humanities Iowa showcased the writing of Meskwaki Native American Ray Young Bear in their library and reading book series. Humanities Nebraska's *Prime Time Family Reading Time*, a 6-week program of reading, discussion, and storytelling, includes a version for Native American families, 80% of whom said it changed their children's attitude toward the library. *The Young Readers Initiative* of South Dakota Humanities was recently expanded to all nine of the state's American Indian reservations. Students are given a book to read over the summer and meet with the author the following fall. Delaware's reading and discussion series, *Literature and Medicine*, for healthcare professionals has three Native American-themed sessions.

Documentary films are also frequently funded through state humanities councils. Native Hawaiians were featured in a sixty-minute documentary called "Hawaiian Masterpieces: Ka Hana Kapa" showcasing the art and techniques of master practitioners used by ancient Hawaiians. Documentaries in Indiana have focused on the Fall Creek Massacre and its aftermath. In Massachusetts, Mass Humanities supported the creation and distribution of the full-length documentary film "Dawnland" about the Maine Wabanaki-State Welfare Truth and Reconciliation Commission. Rhode Island Council for the Humanities funded two documentaries, one that explored New England Native identity from the point of view of language preservation and loss and another on King Phillip's War and its effect on Native people. Humanities Texas has awarded numerous grants for the creation of documentary films

on Native American topics including Comanche Chief Quanah Parker and another entitled, "The Last Conquistador," chronicling the opposition Native Americans had to the creation of a statue of conquistador Juan de Oñate.

Festivals funded by state humanities councils celebrate Native culture across the country. Idaho Humanities Council funded a Native American Film Series featuring five monthly documentary films by Native Americans. Humanities Nebraska's "Vision Maker Film Festival" showcased contemporary Native American filmmakers that reached more than 4,000 audience members. The South Dakota Festival of Books annually features a "History and Tribal Writing Track" with American Indian humanities scholars and authors. Significant tribal voices have included Sherman Alexie, Virginia Driving Hawk Sneve, and Louise Erdrich. Humanities Texas awarded a grant to the American Indian Resource Center in San Antonio to support a three-day festival recognizing peacemakers of American Indian societies through storytelling, written word, art exhibits, and traditional dance.

Support of museum exhibits is widespread among state humanities councils. Councils in Indiana, Massachusetts, Michigan, Texas, and South Carolina have funded exhibits on Native American topics. South Carolina Humanities supported a new permanent exhibit and collateral programming about prehistory in their state, in addition to an exhibit featuring Native Artists of the Southeast. The Michigan Humanities Council partnered with local groups to bring an interpretive highway exhibit describing the last Potawatomi homestead of the Hannahville Indian Community before their forced relocation. In New Jersey, funding from the New Jersey Council for the Humanities enabled the reinstallation of the Newark Museum's Native American collection in a new location.

The array of programs that state humanities employ is vast, and their impact cannot be underestimated. In addition to those mentioned, speakers' bureaus, curricula, conferences, National History Day events, heritage tours, school tours, radio broadcasts, and celebrations have been funded with exemplary results. In Mississippi, a Chickasaw Celebration held in Tupelo drew over 1,500 attendees, including 1,200 students who participated in Chickasaw crafts and activities. New Mexico Humanities Council's National History Day competition advances more Native students to the national contest than any other state. New Jersey Council for the Humanities' consistent support of school curricula has meant that teachers' abilities to accurately present Native perspectives to their students has been greatly enhanced. In 2017 alone, Montana Humanities provided 17 programs to schools and organizations across the state, including 10 organizations on Montana reservations.

We all benefit from state councils' work in our states. Those programs that support Native American tribes, their cultures, traditions, and language are just some of the many ways the importance of NEH funding to our nation can be seen. It is very important, not just to Native Americans, but to all Americans. I would like to thank you for your previous support of the National Endowment for the Humanities, enabling it to further understanding and pride in our nation's oldest history.

Mr. CALVERT. Thank you. Thank you for your testimony.
Next, Jennifer Johnson, you are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

UNIVERSITY OF OKLAHOMA—SPOKEN CREEK DOCUMENTATION PROJECT

WITNESS

JENNIFER L. JOHNSON, PH.D. STUDENT

Ms. JOHNSON. Mr. Chairman, Ranking Member McCollum, and members of the subcommittee, Estonko.

My name is Jennifer Johnson, and I am a citizen of The Seminole Nation of Oklahoma, and a Ph.D. student in the College of Education at the University of Oklahoma. I am here today to testify in support of the National Endowment for the Humanities.

I grew up in a rural community of Konawa, Oklahoma. My community is nestled within the Tribal boundaries of the Seminole Nation, a Tribe with approximately 18,000 citizens located in the south-central portion of the State. Although my community is small, it is rich in heritage.

Within my family, my grandmother was a monolingual speaker of the Maskoke language. She didn't speak English at all. My aunts and uncles were required to attend boarding schools in which they acquired the English language. The generation that precedes me is bilingual in Maskoke and in English. It is my generation that is not, and it is a loss that I feel deeply today.

When my generation was born, we were spoken to in English. Our parents didn't want us to struggle in school as they had. I can still remember my aunt telling me about how she was forced to stand with her nose in the middle of a circle in the wall because she had been caught speaking Maskoke in school. School language policy directly affected my family's use of the Maskoke language. And when my grandmother passed away, I began to hear the language less and less.

My testimony today is to highlight the impact of the NEH-supported Spoken Creek Documentation Project, which is an endangered Muskogean language originally spoken in the Southeastern United States. It is now spoken by the Seminole and the Muscogee Creek Nations in Oklahoma and the Seminole Tribe of Florida.

The project is part of the Documenting Endangered Languages Program, which is a partnership between the NEH and the National Science Foundation to develop an advanced knowledge concerning indigenous languages and human languages. The project builds on existing collaboration between the College of William and Mary and the Seminole Nation to provide the first documentation of Spoken Creek, or Maskoke as we call it.

The goal is to produce 24 hours of audiovisual recordings, transcriptions, and translations into English, and train students in language documentation methods. We have been fortunate to include a round table of military veterans as participants in the interviews. These veterans served in Bosnia, Korea, Vietnam, and World War II. The stories and life lessons that they have shared through our

language is invaluable to the repository of knowledge of American history.

We were reminded of the importance of the Maskoke language in service to the United States when, in November of 2013, our esteemed elder, the late Mr. Edmond Andrew Harjo, was presented with the Congressional Gold Medal for his service as a code talker in World War II. The Maskoke language was one of a few indigenous languages utilized as military code that could not be broken.

Within the Seminole Nation, I estimate there are approximately 200 first-language fluent speakers remaining. Unlike other world languages, such as Spanish, Italian, and French, the Maskoke language is only spoken in the United States. There is nowhere else in the world that you can travel to hear it spoken in its natural state. According to information from the 2010 national census, there are only 169 indigenous languages still spoken, and of that number, only 5.4 percent were spoken across all ages. However, it should be noted that those census figures do not give us a clear picture of what degree of fluency those languages are spoken.

With the commencement of the next census in the next 3 years, I expect the number of indigenous languages spoken will decrease significantly as the number of first-language speakers have passed on. So the work that we are doing today is important as our languages within the United States are unique to the heritage of our country. Yet their very existence is fragile. I know that, within my lifetime, I will bear witness to seeing the last of our first-language speakers go, and this project has provided such vital assistance in not only documenting the Maskoke language, but also providing us with such a concise understanding of American history.

The information I presented is dire, but I can testify to the positive correlations that this NEH-supported project has had within my State. I have seen second-language learners who are committed to the revitalization of Maskoke. These learners include a young teacher who goes to work each day teaching classes of Oklahoma high school students the Maskoke language in a local public school. These students then achieve their world language requirement by studying our language. School curriculum has been developed to include the project videos, and it is through these experiences that I have found hope for our language.

This project is one of the many that have been funded by support from the National Endowment for the Humanities. Through its Documenting Endangered Languages program, the endowment has been a leader in providing support to endangered languages around the world, especially indigenous languages and cultures that are unique to this country. Since 2004, NEH has provided nearly $40 million in funding to these efforts. To ensure that programs and projects such as these, vital to the heritage of the United States, I ask you to provide $155 million for the National Endowment for the Humanities for fiscal year 2018.

Thank you for the opportunity to speak to you today.

Mvto.

[The statement of Jennifer L. Johnson follows:]

Public Witness Testimony
Submitted to the Interior, Environment and Related Agencies Subcommittee Committee on Appropriations, U.S. House of Representatives
Regarding FY 2018 Funding for the National Endowment for the Humanities
Jennifer Johnson

(May 16, 2017)

Mr. Chairman, Ranking Member McCollum and Members of the Subcommittee:

Estonko. Good morning. My name is Jennifer Johnson and I am a citizen of the Seminole Nation of Oklahoma and a PhD student in the College of Education at the University of Oklahoma. I am here today to testify in support of the National Endowment for the Humanities (NEH).

I grew up in the rural community of Konawa, Oklahoma. It is a town so small, that it does not even have a stoplight. My community is nestled within the tribal boundaries of the Seminole Nation, a tribe with approximately 18,000 citizens, located in the south-central portion of the state. Although my community is small, it is rich in heritage.

Within my family, my grandmother was a monolingual speaker of the Maskoke language; she didn't speak English at all. My aunts and uncles were required to attend boarding schools in Oklahoma in which they acquired the English language. The generation that precedes me is bilingual in Maskoke and English. It is my generation that is not and it is a loss that I feel deeply today. When my generation was born, we were spoken to in English. Our parents didn't want us to struggle in school as they had. I can still remember my aunt telling me about how she was forced to stand with her nose in the middle of a circle on the wall because she been caught speaking Maskoke in school. School language policy directly affected my family's use of the Maskoke language.

As I grew up with my grandmother and extended family, I was fortunate to hear my grandmother's stories that conveyed a worldview that was uniquely Seminole. These stories transmitted knowledge that has been passed down through generations. When my grandmother passed away, I began to hear the language less and less.

My testimony today is to highlight the impact of the NEH-supported **Spoken Creek Documentation Project**, which is an endangered Muscogean language, originally spoken in the southeastern United States. It is now spoken by the Seminole and Muscogee Creek Nations in Oklahoma, and the Seminole Tribe of Florida. The project is part of the Documenting Endangered Languages program, a partnership between the National Endowment for the Humanities (NEH) and the National Science Foundation (NSF) to develop and advance knowledge concerning endangered human languages. The project builds on existing collaboration between the College of William and Mary and the Seminole Nation to provide the first documentation of spoken Creek (or Maskoke as we call it). The goal is to produce 24 hours of audiovisual recordings, transcriptions, and translations into English and train students in language documentation methods. The data will then be archived at the Sam Noble Museum of

Natural History at the University of Oklahoma and is currently made available online as it is completed. Much of the transcription and translation has been done by students, paired with fluent speakers, in Bacone College's Master-Apprentice program.

I first became involved with the Project, when our Principal Chief Leonard Harjo met with Dr. Jack Martin, a linguist from the College of William & Mary that has worked closely with our tribe to assess next steps in language planning. Chief Harjo noted that we were losing first language Maskoke speakers at an alarming rate and that critical action was needed to address the loss of our ancestral language. In collaboration with the Seminole Nation, Dr. Martin developed the NEH supported project and we have obtained audiovisual recordings that contain stories and information that is invaluable.

We have been fortunate to include a roundtable of military veterans as participants in the interviews. These veterans served in Bosnia, Korea, Vietnam and World War II. The stories and life lessons that they shared through our language is invaluable to the repository of knowledge of American history. We were reminded of the importance of the Maskoke language in service to the United States, when in November of 2013, our esteemed elder, the late Mr. Edmond Andrew Harjo was presented with the Congressional Gold Medal for his service as a Code Talker in World War II. The Maskoke language was one of a few Indigenous languages utilized as military code that could not be broken.

Within the Seminole Nation, I estimate there are approximately 200 first language fluent speakers remaining. Unlike other world languages, such as Spanish, Italian or French, the Maskoke language is only spoken in the United States. There is nowhere else in the world that you could travel to hear it spoken in its natural state. According to information from the 2010 U.S. Census, there were only 169 Indigenous languages still spoken and of that number, only 5.4% were spoken across all ages. However, it should be noted the 2010 Census figures do not give us a clear picture of what degree of fluency those languages are spoken. With the commencement of the next U.S. Census Survey in the next three years, I expect the numbers of Indigenous languages spoken will decrease significantly, as first language speakers have passed on. The work that we are doing today is important as Indigenous languages within the United States are unique to the heritage of our country, yet their very existence is fragile. I know that within my lifetime, I will bear witness to seeing the last of our first language speakers go, and this project has provided such vital assistance in not only documenting Maskoke language but also providing us with such a concise understanding of American history.

The information I've presented is dire, but I can testify to the positive correlations that this NEH supported project has had within my state. I have seen second language learners who are committed to the revitalization of Maskoke. These learners include a young teacher who goes to work each day teaching classes of Oklahoma high school students the Maskoke language in a local public school. Those students then achieve their World Language requirement by studying the language. School curricula has been developed to include the project videos. It is through these experiences, that I have found hope for our language.

This project is one of many that have been funded by support from the National Endowment for the Humanities. Through its Documenting Endangered Languages (DEL) program, the

on campus. Currently, classes are being held in the campus storm shelter, which could lead to a capacity issue in the event of severe weather.

BIE's Operation and Maintenance funding is not enough to meet the needs of the school, and, as such, the buildings continue to degrade, space continues to be an issue, and enrollment continues to fall.

Like so many BIE schools, Sequoyah requires immediate assistance. Yet because of the great need throughout Indian Country, and the great cost to the federal government to replace many of these facilities, last year BIE selected less than a dozen schools to move forward with repairs or replacement. Sequoyah was not one of the schools selected to continue with this process.

And considering the current $1.3 billion backlog, I find it hard to believe we will be selected any time soon under the current criteria and program guidelines.

The need, however, will still be there.

This is why we need new ideas and solutions. If tribes were able to incur construction costs for these facilities in exchange for fixed operations and maintenance costs—like the IHS joint venture—we might be able to alleviate some of the significant backlog and create new educational opportunities in Indian Country. If we maintain the status quo and wait for BIE to go through the entire list, we'll be in the same place year after year.

We cannot simply wait for funding that is unlikely to come. The challenges are too great, and the consequences of delay are too grave. Therefore, we urge the subcommittee and all of Indian Country to start to rally around new solutions to the problem of school construction, including a new joint venture-like program for BIE.

Contract Support Costs

We continue to support full funding of IHS and BIA contract support costs, and thank this Committee for its work to date to fully fund contract support costs without jeopardizing program funding. We respectfully urge the Committee to continue with its current approach of employing a separate and indefinite appropriation.

As you know, the 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. As the U.S. Supreme Court has confirmed in several decisions, the federal government has a legal obligation to fully fund contract support costs. *Cherokee Nation et al. v. Leavitt, Salazar v. Ramah Navajo Chapter,* and *Arctic Slope Native Association v. Sebelius.* Despite these 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 the Cherokee Nation must divert from direct patient care to cover contract support costs, we are forced to forego about 6,000 patient visits. Failure to fully fund these costs impedes our ability to meet the health care needs and the other needs of Cherokee citizens.

An important component of fully funding contract support costs is ensuring that the agencies adopt and implement effective internal guidelines for calculating and reconciling CSC payments so that estimates are accurate and the methodology is not unnecessarily burdensome. The approach developed by BIA to date does this. However, we remain deeply troubled by the approach being used by IHS which is unduly complex and which has led and will lead to substantial errors in estimating CSC requirements. Such errors have direct consequences on Congress's ability to appropriate funds that IHS, tribes and tribal organizations, require for the delivery of health care services. We urge the Committee to continue with its important oversight of the agency's work on these matters, to remind IHS of the need to simplify its process, and to instruct both agencies not to seek to reduce tribal contract support cost entitlements.

Indirect Costs

Two years ago, the House Appropriations Committee included the following in the report accompanying the FY 2016 Interior, Environment, and Related Agencies appropriations bill:

> *Indirect Costs—The Committee is concerned that a recent Administration policy change with regard to indirect cost reimbursement may not fairly apply to Indian Tribes and tribal organizations. The Secretary is directed to report to the Committee justifying this policy change and in particular its application to tribal enrollment activities.*

I would like to update you on this matter. Since the time of the Committee's report, we have engaged in discussions with the Interior Department but the matter is not yet resolved. Interior's longstanding policy properly allowed costs related to citizen enrollment to be included in calculating indirect costs, but in late 2014, Interior staff announced an intent to take a different position. There has been no change in the law to justify such a policy change. To the contrary, the work in verifying tribal citizenship has been, and continues to be critical to determining eligibility for many federally-funded programs that tribes, like the Cherokee Nation, administer. We have provided Interior with detailed information explaining the reasons why this work is necessary for the efficient performance and administration of federal awards, and is therefore properly allocable in the indirect cost pool under the law. The Intertribal Council of the Five Civilized Tribes and NCAI have expressed support for the Cherokee Nation on this issue.

However, we are increasingly concerned that our discussions with Interior are moving in the wrong direction. For example, an important part of our work is creating photo identification cards. These cards provide a cost-effective way to verify eligibility for the federally-funded programs that we administer and were specifically designed to prevent fraud by meeting TSA standards. (The cards are laminated, show the individual's photo, id number, signature and a hologram so they cannot be reproduced). Since the photo id program was established, Interior consistently agreed that its costs were properly treated as indirect costs, but are now questioning this. There is no basis for such arbitrary reversals of position. We welcome any assistance that this Committee can provide to ensure that longstanding past policies which properly allowed such costs remain in effect.

Thank you again for this opportunity to testify.

Endowment has been a leader in providing support to endangered languages around the world, especially indigenous languages and cultures that are unique to this country. Since 2004, NEH has provided nearly $40 million in funding to these efforts.

To ensure that programs and projects such as these, vital to the heritage of the United States, I ask you to provide $155 million for the National Endowment for the Humanities for Fiscal Year 2018. Thank you for the opportunity to speak to you today. Mvto.

Mr. CALVERT. Thank you.

And thank you both for your testimony.

You will find that we all support the National Endowment for the Humanities. As a matter of fact, we were able to plus-up that budget slightly this year, both the National Endowment for the Arts and National Endowment for Humanities with all of our support, and hopefully we are able to maintain that support and that funding level. We will see as this budget year continues. But we are going to need your assistance in that.

I think it is important to point out what this means to Native programs throughout the United States. The humanities is extremely important, as this history may slip us by a little bit. We need to make sure we maintain that. So I share your concern about that, especially Native languages. Most of the Native languages, for instance, in California, are gone. So very few of them are left.

Ms. McCollum.

Ms. MCCOLLUM. Well, thank you. I think this just goes to show how impactful the humanities and the arts are to each and every one of us, but in particular at preserving something that is special to each and every one of us and very special to the different Tribal Nations in Indian Country. The chairman from Red Lake is going to come up shortly. We had a very powerful, impactful display at the Minnesota Historical Society on the Sioux uprising. And watching, as a history teacher, as a person from Minnesota, as a person who works on Tribal issues—I live a couple blocks away, so I stop in there quite often. Watching immigrants from the Hmong community and from the Somali community as well as people who are traveling on vacation, going through and learning of the courage of some of the Tribal people who took in settlers who thought their lives were threatened as well as settlers who took in Native American children from the surrounding community whose parents entrusted them with their care was a story that I had never heard of the Sioux uprising.

So it is very, very important that we share our history because that is how we learn about each other and learn not to make mistakes.

Thank you. You have so many issues in Indian Country, but thank you for coming and reminding us all how important it is to share our stories.

Thank you.

Ms. WALTERS. Thank you.

Mr. CALVERT. Mr. Cole.

Mr. COLE. I just want to make a couple of points. You know, if you are from Oklahoma, we have more endangered languages, literally, than anyplace else in the world. And that is actually a Federal Government statement.

But our Tribes have really done some remarkable things. And I want to first point out that if you guys haven't had a chance to see it—and I actually talked to Governor Anoatubby about this—the Choctaws have this amazing program where they have gathered their first—these are all first-language speakers. And they linked up the public school districts with telecommunication thing. And they literally bring classes into the public schools, over a hundred different schools in their territory. And you can come in—and I

have watched these things in action—with lively students, you know, learning the language. And it meets their language requirement, as you suggested. And I think even the University of Paris has picked this up. I have never seen a center quite like it. A lot of us struggle with different ways to do it. But that way you concentrate people that really are excellent instructors in one site. But you connect them to a territory where there is a broader interest in the language, and a lot of people, you know, in danger of losing their language that finally have an opportunity, in a public school setting, to recapture that.

And I would be remiss not to thank my friend who works with my Tribe. Our Tribe really has done some remarkable things. I don't know very many other Tribes that run their own press. We literally print histories of our Tribe and significant figures in it.

And, someday, when we are done competing in film festivals, I will get you guys a copy of the film of my Great Aunt Te Ata, which has, Graham Greene in it, you know, from "Dances with Wolves." It is unbelievable. And you would love her. I mean, she was your kind of person, Betty.

And we have done that with the first woman aviator, Pearl Scott, who was a very famous figure. So it is amazing how much this history is being recaptured by Tribes when they have the means. You know, again, and that is why the National Endowment of the Humanities is such an enormously important agency because not every Tribe has the means. And so just focusing, you know, this attention on this really has helped us uncover a lot of parts of history that I think the average Americans have forgotten or, frankly, in some cases, have, honestly, been actively suppressed. But they ought to be remembered.

And I commend both of you coming here. Most of the people who come and testify, appropriately, come and testify here about the BIA or the, you know, Indian Health Service. But for each of you to be here testifying for something that literally is beyond just Indian Country—obviously, every American benefits from—just says a lot about both of you and, obviously, the Tribes that you represent.

Thank you.

Mr. CALVERT. Thank you.

Thank you both. Have a good day.

Next we will recognize our next panel: Darryl Seki, Chairman of the Red Lake Band of Chippewa Indians, and Kevin Dupuis of the Fond du Lac Band of Lake Superior Chippewa Indians.

Welcome. Thank you for attending.

And, Mr. Seki, you are recognized for——

Mr. SEKI. Seki.

Mr. CALVERT. Seki. Okay. Excuse me. Seki. For 5 minutes.

TUESDAY, MAY 16, 2017.

RED LAKE BAND OF CHIPPEWA INDIANS

WITNESS

DARRELL SEKI, CHAIRMAN

Mr. SEKI. [speaking native language.]

Good morning, Chairman Calvert, Ranking Member McCollum, Tom Cole, and all of the good friends of Indian Country on this subcommittee.

[speaking native language.] Chairman, thank you for listening today. My name is Darrell Seki, and I am chairman of the Red Lake Band of Chippewa Indians. Red Lake has over 12,000 enrolled members, half of whom live on 840,000-acre reservation in northern Minnesota. Our Tribe, alongside the Federal Government, is responsible for providing public safety, health services, creating employment and economic development opportunities, and using our natural resources in ways that benefit future generations.

Our remote reservation suffers 50 percent unemployment and lack of basic infrastructure. Our reservation's safety net is stretched beyond its breaking point. Year after year of sequestration cuts has made it worse and worse. Sequestration has been a nightmare for Tribes like Red Lake who have limited opportunities for economic development because of our remote location, are unable to raise revenue through taxation, lack access to capital available to other government entities, and are forced to rely on fickle Federal funding to provide essential government services.

For years, I served as Tribal Treasurer at Red Lake, and I know full well our need for Federal funding and how painful it is to cut programs. From fiscal year 2013 to 2017, sequestration and rescissions cut Red Lake BIA's annual funding levels by more than $900,000 each year, forcing Red Lake's already underfunded programs to take a big hit.

To cover our shortfalls in public safety funding, Red Lake used Tribal Self-Governance Act authority to shift money from other critical BIA programs, cut back on staff, reduced hours for law enforcement and other public safety services. This left our public safety programs understaffed, underequipped, way below the BIA's own safety standards. Red Lake cannot afford to lose any more BIA funding.

Sequestration additionally cut $750,000 each year from his funding medical services at Red Lake. This has cost the Tribe several medical positions, made patients wait even longer for treatment, delayed patient followup care, reduced medical transportation, diminished supply stocks, and delayed replacement of outdated equipment.

In my written testimony, I have listed similar cuts to EPA's General Assistance Program, or GAP, and many other Federal programs that Red Lake relies on to support our Tribal members. As you begin to shape the fiscal year 2018 appropriations bill, Red Lake requests that you consider the following:

First, the legal and moral trust responsibility requires Congress to appropriate funds at the level needed to meet basic needs of Tribal communities like Red Lake. Red Lake and the United States are parties to several treaties by which Red Lake conveyed millions of acres of land to the United States in exchange for Red Lake's basic needs being met in perpetuity. Yet, by every measure, our needs are not being met. We have too few job opportunities, inadequate infrastructure, shrinking public safety, healthcare services.

We are fighting against violence, drug abuse, mental health dysfunction.

Second, the U.S. Congress should uphold treaty obligations regardless of political disputes over Federal budget cuts and deficits. This means you should protect Indian Country.

Budgets from the White House propose 12 percent cut to the 2018 Interior budget. It means you should add funds back to restore BIA, his and base Tribal government funding to make up for the cuts in reservations' programs caused by years of across-the-board sequestration.

Third, we ask that you increase funding for programs that are brining Red Lake success. BIA's Tiwahe and recidivism reduction initiatives are two initiatives that Red Lake has put to maximum use. Because of these programs, we have opened the juvenile treatment facility, a Tribal health and wellness program, providing a vital service to our youth for a variety of issues, including mental health, substance abuse, domestic abuse, and petty crime.

Before 2 years ago, I was here to testify about suicides. But we are proud to report, in the last 16 months, for the first time in years, we have had zero youth suicides—zero. This outcome is the direct result of our hard work with the funding you provided for the Tiwahe and recidivism reduction initiative programs.

[Speaking native language.] Thank you, again, to members of this subcommittee for your steadfast dedication and working for and with Indian Country.

Again [speaking native language] to you all for listening.

[The statement of Darrell Seki 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 2018 BIA, IHS, and EPA Budgets, May 16-17, 2017

Chairman Calvert and Ranking Member McCollum, thank you and the other distinguished members of the Subcommittee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians ("Red Lake"). Red Lake is a large tribe with 12,000 members. Our 840,000-acre Reservation is held in trust by the United States. While it has been diminished in size over time, our Reservation was never broken apart or allotted, nor subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we are responsible for a large land area over which we exercise full governmental authority and control, in conjunction with the United States. Due in part to our remote location, there are few job opportunities available for tribal members. While unemployment in Minnesota is only 3.9 percent, ours remains close to 50 percent. The lack of good roads, reliable communications systems, and other necessary infrastructure continues to impede economic development and job creation at Red Lake. The budget appropriation process is a major avenue through which the United States fulfills its trust responsibility and honors its obligations to Indian tribes. To that end, we request that your Subcommittee provide $6.7 million in additional FY 2018 funding for Red Lake programs as described below.

Protect and Restore BIA and IHS Funding From Sequestration. Sequestration has undermined specific Red Lake treaties that the United States Constitution considers the "supreme law of the land." Our tribal government delivers core government services that were previously administered by federal agencies, based on federal treaty and trust responsibilities owed to Red Lake. Because it would be unthinkable for the United States to fail to fully comply with contractual obligations to other treaty parties without consequence, the United States must likewise fully honor its obligations to Indian nations, like Red Lake.

In FY 2013-2017, sequestration cut Red Lake's BIA annual funding levels by more than $900,000 each year forcing Red Lake's already underfunded BIA programs to suffer from huge reductions. The BIA is obligated to provide adequate funding to meet basic public safety needs on our Reservation, but the BIA has repeatedly failed to do so. Each of our public safety programs is understaffed and undersupplied relative to the BIA's own safety standards. In order to provide minimal public safety in FY 2016, Red Lake had to spend $2.9 million more than BIA provided. To cover this shortfall, we had to shift funds from other critical BIA programs, which were also impacted by sequestration, cutback on staff, and reduce hours for law enforcement and other public safety services. This resulted in noticeable and dramatic cuts in service delivery.

Sequestration has additionally taken over $750,000 each year from IHS-funded medical services at Red Lake. This has cost the Tribe several medical positions, made patients wait even longer for treatment, delayed patient follow-up care, reduced medical transportation, diminished supply stocks, and delayed replacement of outdated equipment.

For tribes like Red Lake who must rely on federal funding for essential government services, sequestration has been a nightmare. Funding taken away by the draconian sequestration cuts of recent years should be restored in FY 2018. We specifically ask for an addition of $1,650,000 to

TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
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Red Lake's BIA and IHS base program funding in FY 2018 to restore funds taken away by previous sequestration cuts, and we ask for another $2,957,850 to be added to our BIA law enforcement budget to help Red Lake finally meet our BIA public safety shortfall.

Protect Indian Country Funding from Proposed 12 Percent Cut. Although only limited details of the President's FY 2018 budget have been released, we are very concerned about a proposed 12 percent across the board cut to Interior. For at least a decade, BIA has fared poorly when Interior has internally allocated its budgeted funds among various agencies.

Tribes have suffered terrible funding cuts to most government service programs. The cuts have caused a crisis for many tribes. The cuts include a crippling 16 percent to Tribal Government Funding (formerly referred to as "Tribal Priority Allocations" or "TPA") in 1996, most tribes' base programs other than law enforcement have not increased in 20 years, tribal programs were cut an additional 8 percent from the 14 separate, permanent rescissions enacted since 2000 to fund federal deficit reduction, tax cuts, wars, and hurricanes. Tribal employee pay costs were only partially funded most of those years. As a result, tribes' core service funding is far less, in real terms, than 20 years ago. This has undermined the ability of tribes to provide safety and security for people who struggle to survive under some of the worst living standards in America.

Red Lake's critical government services programs are dangerously underfunded, and the BIA through which we receive our funding continues to be impacted by sequestration, rescissions, and inflation, despite the able work of this Subcommittee to provide BIA funding increases in FY 2014-2017 after three years of significant decreases in FY 2011-2013.

Fully Fund Pay Costs and Fixed Costs in FY 2018 and Beyond. Pay costs represent the only increase most tribal programs receive. Since FY 2001, the Interior Department, BIA, and tribes, lost more than $800 million from the partial funding of Pay Costs and other Fixed Costs. This has resulted in the loss of thousands of jobs. The FY 2017 budget request included $5.3 million for BIA Fixed Costs and Pay Costs – the lowest request in history (in FY 2008 BIA Fixed Costs were $41.3 million). Red Lake requests that you provide $8 million specifically for tribes' Pay Costs in FY 2018, and that you continue to tell OMB that Pay Costs must be fully funded in all future budget requests. We also ask that you fund $2.1 million in FY 2018, the total cumulative amount Red Lake has been shorted from the failure to fully fund Pay Costs since FY 2001.

Protect and Fully Fund Tiwahe and Recidivism Reduction Initiatives (RRI). Tiwahe and RRI are positively impacting tribes. The Tiwahe Initiative provides resources to assist tribes in addressing the inter-related problems of poverty, violence, substance abuse, and associated outcomes like youth suicide. Tiwahe encompasses several BIA programs including Social Services, ICWA, Courts, Job Placement and Training, and Housing. These programs historically have seen few funding increases. The RRI is a BIA Public Safety and Justice program within its Law Enforcement Special Initiatives line, and which is now part of the broader Tiwahe Initiative. Through Tiwahe and RRI, Red Lake was able to finally open a juvenile facility that sat vacant

for a decade due to lack of funding. We are now providing vital services to youth who truly need them. Troubled youth are screened for a variety of issues including mental health, substance abuse, domestic abuse, crime, and recidivism. A host of services are provided including mental health, trauma, and substance abuse treatment. We have recently established a juvenile healing to wellness court, and in conjunction with Red Lake Schools, we established a "last chance" school for youth who are on the verge of expulsion because of societal problems affecting them. Additionally, Our Tribal Health Wellness Program works in concert with IHS Behavioral Health staff and the schools. To date, they have provided over 8,631 inpatient visits. Because of these initiatives, we are proud to report that, in the last 16 months, for the first time in years, we have had zero youth suicides. This is an outcome we want to maintain.

We are concerned about the 2nd sentence of the FY 2018 Budget Blueprint for BIA: "The Budget reduces funding for more recent demonstration projects and initiatives that only serve a few Tribes." Tiwahe actually impacts 61 tribes in its current pilot phase, and it will eventually expand to positively impact all tribes. On top of that, an additional $24 million in Tiwahe Social Services and IWCA funds were distributed to tribes across the country. Red Lake has made real progress to address the needs of our youth and families, thanks to Tiwahe and RRI. We greatly appreciated your support for these initiatives in FY 2015 and 2016, and for the additional $16 million you provided in FY 2017. You are helping our children and families to have better lives and safer communities. We ask that you continue to fully fund and consider increases for Tiwahe and RRI in FY 2018.

BIA Justice Services Programs: Law Enforcement, Courts, and Community Fire Protection. The Tribal Law and Order Act ("TLOA") was intended to empower tribal law enforcement with resources needed to combat crime. However since TLOA's implementation, BIA funding for tribal law enforcement has decreased thus hindering the ability of tribal law enforcement to reduce crime and protect tribal members. Recent administration budget requests have furthermore failed to include any increases for tribal law enforcement operations. We thank you for providing an additional $5.6 million for tribal law enforcement in FY 2017, this increase is sorely needed. We request an additional $10 million in FY 2018 for tribal law enforcement operations. Funding for Tribal Courts is grossly inadequate and remains a top priority of tribes. We thank you for providing an additional $2.6 million in FY 2017 for Tribal Courts in support of the Tiwahe Initiative, and we ask that you provide an additional $10 million in FY 2018 for Tribal Courts. Community Fire Protection has also 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 2017.

Housing Improvement Program. The Housing Improvement Program ("HIP") has provided Red Lake with many successes. Recently, we were able to build 8 new HIP homes for our poorest elderly and disabled members who were ineligible for assistance from other federal agencies. However, we remain concerned about the future of this program as HIP funding

was cut from $19 million to $8 million in recent years. We thank you for providing $1.7 million in FY 2017 for Housing under the Tiwahe Initiative. To continue funding our initiatives, we request an additional investment of $10 million in FY 2018.

Trust Natural Resources – Additional $5 Million. Thank you for providing an additional $9 million for Trust Natural Resources programs in FY 2017. Many natural resources recurring base programs, which fund tribes' day-to-day conservation responsibilities, have not been increased for years. As a result, tribes have been unable to adequately manage their resources. On our Reservation, most resource management activities are funded under the BIA budget categories of Tribal Management Development, Natural Resources TPA, Wildlife and Parks TPA, and Forestry TPA. We urge you to increase funding for each of these programs by at least $5 million above the FY 2017 enacted levels.

Indian Health Service (IHS) - $7.1 Billion. Thank you for providing $5.040 billion in FY 2017 for IHS, an increase of $232.3 million over FY 2016. There is a tremendous unmet need for IHS and tribal health programs, stemming from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. Per capita expenditures for IHS in 2015 were only $3,688 person, compared to $9,523 for the general population, a great disparity. For FY 2018, the IHS Tribal Budget Formulation Workgroup requested $7.1 billion for IHS, and we ask that you provide this amount.

EPA Programs. As Red Lake is home to the 6th largest natural, freshwater lake in the United States and approximately 60 percent of the Indian trust land in EPA Region 5, spanning a geographic area the size of West Virginia, water, wetlands, animals, and plants are vital to our Tribe. While we utilize various vital EPA programs, including: General Assistance ("GAP"), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105, Red Lake only has funding to support 50 percent of the staff needed. To better support our environmental needs, Red Lake requests increases in funding for these programs. If funding is not at least maintained at current levels we will be forced to let staff go and the vital natural resource protection programs they manage will be eliminated.

Dissuade the President's Signing Statement. With respect to President Trump's signing statement, the language suggests the Trump Administration is improperly applying an Equal Protection Clause analysis to funds for Native American housing and perhaps other funds. Tribes have a government-to-government relationship with the United States and, in the context of the federal trust responsibility, the federal courts have declared that tribes are to be treated as a political class, not as a racial class, thus precluding any Equal Protection Clause analysis. Red Lake asks that this Subcommittee help Indian Country dissuade the Administration from its errant views on this issue.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake in FY 2018, and for your consideration of these needs.

Mr. CALVERT. Thank you. Thank you for your testimony.
Next, Kevin—is it Dupuis?
Mr. DUPUIS. Yeah. Dupuis.
Mr. CALVERT. Chairman of the Fond du Lac Band——
Mr. DUPUIS. Fond du Lac.
Mr. CALVERT. Fond du Lac.

TUESDAY, MAY 16, 2017.

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

WITNESS

KEVIN R. DUPUIS, SR., CHAIRMAN

Mr. DUPUIS. [speaking native language.]

First of all, I would like to thank everybody for allowing us to come here and speak our mind. I am not used to reading off a piece of paper. Within our culture and our traditions, it is always talk from the heart and soul. You can't put the same things on paper. So I will try the best that I can. And I am really nervous about sitting in front of a clock that is telling me I can talk and when to stop.

Good morning. I am Kevin Dupuis. I serve as the Chairman of Fond du Lac Band of Lake Superior Chippewa. I want to thank this committee for inviting me to testify today and the good work you have done over the years, especially this year, to make sure that the needs of Indian Country are being addressed.

We have a small reservation in northeast Minnesota. We have 4,200 Tribal members. We provide government services, including healthcare, education, public safety, to 7,300 Indian people in our region. We use Tribal funds and partner with other governments and private entities to do much of this work. But these are not enough to address the needs. Federal funding is essential.

We are battling a long history of poverty and related problems that arise from poverty. We are making progress. We see improvements in student achievement and health of our people. But progress is very slow. We have yet to close the large gap between the Indian people and Minnesota population overall. We still suffer from higher rights of poverty, unemployment, diabetes, and heart disease than the statewide population. Much more work still needs to be done.

Education, including preschool and afterschool programs, opens the door for our children to move past the poverty and achieve. But without sufficient Federal funds, we cannot hire and retain qualified teachers without sufficient Federal funds. We cannot maintain school buses or the school building itself.

The school also helps protect our children from crime. We are on the front lines of fighting a drug epidemic. Our small rural community is seeing an influx of heroin, opioids, and meth that are poisoning our people. Our school provides programs and safe haven for children.

Over the years, our police department has assisted the school by assisting—assigning an officer to prevent juvenile crime. At the

same time, our police must also respond to and investigate the growing numbers of incidents, many of which are drug-related. The funding that the Federal Government provides to Tribes to help cover the costs of law enforcement salaries and equipment is key to this work.

The drug epidemic has also increased demands on our clinics. We have worked very hard to build and run clinics that can provide a broad range of care. We have programs to help combat substance abuse, but because of the drug epidemic, more is needed.

Our healthcare provides programs that are funded only 33 percent of the level of need. Our clinics work hard to fill the funding gap by third-party billings so that we are repaid by insurance companies or Medicare for the healthcare we provide. In fact, third-party billing through Medicaid are very important sources of funding for our clinics. If the law changed and the Medicaid dollars were cut or simply block-grant to the State, our clinics would suffer substantial losses. We would only be able to maintain the current level of care by very significant increases in his funding.

Finally, the healthcare and welfare of our people are directly tied to our natural resources. This was true at the time of our treaties with the United States, and it remains true today. To ensure that we can sustain ourselves and our families, the United States and our treaties promised that we retain the right to hunt, fish, and gather natural resources, both within and outside of our reservation.

Our members rely on these treaty rights to put food on the table. This is especially important for many of our people who are unemployed or live at, near, or below poverty. Natural foods, like wild rice, fish, game, and berries, also improve diet and health. The use of these natural foods are an important part of nutrition programs taught in our clinics and schools. These natural resources are also essential to our way of life and our culture.

Given the importance of these resources, we actively work to protect them from harm. We cannot eat fish that have high levels of mercury. Our wild rice will not grow in waters that have high sulfate levels. Far too many waters in Minnesota are impaired. Federal funds provided through the Interior and EPA for natural resources management and environmental protection are essential for us to restore waters, prevent pollution, and improve wildlife habitat. Unfortunately, funding has not kept pace with the need.

The Federal investment in the environment also improves the economy. The funding for the Great Lakes Restoration Initiative is a good example. By cleaning Lake Superior, we improve commercial fisheries, enhance tourism of the hunting and angling industry, a business that generates $73 million each year. This creates jobs in a region that desperately needs them.

We are very worried about the deep cuts that the President is proposing for the Federal budget. We are concerned that the new administration has not yet had time to learn what these important programs do or how effective and vital they are in Indian Country. We are very grateful for the work you did to preserve the increased funding for these programs in 2017, and we urge the same be done for 2018.

Thank you.

One quick note: As a former Secretary Treasurer of Fond du Lac, I have come to several hearings to testify. And we have to come here to ask for things that should have been promised to us—are promised to us.

I believe that there should be a large campaign to go over the program or the formula for funding under the base of the unmet need because we know that the formula is wrong, and we are not receiving that funding.

And, most importantly, when we come here, it is not about listening. We want you to hear us. There is a difference. We want to be heard.

Miigwech.

I am happy to answer any questions.

[The statement of Kevin R. Dupuis, Sr., follows:]

TESTIMONY ON FISCAL YEAR 2018 APPROPRIATIONS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KEVIN R. DUPUIS, SR., CHAIRMAN
BEFORE THE HOUSE COMMITTTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
May 16, 2017

I am Kevin R. Dupuis, Sr., Chairman of the Fond du Lac Band of Lake Superior Chippewa. I would like to thank you for inviting me to testify on FY 2018 Appropriations for Indian programs funded through the Interior Department, Indian Health Service and Environmental Protection Agency. On behalf of the Band, I also want to express our appreciation for the work you have done over the years, including your recent work on FY 2017 funding, to ensure that federal funds are available to assist tribes in meeting longstanding needs.

Our Reservation is in northeastern Minnesota. It is a small part of our aboriginal homeland and was established by the Treaty of September 30, 1854. We have approximately 4,200 members and provide health, education, social services, public safety and other governmental services to more than 7,300 Indian people who live on and near our Reservation. With the assistance of the federal government, as well as other public and private partners, we have been working to find effective solutions to end the legacy of poverty that has plagued our community, so that we are able to provide good jobs, grow the local economy, educate our children, prevent crime, and care for our elders and infirm. We are proud of what we have accomplished, but much still needs to be done and federal funding is essential to these efforts. Because of this we are deeply troubled by the severe cuts that the President proposes be made in FY 2018. Such radical cuts are counter-productive. The modest investment of federal funds has allowed the Band to use Band resources and attract private partners to carry out projects that create jobs and benefit the local economy. We urge Congress to maintain federal funding for these important programs.

Bureau of Indian Education. The Band operates the Fond du Lac Ojibwe School. Our school serves an average of 340 children from pre-K through 12th grade. Our students come from very low-income households; more than 90% of our students qualify for free or reduced rate lunches. We rely on federal funds from both the Interior Department and Education Department to run this school. We are making progress in improving the outcomes for our students. For example, high school graduation rates for American Indians in Minnesota have improved from 37.9% in 2003 to 52.6 % in 2016, but are still well-below state-wide rates. We have always been handicapped by limited resources. Past federal funding for education has never kept pace with need. As shown by data compiled by Minnesota, in 2016, there remain significant disparities between American Indians and the population statewide on education:

	Living below Poverty	3rd Grade Students at 3rd Grade reading level	8th Grade Students at 8th Grade math level	High School graduation rates
Statewide	10.2%	57.3%	58%	82.2%
MN Indian	25.1%	35.8%	30.3%	52.6%

From: Minnesota Compass, http://www.mncompass.org/education/overview.

We very much appreciate Congress's decision to increase overall education funding for FY 2017 by $39 million above the FY 2016 funding level. But we are deeply troubled by the President's

Budget Blueprint for FY 2018. This blueprint proposes a 12% cut to the Interior Department budget, without saying how those cuts might affect Indian education. The threat to our school is compounded by the Blueprint's proposed 13% cut in Education Department funding (another critical source for our school) combined with the plan to move federal money to school choice. The drastic cuts that the President proposes will only hurt our students.

Because education is so critical to success later in life, we urge Congress to increase federal funding for Indian education programs. At a minimum, funding for these programs should be maintained at FY2017 levels. The key elements of Indian education funding through Interior are:

- ISEP which is the primary source of school funding provided through Interior. It covers salaries for teachers, teacher aides, and administrative personnel and is essential to our ability to recruit and retain qualified teachers.
- Tribal Grant Support Costs which helps pay for accounting, insurance, background checks, legal and record-keeping.
- School Facility Operations and Maintenance which keeps the building safe, pay for preventative maintenance, and cover insurance and utility costs.
- Student Transportation which allow us maintain, repair, and replace buses.
- Early Childhood Development funds (FACE), which is critical to providing preschoolers with skills to be school-ready.
- Johnson O'Malley, which assists Indian children in public schools.

BIA: Public Safety and Justice. We appreciate Congress's decision to increase funding for BIA's Public Safety and Justice by $8 million above FY2016 levels. Although we are a small community in a PL-280 state, we are on the front lines combating major crimes. We face a serious drug epidemic which includes opioids, meth, heroin, as well as prescription drug abuse. Because of that epidemic, our law enforcement department is called upon to respond to a growing number of substance abuse relied crimes as well as drug overdoses and deaths. These include a troubling number of offenses involving juveniles. Our law enforcement also responds to many other matters, including domestic disputes, disturbances, disorderly conduct, property damage, theft, trespass, suspicious activity, unwanted persons, medical emergencies, fire, neglected children, missing persons, suicide threats, and traffic-related issues. The demand on our law enforcement has increased over the years. In 2016 our law enforcement responded to more than 8,200 incidents and calls for service – an increase from past years where the numbers were: 8,000 in 2015; 6,000 in 2014; 5,342 in 2013; 5,100 in 2012; and 4,900 in 2011.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies. We now have 19 full time officers, and 3 administrative staff. We are hiring two more full-time officers so we will have a total of 21 officers. To effectively meet need, we should have 23 to 25 full time officers, with 3 full time investigators. As present, we have only 1 investigator which is not enough. We need to be able to do more drug investigations so we can reduce the amount of drugs entering our community. We also have unmet need for equipment. We lack basic equipment for our investigation unit – from binoculars to more sophisticated surveillance equipment like video cameras and digital recorders. Our patrol cars are aging and need more-costly service repairs. Federal funding is essential to meet those needs. We urge Congress to increase funding for tribal law enforcement.

BIA: Trust-Natural Resources Management. We appreciate Congress's decision to increase by $9 million funding for BIA Trust-Natural Resources in FY17. We urge Congress to substantially increase funding for this program in FY18 as funding levels have never met need. Natural resource management is vital in Indian country where the basic subsistence needs of many Indian people (especially those living in poverty) depend on natural resources. This is certainly true at Fond du Lac. By Treaties in 1837, 1842 and 1854, the United States acquired our aboriginal territory but, to ensure that we could sustain ourselves and our families, expressly promised that we retained rights to hunt, fish and gather natural resources within and outside our Reservation. Our members depend on and exercise these treaty-protected rights to put food on the table and for ceremonial practices that serve as the foundation for our culture. The stewardship of those natural resources – through scientific study, resource management, and enforcement of Band laws that regulate Tribal members who hunt, fish and gather those resources – are an important source of employment for many of our members. Funding for Trust-Natural Resources Management allows us to protect, enhance, and restore natural resources.

The funding for these programs has also led to other successes. For example, with modest funding from the Interior Department (along with tribal funds), we developed a solar energy facility which we are using for our hotel and casino. And with help from federal funds, we have been developing biomass heating systems for our community buildings. These small federal investments have big cost savings and go a long way to help us be self-sufficient.

Forest resources are an important asset to the Fond du Lac Band. The Interior Department just recently highlighted the importance of protecting forests from wildfire. Yet fire preparedness funding is below the most efficient level (MEL) and while we do not yet know the details of the President's proposed FY18 budget cuts, proposals have been made in the past to reduce fuels funding from Indian forestry. These funds should not be cut. Fire preparedness and fuels funding create (and maintain) jobs in Indian forestry and protect Indian and non-Indian lands.

US Fish and Wildlife Service. The FWS is a valued partner in the Band's wildlife and fisheries research and restoration programs. We request that the overall budget of the FWS be increased, with a particular increase to the Native American Liaison and Tribal Wildlife Grant programs.

Environmental Protection Agency (EPA). We are very concerned about the overall reductions being made to EPA funding and urge Congress not to permit any more reduction. We rely on EPA grants to clean up brownfields and administer clean water and clean air programs. These programs are important to protecting the health of our community, so that we have safe water to drink and can continue to rely on fish, wild rice, and game to put food on the table. These federally-assisted programs are also good for the economy. The small amount of federal funds that help us protect the environment boosts tourism and creates jobs.

- Great Lakes Restoration Initiative (GLRI): We appreciate Congress's decision to maintain funding for GRLI in FY17 at FY16 levels, and urge Congress to continue to fund this important initiative at this level. It is critically important for all communities along the Great Lakes—states and tribes—to be able to clean up past pollution and respond to damaging invasive species. The work funded by the initiative is also good for the economy. It protects major commercial fisheries as well as the recreation and tourism industries which depend on the lakes.

Tribes and states are already investing their own funds to restore and protect the lakes, but cannot do the work without federal help.

- Water Quality. We have a federally approved water quality standards program that has seen annual funding declines, while the need and Band's responsibilities have increased. Given the current threats to water resources in our region, we urge that Tribal section 106 funding be doubled so that we can do the work needed to protect the water we drink and which are critical to the fish and game that are central to our and the state's economy.
- 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 and consistent federal funding. We request sustained wetland monitoring and protection program funding.

Indian Health Service. We very much appreciate Congress's decision to increase funding for IHS in FY17, as this 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. As reported by Minnesota, in 2015, the rate of diabetes among American Indians was 18.4%, more than double the rate of the population statewide. See Minnesota Compass, http://www.mncompass.org/health/overview. 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 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs.

To make progress in reducing the disparities in Indian health, we urge Congress to continue to increase funding for IHS by a minimum of 37% in FY 2018, including increases of: $169.1 million for full funding of current services; $145.8 million for binding fiscal obligations; and $28.5 million for Contract Support Costs. We also urge an increase of $1.6 billion for program expansion increases, with the top priorities given to Hospitals & Health Clinics; Purchased/Referred Care; Mental Health; Alcohol & Substance Abuse; and Dental Health. Expanded resources for treatment and community education capacity are especially needed to combat the epidemic of drug abuse. 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.

Finally, we have deep concerns about any legislation that cuts or changes the way in which Medicaid is paid to IHS-funded health care providers. Medicaid is a key source of funding for our health care programs—funding that is not available from IHS but which is available to us when we serve Medicaid-eligible Indian people. Medicaid fills a critical gap for the Indian health system, covering needed surgeries, preventative care, and dental care which saves lives. If Medicaid dollars are cut, or block-granted to the states, or allocated per capita, then substantially larger increases will be needed in IHS funding. Miigwech. Thank you.

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

Obviously, there is some discussion about the upcoming budget, that comes in June or late May. And I used to serve on the Budget Committee with Chairman Cole, and he still is doing a great job representing us all in the Budget Committee. But at some point, I hope we can come to what we call around here a budget agreement because that is what we need to do, between the Senate and the House and the President, where we can get unshackled from the sequestration and move on to a more logical budget process, which I am sure Chairman Cole agrees with. We just have to get everybody to agree to do that.

But that has—a lot of the problems that we are having around here; it is not just in Indian Country but throughout the Federal Government.

Unemployment, as I know, is a big issue throughout Indian Country, especially in your area. Fifty percent unemployment is huge. Obviously, that leads to a lot of other problems in that part of the world. So it is something that we are concerned about.

And Great Lakes cleanup, trust me, there is a gentlelady right over here to my left that continually makes sure that we have the money that is necessary for Great Lakes cleanup. And we have been doing that, and we intend to continue to do that. So we will keep that in mind.

Ms. McCollum.

Ms. MCCOLLUM. Thank you.

Thank you, gentlemen, for being here.

I appreciate the fact that you both brought up the environment, and the Federal role in working with Tribal governments, Tribal DNRs, as well as the work that the Tribal governments do with the State DNR. Bringing up the issue of sulfates, which is something that I have been watching the best that I can. There was very poor consultation with all the Tribes when the State was looking at changing the sulfate standard levels and the way it would affect the wild rice. It was like, "Well, we think it will be okay." But if you lose your wild rice, you not only lose one of your first foods, but for many of the Tribal Nations, it is also economic income; it is employment.

I hope that the consultation will be good with the new Trump administration, but I think it is something we have to be vigilant about to make sure that it happens.

A timeout on mining leases is happening with the Forestry Service and with the Department of Interior right now, with the proposed copper sulfide mine up in the area. See, our water flows north. Sometimes people look at these mines, and they go, "Well, that is not a problem because the water is going to drain that way, and there is nothing happening." Well, where we are in the Laurentian Divide in this part of the State that these gentlemen are talking about, the water actually flows north. It flows up into their watershed, up into their water district. So we hope that this timeout is used to really study its effects.

I almost called you Mr. Chairman, Mr. Seki. I don't want to be too informal here.

The new Tribal College at Red Lake was mentioned in some earlier testimony, and how there was funding needed for that. If you

could perhaps elaborate a little more to the committee on that. There are two colleges that are being set up, and we need to make sure the full commitment for the funding is there for those colleges. I know Fond du Lac also has a very strong interest in making sure that funds are there for the tribal colleges. That is part of how we work on entrepreneurship, and for reducing unemployment, and that is to make sure that Native American students have appropriate colleges.

Could you talk about what your concerns are? If the funding isn't there, what happens with the big investment that was made?

Mr. SEKI. Well, our Red Lake Tribal College is going well so far. But, recently, we reported on the accredited status to get accredited. And it is getting some dollars; however, it needs more dollars for operation. And our students are increasing. And it is a good college, and it is going to be great once we get all the paperwork in place, what we need to be full accredited.

And we you all to give us hope and help to create opportunity for our Tribal members to go to college, but not just Red Lake. There are others that come from different areas that come to that school, if that helped any.

Ms. MCCOLLUM. Thank you.

And the suicide prevention programs are working, but you just can't shut funding for those off with a switch and hope that they can continue. So thank you for speaking so——

Mr. SEKI. These programs, Tiwahe and Recidivism, these are great for our youth. It helps them. And Mr. Calvert talked about unemployment. That creates our membership going into drugs. Drugs is not part of Indian Country, but it happens. That goes to suicides, overdoses, bullying. This should not be.

Continued broken promises, promises from the Federal Government, creates these shortfalls for our Tribal membership. There are treaties in place, and there are contracts they should abide by. These treaties were set by your ancestors and our chiefs, and they are still there, and they will never go away, and you guys have to remember that. Treaties are very important to Indian Country.

So consider that. Consider both of our testimonies. And I want to say chi-miigwech, thank you, for allowing me to come over and speak again. And I did here a couple years ago, and, whenever invited, I will be back. Miigwech.

Mr. CALVERT. Thank you.

Mr. Cole.

Mr. COLE. Well, a couple things. I just want to thank both gentlemen for coming. It is extremely helpful for this committee to get firsthand testimony.

And, two—and I am sure you do this—as a matter of fact, I know you do this, but I hope you are talking to other Members as well, because, unfortunately, many of our colleagues don't represent parts of the country that have strong Tribal presence and traditions. And so they really need to hear this, and they need to understand the importance of these agreements and treaties and the rights of Tribes.

Sadly, you know, our history tells us treaties aren't kept very often, frankly. The history of my people would be a lot different. I would probably be a Mississippi Congressman instead of an Okla-

homa Congressman if people kept treaties, or I wouldn't be a Congressman at all because we wouldn't be a State if people kept treaties. That was never supposed to happen in Oklahoma, but it did because people routinely violated treaties. So you are right to be here reminding us of the obligation because it has certainly been forgotten plenty of times in the past.

But please do, on these budget items. And I just want to end up where Mr. Calvert was on that. There will be some proposals out, but, in the end, Congress sets what the budget is going to be, not the White House. And it is extremely important that Members hear not to blindly follow, you know, what comes out of the White House but to remember there is a whole set of obligations here that need to be adequately funded.

And this committee has shown what it will do with the dollars it has, but if its allocations get cut, then it is going to have to make a series of tough decisions. So, again, we are used to doing tough decisions; that is what you get paid to do. But you have to have enough money to cover the obligations that both of you spoke so eloquently about.

So, with that, I yield back.

Mr. CALVERT. Thank you.

And thank you both for your testimony. We appreciate it.

Mr. SEKI. I would like to comment on Mr. Cole. I am going to be doing six, seven visits while I am here, today and tomorrow.

Mr. CALVERT. Good. Great.

Appreciate that.

Mr. SEKI. Miigwech.

Mr. COLE. That is what I thought. I have a pretty good idea of what your schedule is going to be like. I almost feel sorry for you.

Mr. CALVERT. Thank you, and we appreciate your testimony.

Next, we are going to have Robert Miguel, chairman of the Ak-Chin Indian Community; Ron "Tehassi" Hill, Business Committee member of the Oneida Nation of Wisconsin; Aurene Martin, board member of the National Indian Child Welfare Association; and Lloyd B. Miller, counsel, National Tribal Contract Support Cost Coalition.

Hi, you all. It seems like we see you guys every year, so we all know you. We appreciate you coming.

Mr. Miguel, chairman of the Ak-Chin Indian Community, welcome.

TUESDAY, MAY 16, 2017.

AK-CHIN INDIAN COMMUNITY

WITNESS

ROBERT MIGUEL, CHAIRMAN

Mr. MIGUEL. Good afternoon, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. I am Robert Miguel, and I am currently the elected chairman of the Ak-Chin Indian Community. We are a small tribe of 1,067 rogue members, about 80 percent of whom live on the reservation 30 miles south of downtown Phoenix, Arizona.

Our ancestors were farmers, and we are still farmers today. In fact, the name "Ak-Chin" is an O'odham word that refers to a type of farming practice by our ancestors. While the farming methods have changed, we still run a 16,000-acre farm that provides jobs for our people, income for the Tribe, and food for people around the world.

As we preserve our heritage and respect our history, we are also inundated by growth and its associated challenges. The population of our neighboring community, the city of Maricopa, has grown from 1,040 people in the 2000 census to over 50,000 today.

It has been staggering growth, and we have self-funded many projects to help both the Tribe and surrounding communities adapt, including the central plant, wastewater treatment plant, surface-water treatment plant, roads and infrastructure projects, and, most recently, our multipurpose justice complex. The justice complex is truly a state-of-the-art, 50,000-square-foot facility. It houses the community's police department, public defender's office, prosecutor's office, detention and probation center, and courts, all under one roof.

As I testified last year, we built this $18 million facility ourselves because the backlog in the BIA justice construction budget is so long that our grandchildren probably wouldn't even live to see it completed.

From the beginning of the design phase, our community has worked hand-in-hand with the BIA to ensure the facility was being built in full compliance with all agency and health safety requirements. Compliance with these codes is the only requirement in the BIA regulations or handbook necessary to be eligible for BIA operations and maintenance, or O&M, funding.

The facility was certified to be in compliance with all BIA codes when it opened in June 2014. However, when we reached out to people at the BIA who had been advising us on how to meet all requirements necessary to receive O&M funding, we were met with silence and then told to talk to another BIA office. This runaround has been going on for almost 3 years now, and we still have not received 1 cent of O&M funding, not even what we were receiving for the old facility that was replaced.

As we continue to press for O&M funding, we learned that the BIA was denying all PL–638 requests for new funding. Beyond the inherent unfairness in the notion that Tribes can only be eligible for funding if they are currently receiving it, this practice presents some serious long-term policy challenges we hope this subcommittee will work to address.

We are certainly not alone in our need to replace aging infrastructure, and many other Tribes are going to have to start self-funding projects in the future. This will apply far beyond justice-related projects but also to schools, roads, sewage plants, hospitals, and other infrastructure projects.

If such Tribes are going to be denied O&M funding owed by right, as we have been, not only is the BIA penalizing Tribes for taking on this substantial expense and responsibility, but it would also be a disincentive to follow BIA health and safety codes in the construction process.

We hope this subcommittee will help us push the BIA to embrace and encourage Tribal innovation and self-reliance. Instead, we are currently being penalized for exercising our sovereignty and taking on the cost of a project that should otherwise be a Federal trust responsibility.

Our experience is not unique here. Until Congress forces some changes on the BIA, Tribes will continued to be treated unevenly and be penalized for taking on BIA responsibilities and building new projects.

Thank you for holding this hearing to directly listen to the most pressing needs of Tribes across the country. My community has high hopes that this committee will continue its good work to address the challenges Tribes face and help shape the BIA into an agency that is more flexible and responsive to the ever-changing needs and capabilities of Tribal Governments.

If I can, subcommittee, we have some photos here of our judicial facility. That is the current facility now. That was the old one. So—exactly.

And then I believe we also have photos of the inside. The old facility—that is the older facility there. And the second one is the new facility today.

And, again, we funded this all by ourselves because we had to.

So, again, I thank you, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee, for listening to us today.

[The statement of Robert Miguel follows:]

TESTIMONY OF
CHAIRMAN ROBERT MIGUEL
ON BEHALF OF THE
AK-CHIN INDIAN COMMUNITY

BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES

May 16, 2017

Mr. Chairman, Madam Ranking Member, and Members of the Subcommittee.

My name is Robert Miguel and I have the honor of serving as the Chairman of the Ak-Chin Indian Community ("Community" or "Ak-Chin").

First, I would like to thank the Members of this subcommittee for inviting me to testify. I would also like to thank them for their dedication to the trust responsibility of the federal government to Tribes. I understand that a number of federal programs in the recently passed omnibus bill were cut, but this subcommittee increased funding for the Bureau of Indian Affairs (BIA) and Bureau of Indian Education by $69 million over fiscal year 2016 level funding. We all know that every dollar the BIA receives is important, however one of the items I plan to testify on today is how the BIA can improve working with Tribes on distributing funds for crucial services.

Ak-Chin has always been a farming tribe and our name is directly derived from an O'odham word that refers to a type of farming traditionally practiced by the Ak-Chin people. Throughout our history, we have relied on subsistence and eventually commercial farming for sustenance. Today, we own and operate Ak-Chin Farms, which employs about 85 people and cultivates more than 15,000 acres of farmland and has been a central economic enterprise for the Community since the 1960s. As the communities surrounding the tribe have grown exponentially over the past few decades our other economic entities focused on gaming and hospitality industries have grown into major sources of economic development for the entire area.

We are direct neighbors with the City of Maricopa, Arizona, and lie about 35 miles south of downtown Phoenix, Arizona. In recent years, we have seen a great increase of tribal members returning to the Reservation from around the country and currently close to 80% of our enrolled members live on the Reservation. However, we still remain a small tribe with 1,067 enrolled members and our recent growth pales in comparison to the rampant growth of our neighbor, the City of Maricopa, Arizona. The City's growth has been overwhelming. It has gone from a population of 1,040 people in the 2000 Census, to approximately 47,442 in 2014. The rapid growth has forced the Community to adapt, as well as plan for continued long term growth in the corridor that connects Phoenix and Tucson, Arizona.

As the city surrounding us continues to grow at one of the fastest rates in the nation, we are committed to being good neighbors while also working hard to build a stronger future for the next generation of Ak-Chin tribal members. As I testified last year before this Subcommittee, to evolve and meet 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 prod the BIA into focusing on the realities facing tribes now and in the future.

Ak-Chin Multi-Purpose Justice Complex

In my testimony last year, I spoke on our $18 million Ak-Chin Multi-Purpose Justice Complex ("Justice Complex"). The Community completely funded the construction of the $18 million Justice Complex which was dedicated on June 6, 2014, without any cost to the federal government. To the best of our knowledge, it is the first tribal justice center that was fully funded by a tribe.

The Ak-Chin Justice Complex is a truly state-of-the-art 56,000 square-foot complex. In the beginning of the planning phase for the project, the Community established a planning committee comprised of our police chief, chief judge, detention sergeant, capital projects manager and our contract and grants manager. They worked tirelessly to study and research other tribal justice facilities across the country to learn best practices from other tribes who had been able to benefit from federal appropriations for facilities construction.

Our Justice Complex houses the Community's police department, public defender's office, prosecutor's office, detention and probation center and courts in one building. It uses state-of-the-art water and energy saving technologies throughout and was designed to ensure detainees could practice their religious beliefs, take GED or college courses online, and receiving CPR or food handling certifications. Building this new center was critically important to our Tribe. Our previous tribal justice facilities were extremely limited and could simply not accommodate our detention and law enforcement needs. We had one room in the old facility that was used for multiple purposes, including processing, training, counseling services for inmates and education services. When an individual was arrested and needed to be processed at the facility this would stop whatever activities were taking place and disrupt services. It was very obvious to us that we could not wait for BIA construction funding to build a new facility, so we moved forward on our own.

From the beginning of the construction process, we worked extensively with the BIA to ensure the Justice Center met all BIA construction requirements necessary to qualify for federal Operations and Maintenance Funding ("O&M Funding") and the facility did receive its Permanent Certificate of Occupancy on September 24, 2014.[1] All of this work to obtain the Certificate of Occupancy, which took place over several years, was done in lockstep with the BIA with the understanding that it was the necessary step Ak-Chin needed to take to be eligible for O&M Funding. Even after all of this, the BIA denied our requests for the O&M Funding the

[1] Prior to receipt of the Permanent Certificate of Occupancy, the facility was also operating in compliance with all BIA regulations under a Temporary Certificate of Occupancy.

tribe would otherwise be eligible for had we waited on the BIA construction process. To this day we have continue to be denied even the funding that we were receiving before building the new facility. It remains unclear if the facility will ever be eligible to receive O&M funding in the future.

In exercising our inherent right to self-government, the Community decided to construct the Justice Complex as an exercise of tribal sovereignty and we hope it will serve as a model for other Indian communities well into the future. In doing so, we also want to ensure that other tribes choosing to exercise their sovereignty in a similar matter can access O&M Funding without the bureaucratic roadblocks we have been forced to address. Again, this year we ask the Subcommittee to include Bill language that would require the BIA to work in consultation with tribal governments to develop a framework and policy that incentivizes tribes to exercise their sovereignty by taking on cost of projects that should otherwise be a federal trust responsibility. While we still have much work to do with the BIA on this issue, we will continue to emphasize the importance of eligibility for O&M Funding to Ak-Chin and, likely to the many other tribes that will inevitably take on similar projects in the future.

Tribal Self-Funding of Federal Trust Responsibilities

The federal government should be encouraging tribes with the resources to do so to invest in their communities and take on such projects to reduce a backlog that will never be completed based on the current appropriations cycle. Indeed, our experience working with the BIA on the process for obtaining our Certificate of Occupancy was productive and relatively straightforward as we bore all of the costs of constructing the facility to BIA requirements. However, our experience working with the BIA following the completion of the project when we began to seek eligibility for O&M Funding has become a maze for the Community to navigate back and forth between local, regional and national BIA officials.

Tribal government facilities and infrastructure continue to age and deteriorate far faster than appropriations for facilities construction, so it is reasonable to expect many other tribes to also take on major government construction projects in the future. We made the decision to fund the construction of our own facility based on the lack of federal appropriations for tribal facilities construction and the backlog of justice construction needs that already exist in Indian Country. 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.

I am not the first, and won't be the last tribal leader to share bureaucratic challenges of working with the BIA to this Subcommittee. There are long standing challenges that cannot be changed with the flip of a switch and I commend you all for work to address the systemic issues. Our work with the BIA is ongoing and we are determined to see it through to the end regardless of the setbacks and roadblocks thrown up in the bureaucratic process.

If tribes ultimately cannot receive O&M Funding after the expense and years of work put into building a completely OFMC health and safety code compliant Justice Complex, there would be

little incentive to follow these regulations in the future. Tribal innovation needs to be embraced and encouraged by our federal partners, especially the BIA. We will continue our work to obtain O&M Funding for the Ak-Chin Justice Complex and 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.

Other Funding Priorities for the Ak-Chin Indian Community

Environmental Protection Agency (EPA) - A number of EPA grant programs are critically important to the Community. We urge the Subcommittee to ensure level funding from fiscal year 2017 for the following programs of importance to our Community and Indian Country: The Indian Environmental General Assistance grant program and the Performance Partnership grant program

BIA Road Maintenance Fund – We urge the Committee to increase the funding for this program 10% in fiscal year 2018 to $33.3 million. This fund is crucial to maintaining the Community's infrastructure and it is underfunded every year.

Indian Community Development Grants – An increase of funding from $41,844,000 to $50,000,000 in fiscal year 2018. This grant assisted the Community in the completion of our Library, Recreation, Education, Community Centers, as well as parks for youth. This program is important to many Tribes and the need for additional funding is great.

The Johnson O'Malley Grant Program ("JOM") – an increase in funding from $14.7 million to $20 million for fiscal year 2018. Ak-Chin, like other tribes, has used this funding to meet the unique education needs of our youth. This has been a highly successful program and with our growing population, more funding is needed.

Conclusion

Thank you again for holding this hearing and the invitation to testify. We hope this Committee will continue its good work to address the challenges tribes face from population growth, bureaucratic hurdles and in exercising the opportunities and promises of expanded tribal self-governance. Congress can and should push the BIA to be more flexible and responsive to growth and how tribes are forced to work within the environment that continues to change around us. It is always an honor to represent my Community in Washington, DC and I would invite all of you to come visit the Ak-Chin Indian Community in the next year so you can see firsthand the work we are doing to build a better community for our future generations.

Mr. CALVERT. Thank you very much for your testimony. Beautiful new facility.

Next, Ron "Tehassi" Hill, Business Committee member of the Oneida Nation of Wisconsin.

TUESDAY, MAY 16, 2017.

ONEIDA NATION OF WISCONSIN

WITNESS

RON "TEHASSI" HILL, COUNCILMAN AND BUSINESS COMMITTEE MEMBER

Mr. HILL. [Speaking native language.]

Chairman Calvert, Ranking Member McCollum, Mr. Cole, thank you for this opportunity to appear before you today. It is an honor to be here on behalf of the more than 17,000 members of our community.

I am here to make three requests: number one, incorporate self-governance into a greater number of Tribal programs; two, restore funding to the Great Lakes Restoration Initiative; and, three, to protect the EPA's Tribal General Assistance Program.

I will begin with our most broad request, Tribal self-governance. Tribal control and distribution and the administration of Federal funding must be expanded.

At Oneida, we have assumed the responsibility for our healthcare, education, and most BIA programs. This means that the Tribal Government, not the BIA, administers our grants. The result has been unambiguously positive. Environmental, health, and education indicators have all gone up while administrative costs have gone down. Just as important, our Tribal Government capacity has also improved. Our staff now have the knowledge, skills, and experience to take on new, more complex governance operations, and they do so on a regular basis.

Congress needs to learn from our experience and expand the scope of programs that are eligible for self-governance. For instance, the Department of Health and Human Services allows Indian Health Service functions to be contracted out to Tribes, but the same department prohibits Tribal Governments from running TANF or Medicaid programs.

Similarly, USDA, Department of Homeland Security, Department of Justice, EPA programs should all allow Tribes to receive direct funding rather than have their grants pass through States.

Self-governance is a good policy and is a good practice. It ensures that scarce Federal dollars are used to build capacity rather than bureaucracy, and it also makes good on the United States' sacred obligation to respect Tribal sovereignty and allow Tribal Governments to manage their own affairs.

Our second request has to do with the EPA Great Lakes Restoration Initiative. Oneida Nation's creation story teaches us that everything is connected and it must be balanced for the environment to thrive. It is this ethos that has led us to become long-term partners with the Environmental Protection Agency on the Great Lakes Restoration Initiative.

Oneida Nation has been awarded nearly $4.5 million for watershed improvement projects. In short, this initiative has been the single most successful Federal program designed to restore our lands.

Given this enormous success of the program at Oneida and across the Midwest, it is also deeply concerning that the President proposes to virtually eliminate funding for this initiative in fiscal year 2018. This could be a catastrophic mistake. It would hurt our fishing, tourism, and agriculture industries, and it would put into jeopardy hundreds of millions of dollars of investment from State and local governments as well as the private sector.

Oneida Nation of Wisconsin strongly urges the committee to reject the proposed cuts to the program and restore it to the fiscal year 2017 funding levels.

Lastly, I urge you to protect the EPA Tribal General Assistance Program. This program helps Tribal communities build technical capacity to manage our own environmental programs and ensure that we have a voice on national policy decisions that affect our land, air, and water.

At Oneida, this funding allows us to expand our environmental staff. We have used the funds to hire an area environmental manager and cover parts of the cost of a wetland program manager as well. This not only protects the health of our members and improves the environment, it also supports Oneida sovereignty.

Perhaps even more important, the GAP grant helps offset the cost of interacting with the EPA and other Federal agencies on environmental policy issues. As a member of the Regional Tribal Operating Committee, I witness how important this funding is firsthand. At least three times a year, my colleagues on the RTOC and I meet with EPA to identify how policies may impact Tribal Governments and Tribal lands in our region.

In fiscal year 2017, Congress appropriated $65.5 million for GAP. I ask that the committee maintain this level of investment next year. Significant cuts below the current funding levels will directly and negatively impact the environmental health of Tribes across the Nation.

In conclusion, there are dozens of other programs that are vitally important to Oneida Nation in the interior appropriations bill, but in the interest of time I will conclude my remarks here. Thank you again for this opportunity, and I look forward to working with you to ensure that Indian Country can continue to thrive in fiscal year 2018 and beyond. [Speaking native language.]

[The statement of Ron "Tehassi" Hill follows:]

Oneida Nation
Oneida Business Committee
PO Box 365 • Oneida, WI 54155-0365
oneida-nsn.gov

Testimony of Ron "Tehassi" Hill
Oneida Business Committee Member
Oneida Nation of Wisconsin
May 16, 2017

Chairman Calvert, Ranking Member McCollum, Members of the Committee, thank you for the opportunity to appear before you today. It is an honor to be here on behalf of more than 17,000 members of our Community.

I want to begin by thanking Committee leadership for its commitment to Indian Country. We appreciate the significant time, preparation and resources that go into this hearing, and I just want to say that it does not go unnoticed.

Now down to business. I am here today to make three requests of this Committee.
1) Incorporate Self Governance into a greater number of tribal programs;
2) Restore funding to the Great Lakes Restoration Initiative; and
3) Protect the Tribal General Assistance Program (GAP)

Self Governance
I will begin with our most broad request. Tribal Self Governance—that is tribal control of the distribution and administration of federal funding—must be expanded.

Federal dollars are most efficiently used when micro-level decisions are made at the local, tribal government level.

At Oneida, we practice what we preach. We have assumed responsibility for our healthcare, education, and most BIA programs. This means that the tribal government, not the BIA, make decisions about how to manage our grants. And it means that when refinements need to be made, we don't have to go to Washington to ask permission—we just fix the problem.

The result has been unambiguously positive. Environmental, health and education indicators have gone up, while administrative costs have gone down. Just as important, our Tribal Government capacity has also improved. Our staff now has the knowledge, skills and experience to take on new and more complex governance operations, and they do so on a regular basis.

Congress needs to learn from our experience and expand the scope of programs that are eligible for self governance.

For instance, the Department of Health and Human Services allows Indian Health Service functions to be contracted out to tribes; but the same department prohibits trihal

governments from running TANF or Medicaid programs. Similarly, U.S.D.A., Department of Homeland Security, Department of Justice and EPA programs should all allow tribes to receive direct funding rather than have their grants pass through the State.

Self Governance is good policy and it is good practice. It ensures that scarce federal dollars are used to build capacity rather than bureaucracy. And it makes good on the United States' sacred obligation to respect tribal sovereignty and allow tribal governments to manage our own affairs.

EPA--Great Lakes Restoration Initiative

Oneida Nation's creation story teaches us that everything is connected, and that there must be balance for the environment to thrive. The belief that all living beings are important is instilled into the conscious of our Tribe, and we are committed to environmental conservation and stewardship. It is this ethos that led us to our partner, the Environmental Protection Agency (EPA).

Among the most important long-term projects Oneida is working on with the EPA is the Great Lakes Restoration Initiative. Launched in 2010, the Initiative is designed to protect and restore the largest system of fresh surface water in the world--which happens to be in our backyard.

Over the last eight fiscal years, the Oneida Nation has been awarded approximately $4.4 million for hundreds of Great Lakes watershed improvement projects. Some examples include:

- Creating adaptive management system in the Silver Creek Watershed to meet the new federal and State phosphorus regulations.
- Removing and replacing blocked culverts and dams at Brown County Golf Course and Pamperin Park, opening up 214 miles of streams for fish passage.
- Founding a natural resources technology program that has now trained and hired seven Oneida tribal members.

In short, the accomplishments of the program have been astounding. The Great Lakes Restoration Initiative has been the single most successful federal program designed to help restore our lands.

Given the enormous successes of the program at Oneida and across the Midwest, it is deeply concerning that the President proposes to virtually eliminate funding for this initiative in FY 18. This would be a catastrophic mistake. It would hurt our fishing, tourism and agriculture industries, and it would put in jeopardy hundred of millions of dollars of investments from state and local governments, as well as the private sector.

The Oneida Nation of Wisconsin strongly urges the committee to reject the proposed cuts to this program and restore it to FY 17 funding levels.

EPA--Tribal General Assistance Program

Though small in budget, the EPA Tribal General Assistance Program, also known as GAP, makes a major impact for the Oneida Nation.

The program helps tribal communities build the technical capacity to manage our own environmental programs, and ensures that we have a voice in national policy decisions that affect our land, air and water.

At Oneida, this funding allows us to expand our environmental staff. We have used the funds to hire an area environmental manager, and cover part of the costs of our wetlands program manager as well. This not only protects the health of our members and improves the environment, it also supports Oneida sovereignty.

Perhaps even more important, the GAP grant helps offset the cost of interacting with the EPA and other federal agencies on environmental policy issues. As a member of the Regional Tribal Operations Committee, I witness how important this funding is first hand. At least three times a year, my colleagues on the RTOC and I meet with the EPA to help identify how policies may impact tribal governments and tribal lands in our region.

In Fiscal Year 2017, Congress appropriated $65,476,000 for GAP. The program also received $65,476,000 million in Fiscal Year 2016.

While it is still unclear how the President may treat the program in his Fiscal Year 2018 budget, I ask that, at a minimum, the Committee maintain this level of investment next year. Understanding the constrained fiscal environment, I believe we can make do without an adjustment for inflation; but significant cuts below the current funding levels will directly and negatively impact the environmental health of tribes across the nation.

Conclusion

There are of course dozens of other programs that are vitally important to the Oneida Nation in the Interior, Environment and Related Agencies Appropriations bill, however in the interest of time I will conclude my remarks here.

I want to once again thank the committee for this opportunity, and I look forward to working with you to ensure that Indian Country can continue to thrive in Fiscal Year 2018 and beyond.

Mr. CALVERT. Thank you.

Aurene Martin, National Indian Child Welfare Association, welcome.

Ms. MARTIN. Thank you.

Mr. CALVERT. You are recognized.

TUESDAY, MAY 16, 2017.

NATIONAL INDIAN CHILD WELFARE ASSOCIATION

WITNESS

AURENE MARTIN, BOARD MEMBER

Ms. MARTIN. Good morning, Mr. Chairman, Congresswoman McCollum, and Congressman Cole. As you know, I am Aurene Martin, and I am a member of the Bad River Band of Lake Superior Chippewa. And I am here today on behalf of the National Indian Child Welfare Association, or NICWA.

As you know, NICWA is a national organization representing American Indian and Alaska Native families which specializes in public policy related to Native children and families. Our mission is twofold: First, it is to address the issues of child abuse and neglect through training, research, and policy development; our other focus is to support compliance with the Indian Child Welfare Act.

I am here today to talk to you mainly about Bureau of Indian Affairs programs serving Native children and families.

So one thing we all know, and it is well-known, is that Native children are placed in foster care at a much higher rate than the general population—in some States, 10 times higher than their representation in the general population. In a State where you might have 1 percent Natives, 10 percent of the foster care population is Native children.

But Tribal Governments seem to have some of the most limited funding of all governments for dealing with these issues. And we know and studies have shown that Tribes are actually the best entity at providing services to prevent foster care and, once kids go into foster care, for finding them the services and the placements that they need. So it is for these reasons that we provide our recommendations.

Our first recommendation is to fund Indian Child Protection and Family Violence Prevention Act programs at the fully funded rate of $40 million.

And I have come here a few years now, and we always talk about this, but these two programs are really our highest priority because they are unique. They are the only programs in Federal law that authorize direct funding to Tribes for domestic violence prevention and for treatment for child abuse victims.

And the law creating these programs—actually, it was originally passed in 1990. It really had two purposes. One was to increase the identification and prevention of child abuse and neglect and domestic violence on the reservation. And the other was to provide funding to treat and prevent child abuse and domestic violence.

So, on the one side, the act actually provided for mandatory reporting requirements for people who interact with children—teach-

ers, police officers—which weren't there before. The other thing that it did was to create these programs.

The act has been actually very successful in identifying child abuse and reducing those numbers, and it has enjoyed tremendous support from Congress. Last year was actually—protections were expanded to cover foster care parents and background checks for foster care parents.

But the treatment side of it has never been funded, and so we are asking that for both programs, the family violence prevention and the abuse treatment for children, be funded at $40 million.

Our second request is that ICWA title 2 funding for on-reservation child welfare services be increased from $20 million to $30 million.

So, when the Indian Child Welfare Act was passed in 1978, the idea behind authorizing these programs was to provide base funding for Tribes to be able to provide basic social services for their families. And I think it has been extremely successful in that.

But these child welfare programs work with some of the most at-risk and needy members of our society, but the funding level is such that almost every tribe gets the funding but they only get about $30,000. And with that $30,000, they are expected to provide child protective services, family reunification and rehabilitation, case management, foster care recruitment and retention, and adoption services.

In most instances, that doesn't even fund a person full-time. So we are asking to increase that amount from $20 million to $30 million. And, you know, if you just do the basic math, that could possibly fund one person at least full-time for a year.

Our final recommendation is that title 2 funding for off-reservation services be funded. It was previously funded, but that ended in the mid-1990s.

The thing is that off-reservation populations have increased since ICWA was passed in 1978 from 37 percent of Indians at that time were living off-reservation and now it is over 67 percent.

These programs actually provide a bridge for folks living off the reservation with their communities, and it can help provide programs and placements that, you know, State workers might not otherwise find.

So those are our requests. We feel it is imperative for Tribes and off-reservation child welfare programs to receive increased base funding because of our increase in our number of people and the people that are moving off-reservation.

So this concludes my remarks. Thanks for having me today.

[The statement of Aurene Martin follows:]

Aurene Martin—Board Member, National Indian Child Welfare Association

National Indian Child Welfare Association FY2018 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 30 years. This testimony will provide funding 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 grant programs ($43 million), Social Services ($50 million), Welfare Assistance ($80 million), Indian Child Welfare Act On or Near Reservation Program grant program (Tribal Priority Allocation—$20 million), and Indian Child Welfare Act Off-Reservation Program grant program ($5 million).

In order for AI/AN children to have the full protections and supports they need, Congress must appropriate adequate funds to the basic child welfare programs and services that tribal communities, like all communities, need. States also rely on tribes to help them provide appropriate child welfare services to AI/AN children and families that fall under their jurisdiction.[i] This includes partnering on investigations of child abuse and neglect reports, building case plans for families, providing culturally based family services, and securing appropriate out-of-home placements. Investments in these programs will reduce preventable trauma to children and families, reduce future expenditures for more expensive and intrusive services, and decrease long-term involvement with the child welfare system.

The recommendations below suggest funding increases that will provide tribal communities with sufficient child welfare funding, avoid unnecessary restraint on local tribal decision making, and support established state and tribal partnerships dedicated to the protection of AI/AN children.

Priority Program Recommendation

BIA Indian Child Protection and Family Violence Prevention Act Recommendation: *Appropriate for the first time $43 million for the three discretionary 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. Despite overwhelming need these grant programs have never been appropriated funds since their inception in 1990.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1990), 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 as well as investigation and emergency shelter services for victims of family violence; 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 in each of the BIA regional areas. These centers would provide training, technical assistance, and consultation to tribal child protection programs.

There is an incredible need for family violence prevention and treatment resources in AI/AN communities. As recently recognized by Congress in the Violence Against Women Reauthorization Act of 2013, AI/AN women are more likely than any other population to experience intimate partner violence. In fact, more than one in three AI/AN women experience intimate partner violence at some point in their lives.[ii] Further, AI/AN children experience child abuse and neglect at an elevated rate. They are victims of child maltreatment at a rate of 13.8 per 1,000, compared to the national rate of 9.2 children per 1,000.[iii] These problems are intricately intertwined. Studies show that in 49–70% of cases, men who abuse their partners also abuse their children,[iv] while child abuse investigations reveal violence against the mother in 28–59% of all cases.[v]

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.[vi] Financially, child maltreatment costs tribal communities and the United States $210,012 per victim.[vii] Child abuse prevention funding is an investment tribal communities believe in, but need support to fulfill.

Other Program Recommendations

BIA Welfare Assistance Program: *Increase appropriation levels to $80 million to support tribal services that assist families in crisis, prevent child neglect, sustain kinship placements for children placed outside their homes, support adults in need of care, and provide final expenses.*

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.

AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty. AI/AN adults—including parents and kinship caregivers—are unemployed on reservations at a rate more than two times the unemployment rate for the total population.[viii] Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide.[ix] The crippling of Native economies before the self-determination era left tribal communities overwhelmingly impoverished, with few economic opportunities and high unemployment. The barriers to employment vary region to region in Indian Country, but include geographic remoteness, a weak private sector, poor basic infrastructure, and even a lack of basic law enforcement infrastructure. These conditions make the programs funded under welfare assistance an important safety net for AI/AN families.

The General Assistance Program provides short-term monetary assistance for basic needs like food, clothing, shelter, and utilities to individuals who are actively working towards financial stability and ineligible for all other financial assistance programs. The Emergency Assistance Program provides a one-time emergency payment of less than $1,000 to individuals experiencing

property damage beyond their control. These programs are essential to families experiencing unexpected job loss or financial crisis. They often provide the assistance necessary to help a family make ends meet and keep their children safely in their home.

The Child Assistance Program provides payments for AI/AN children on tribal lands who must be cared for outside their homes in foster care, adoptive, or guardianship placements and who are not eligible for other federal or state child placement funds.

The current funding for the Welfare Assistance Program does not begin to meet the needs in tribal communities. This leaves families in poverty and caregivers willing to take children who have been abused or neglected into their homes without sufficient financial support.

BIA Indian Child Welfare Act Program: *Increase appropriations to the Indian Child Welfare Act On or Near Reservation Program grant program to $20 million and the Off Reservation grant program to $5 million.*

The Indian Child Welfare Act (ICWA) was a response to national findings that public and private child welfare agencies were systematically removing AI/AN children from their homes and communities at horrendous rates, often without due process and under questionable circumstances. To prevent these troubling practices, which unfortunately still occur today, Congress provided protections to AI/AN families in state child welfare and judicial systems under ICWA. It also recognizes the 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.

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.[x] Even after an important FY 2015 increase as part of the *Tiwahe* Initiative, current funding levels fall far short of this estimate—especially after adjusting for inflation.

Appropriate $5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure all AI/AN children receive effective services as required by ICWA.

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.

BIA Social Services Program: *Provide $50 million to fortify child protective services and ensure meaningful technical assistance to tribal social service programs across Indian Country.*

The Social Services Program provides a wide array of family support services, filling many funding gaps for tribal programs and ensuring federal staff and support for these programs. Importantly, the Social Services Program provides the only BIA and tribal-specific funding available for ongoing operation of child protective services in Indian Country. It also funds BIA social workers at regional and agency offices, and funds training and technical assistance to tribal social service programs and workers.

The Social Services Program is drastically underfunded and as a result, AI/AN children and families suffer. Recent increases as part of the *Tiwahe* Initiative are to be commended and their momentum must be continued. This recommended increase will ensure that basic child protective services are provided in tribal communities across the country, that tribes have access to meaningful training and technical assistance, and that the BIA has the resources necessary to fill service gaps. The Tribal Interior Budget Council estimated an unmet need of $32 million on top of the FY2015 enacted level during tribal budget formulation for FY2017.

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[viii] Stegman, E., & Ebarb, A. (2010). *Sequestering opportunity for American Indians/Alaska Natives* (Para. 1). Retrieved from Center for American Progress website: http://www.americanprogress.org/issues/poverty/news/2013/11/26/80056/sequestering-opportunity-for-american-indians-and-alaska-natives

[ix] 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.

[x] S. Rep. No. 95-597 (p. 19) (1977).

Mr. CALVERT. Thank you, and thank you for your testimony.

Next, Lloyd Miller, National Tribal Contract Support Cost Coalition, you are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

WITNESS

LLOYD B. MILLER, COUNSEL

Mr. MILLER. Thank you, Mr. Chairman, Ranking Member McCollum, Congressman Cole. Thank you for inviting me again to talk about the contract support cost issue.

This issue 5 years ago was nearing a disaster. There was a collision between the efforts of this committee and the dictates of Supreme Court decisions in the Ramah and Arctic Slope and Cherokee cases. But over the course of 5 years, this committee did heroic work, truly heroic work, and fashioned a unique solution which protects program funding, fully funds contract support costs, and eliminates the problems that really bedeviled the committee and the courts years ago.

So I truly salute the committee. And you will hear in my testimony today remarks more in the nature of oversight than changes that are needed in law or appropriations.

Three things I would like to touch upon: First, the agency's policies have now been finalized. It has taken them 4 years since the Supreme Court decision, but at the end of 2016 and the last administration they completed their two policies, the Indian Health Service and the Bureau of Indian Affairs policies, on contract support costs.

I also want to talk a little bit about the domestic violence, substance abuse, and related programs and the contract support cost obligation associated with those programs.

And then, thirdly, we would just like to talk about the appropriations structure itself and the estimating problems that have come up.

So first, the policies. These are the two policies—I didn't want to burden members of the committee with copies, but I will provide the chairman with a copy. You will see——

Mr. CALVERT. They will be submitted for the record.

[The information follows:]

1.1 Purpose. When a Tribe enters into an agreement under the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law (P.L.) 93-638 (25 U.S.C. section 5301 et seq.), the Tribe is entitled to receive contract support costs (CSC) as provided by law pursuant to 25 U.S.C. section 5325. Congress has determined that the single greatest impediment to the success of Tribal self-determination was the failure to pay CSC. In 2006, the Bureau of Indian Affairs (BIA) and Tribes collaboratively developed National Policy Memorandum NPM-SELFD-1, Contract Support Costs, and NPM-SELFD-1A, Contract Support Costs Appendix A. This chapter replaces those policies.

The purpose of this policy is to provide guidance for the full payment of CSC and to ensure that the payment of CSC is accurate, timely, and meets 100 percent of the Tribe's CSC need as calculated under this policy. Further, this policy simplifies and streamlines CSC calculation to expedite payment, and explains how BIA calculates and pays CSC, as required by the ISDEAA.

1.2 Scope. This policy applies to all Indian Affairs (IA) employees and to agreements made under Title I and Title IV of the ISDEAA. This policy is not legally binding on a Tribe, unless otherwise agreed to by the Tribe and the Secretary, or otherwise required by law.

1.3 Policy. Section 106 of the ISDEAA authorizes funding for four types of CSC: pre-award, startup, direct, and indirect.

- Pre-award CSC are costs incurred before the start of an agreement.
- Startup CSC are costs incurred on a one-time basis during the initial year that the agreement is in effect.
- Direct CSC are costs incurred in connection with direct administration of the program.
- Indirect CSC are "any additional administrative or other expense[s] related to the overhead incurred by the Tribal contractor in connection with the operation of" the program.

All costs associated with a program, including CSC, must be reviewed for reasonableness, allowability, and allocability based on the terms of the agreement and applicable cost principles. Further, all costs associated with a program, including CSC, must be reviewed for duplication of funding for cost among cost categories (section 106(a)(1) amount (Secretarial Amount), Direct CSC, Indirect CSC, Pre-Award Costs and Startup Costs). This policy must be liberally construed for the benefit of the Tribe.

1.4 Authority.

A. Statutes and Regulations.

1) 25 U.S.C. section 5301 et seq., ISDEAA

2) 25 CFR part 900, Contracts under the ISDEAA

3) 25 CFR part 1000, Annual Funding Agreements Under the Tribal Self-Government Act Amendments to the ISDEAA

B. Guidance.

1) 2 CFR part 200, Subpart E, Cost Principles

2) Internal Agency Procedures Handbook for Non-Construction Contracting Under Title I of the Indian Self-Determination and Education Assistance Act (July 28, 1999) (available online at: http://www.bia.gov/cs/groups/xois/documents/collection/idc013271.pdf)

1.5 Responsibilities.

A. **Assistant Secretary – Indian Affairs** is responsible for reviewing and approving the CSC Annual Report to Congress.

B. **Director, BIA** discharges the duties delegated from the Principal Deputy Assistant Secretary - Indian Affairs to provide general oversight to the Office of Indian Services (OIS) to ensure national CSC policies are in accordance with the ISDEAA.

C. **Deputy Bureau Director, OIS** provides direction and support for the execution and coordination of IA responsibilities in the implementation of the ISDEAA as it pertains to CSC. Oversees the development and implementation of national CSC policies in accordance with the ISDEAA and governing regulations.

D. **Chief, Division of Self-Determination Services (SDS)** provides:

- monitoring, guidance, technical support and advisory services, including the development of BIA processes and procedures for CSC pursuant to governing statutes, regulations and policies;
- technical assistance and training on program-specific components and monitoring of compliance with applicable program requirements;
- decisions, based on Awarding Official's recommendation, whether to approve or decline requests for pre-award and startup CSC funding, and issues declination

letters when requests for pre-award and startup CSC funding are declined, as described in sections 1.7 and 1.8 below.

E. **Regional Directors, BIA and Director, Office of Self Governance (OSG)** are responsible for:

- the application of policies and procedures and implementation of ISDEAA within their administrative jurisdictional areas pursuant to governing statutes and regulations;
- establishing policies and procedures;
- ensuring the certified report described at section 1.13 of this policy is submitted by January 15 of each year, and the certified corrections or changes to the report as described at section 1.13 are submitted by March 15 of each year.

F. **Awarding Officials**, as designated, are responsible for:

- negotiating and awarding CSC;
- recommending approval or declination of pre-award and startup CSC funding requests, and assisting SDS in the approval/declination process, as described in sections 1.7 and 1.8 below;
- identifying, correcting, and processing underpayments, overpayments and other adjustments of CSC, as described in sections 1.11 and 1.12 below;
- providing each Tribe a copy of the Tribe's CSC data by January 15 of each year, as described in section 1.13 below.

1.6 Definitions.

Definitions can be found at 25 U.S.C. section 5304; 25 CFR sections 900.6 and 1000.2; and in the Internal Agency Procedures Handbook for Non-Construction Contracting under Title I of the ISDEAA.

1.7 Pre-Award CSC (25 U.S.C. section 5325(a)(6)).

Pre-award CSC are incurred to plan, prepare for, and assume the operation of a program that is the subject of a new or expanded agreement. To recover pre-award CSC, a Tribe must notify the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) in writing, detailing the nature and extent of the costs, before incurring the costs and before the initial year of the agreement. Pre-award costs will be reimbursed only if the Tribe gives the Awarding Official or OSG, as applicable, prior written notice of the nature and extent of the costs before they are incurred. Tribes are encouraged to collaborate with Awarding Officials or OSG for technical assistance to discuss eligible pre-award CSC.

The Awarding Official or OSG, as applicable, must: (1) review the proposed funding

request for pre-award costs for cost reasonableness, allowability, and allocability; (2) explain in writing which costs, if any, should be funded, and recommend a funding amount; and (3) forward the request and the recommendation, within 30 days of receipt of the request, to SDS.

SDS must (1) review the request and recommendation, (2) determine whether the costs are eligible pre-award costs, and (3) allocate funds for any award within 30 days of receipt of the recommendation. SDS will make a final decision to approve or decline a request after collaboration with the Tribe and the Awarding Official or OSG. If a request for pre-award CSC funding is declined in whole or in part, SDS must issue a declination letter to the requester identifying disapproved items within 90 days of the Secretary's receipt of the request. If a request for pre-award CSC funding is approved in whole or in part, the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) must ensure that there is no duplication of funding for cost among cost categories (Secretarial Amount, Direct CSC, Indirect CSC, Pre-Award Costs and Startup Costs).

The Tribe has the right to appeal the declination decision pursuant to 25 CFR section 900.31.

Pre-award CSC must be funded, by reimbursement, as a one-time, non-recurring payment and must be calculated based on actual expended costs.

1.8 Startup CSC (25 U.S.C. section 5325(a)(5)).

Startup CSC are incurred on a one-time basis during the initial year that an agreement is in effect. To recover startup CSC, a Tribe must provide the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) a written budget identifying such costs. Tribes are encouraged to collaborate with Awarding Officials or OSG for technical assistance to discuss eligible startup CSC.

The Awarding Official or OSG, as applicable, must: (1) review a funding request for startup costs for cost reasonableness, allowability, and allocability; (2) explain in writing which costs, if any, should be funded, and recommend a funding amount; and (3) forward the request, within 30 days of receipt, along with a written recommendation, to SDS. SDS must (1) review the request and recommendation, (2) determine whether the costs are eligible startup costs, and (3) allocate funds for any award within 30 days of receipt of the recommendation.

SDS will make a final decision to approve or decline a request after collaboration with the Tribe and the Awarding Official or OSG. If a request for startup CSC funding is declined in whole or in part, SDS must issue a declination letter identifying disapproved

items to the requester within 90 days of the Secretary's receipt of the request. If a request for startup CSC funding is approved in whole or in part, the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) must ensure that there is no duplication of funding for cost among cost categories (Secretarial Amount, Direct CSC, Indirect CSC, Pre-Award Costs and Startup Costs).

The Tribe has the right to appeal the declination decision pursuant to 25 CFR section 900.31.

Startup CSC must be funded by reimbursement as a one-time, non-recurring payment and must be calculated based on actual expended costs.

1.9 Direct CSC (25 U.S.C. section 5325(a)(3)(A)(i)).

Direct CSC (DCSC) need must be calculated annually by the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) as follows:

DCSC = (current Tribal budgeted salary cost [not including fringe] of section 106(a)(1) programs) x 18%.

DCSC is part of the direct cost base from which indirect CSC is calculated.

1.10 Indirect CSC (25 U.S.C. section 5325(a)(3)(ii)).

Indirect CSC must be calculated by the Awarding Official (for self-determination contracts) or OSG (for self-governance funding agreements) based on the Tribe's current approved IDC rate(s), as follows:

Indirect CSC = Current approved IDC rate(s) x (the Secretarial Amount awarded to the Tribe, minus exclusions and pass-through).

If the Tribe has no approved IDC rate or has an approved IDC rate that is over four (4) years old (e.g., in 2015, the latest approved rate issued for the years 2012, 2013, 2014, or 2015 is acceptable), BIA or OSG will negotiate with the Tribe a lump-sum amount for indirect-type costs or the Tribe can recover its total CSC need using the Simplified Method, if applicable. If the Tribe does not initiate any of these options, IA **will not** pay the Tribe any indirect CSC.

- **Negotiated Lump Sum Amount**
  Tribes that met the single-audit threshold in the prior fiscal year and do not have an approved IDC rate that is four or fewer years old may negotiate with the Awarding Official or OSG, as applicable, a lump-sum amount for indirect-type costs. The

amount negotiated will be effective for the entire contract year and the Tribe will be required to have a new approved IDC rate or a new negotiated lump-sum amount for each succeeding contract year.

- **Simplified Method**
  Tribes that did not meet the single-audit threshold in the prior fiscal year and do not have an approved IDC rate that is four or fewer years old, may have their indirect CSC calculated at 30% of the section 106(a)(1) amount ("Secretarial Amount") that the Tribe receives, minus exclusions and pass-through. The amount will be independently calculated each year.

1.11 Overpayment of CSC.

A CSC overpayment is any amount paid over the amount calculated under this policy. In order to facilitate equitable treatment and establish standard cutoff timeframes, a CSC overpayment is determined at the end of the Tribe's fiscal year, without regard to the later issuance of a different IDC rate for that period. The Awarding Official or OSG will follow a process which allows Tribes to respond to overpayment determinations or identify errors or corrections in CSC payment calculations and a process for repayment.

1.12 Underpayment of CSC or Other Adjustments.

A CSC underpayment is defined as "X" in the equation C – P = X, where C is the amount of CSC calculated under this policy at the end of the Tribe's fiscal year, without regard to the later issuance of a different IDC rate for that period, and P is the amount of CSC paid, and X is a positive number.

Tribes may notify Awarding Officials or OSG of possible CSC underpayments or other adjustments, errors, or corrections, as they are identified.

In order to facilitate equitable treatment and establish standard cutoff timeframes:

- The IDC rate that will be applied is the applicable rate at the end of the Tribe's fiscal year. No adjustments to that IDC rate will be made after the end of the Tribe's fiscal year, without regard to the later issuance of a different IDC rate for that period.
- The Secretarial amount will generate CSC in the year in which it is awarded, regardless of the year for which funds used for the Secretarial amount were appropriated.

1.13 CSC Annual Report to Congress.

25 U.S.C. section 5325(c) requires that the BIA provide Congress with a detailed report on the implementation of the ISDEAA no later than May 15 of each year.

For this report, by January 15 of each year:

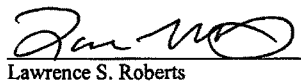
- Regions and OSG must provide each Tribe within their jurisdiction a copy of the Tribe's data that appears in the report, and at least 30 days to identify any errors or omissions in the Tribe's data.
- The Regional Director and OSG must submit to SDS a certified report for the previous fiscal year ended September 30. SDS must prepare the template for the report.

By March 15 of each year, the Regional Director and OSG must submit to SDS certified corrections or changes to the data which result from Tribal review. OIS must forward the report to the Assistant Secretary – Indian Affairs for review and approval by April 15, so that the report can be submitted to Congress by May 15. After the report is submitted to Congress, SDS will provide copies of the report to OSG and each Region. Each Region and OSG will provide a copy of the report to all Tribes within their jurisdiction.

1.14 Disputes.

Any unresolved disputes for any section within this policy will be handled according to the regulations at 25 CFR parts 900 and 1000.

Approval



Lawrence S. Roberts
Principal Deputy Assistant Secretary – Indian Affairs

1/10/17
Date

Part 6 - Services To Tribal Governments And Organizations

Chapter 3 - Contract Support Costs

Manual Exhibits	Description
Manual Exhibit 6-3-A	Title 25, Chapter 14, Miscellaneous, Subchapter II, Indian Self-Determination and Education Assistance, Part A "Indian Self-Determination," Section 5325 and Section 5326
Manual Exhibit 6-3-B	Calculating IDC Associated with Tribal Shares and the Contract Support Costs Amount Based on a Detailed Analysis
Manual Exhibit 6-3-C	Calculating IDC Associated with Tribal Shares and the Contract Support Costs Amount Using the 80/20 Method
Manual Exhibit 6-3-D	Calculating IDC Associated with Recurring Service Unit Shares and the Contract Support Costs Amount Based on a Detailed Analysis
Manual Exhibit 6-3-E	Calculating IDC Associated with Recurring Service Unit Shares and the Contract Support Costs Amount Based on the 97/3 Method
Manual Exhibit 6-3-F	Contract Support Costs Negotiation Template
Manual Exhibit 6-3-G	Standards for Review and Approval of Contract Support Costs in the Indian Health Service

6-3.1 INTRODUCTION

A. Purpose. This chapter of the *Indian Health Manual* provides guidance to both Tribal and Agency personnel in the preparation, negotiation, determination, payment, and reconciliation of contract support costs (CSC) funding in support of new, expanded, and/or ongoing Indian Self-Determination and Education Assistance Act (ISDEAA), as amended, codified at 25 *United States Code* (U.S.C.) Section (§) 5301 et seq., contracts and compacts. The chapter provides instructional guidance on the following:

1. determination of amounts of pre-award, startup, direct, and indirect CSC funding;
2. payment of CSC funding to awardees;
3. reconciliation of CSC payments to awardees; and
4. reporting by IHS to all Tribes and to Congress.

These instructions are not regulations establishing program requirements and are issued consistent with 25 Code of Federal Regulations (CFR) § 900.5, which states:

Except as specifically provided in the [ISDEAA], or as specified in subpart J, an Indian tribe or tribal organization is not required to abide by any unpublished requirements such as program guidelines, manuals, or policy directives of the Secretary, unless otherwise agreed to by the Indian tribe or tribal organization and the Secretary, or otherwise required by law.

The development of this chapter has involved the active participation of representatives from American Indian and Alaska Native Tribes. The procedures discussed here will be applied to contracts and compacts awarded pursuant to Title I and Title V, respectively, of the ISDEAA.

B. Guiding Principles. This chapter was drafted in accordance with the following guiding principles:

1. The process should be simple and efficient.
2. The chapter assumes full funding of CSC.
3. To the maximum extent practicable, the chapter should align with the Bureau of Indian Affair's (BIA) CSC policy.
4. The chapter is designed to assure that the perfect does not become the enemy of the good.
5. The chapter assures accountability.
6. The chapter is intended to minimize future litigation.
7. The chapter avoids putting at risk past CSC settlements.
8. The chapter assures that post year-end reconciliation will not take several years.
9. The chapter has been developed and will be implemented in accordance with the government-to-government relationship.
10. The chapter provided needed certainty for the Agency and Tribes and Tribal organizations.
11. The chapter has received broad support across Tribes and Tribal organizations.
12. The chapter is designed to minimize burdens imposed upon Tribes and IHS.
13. The chapter is designed to assure consistency.
14. The chapter is designed to assure transparency.
15. The chapter is designed to assure integrity in the government-to-government relationship.
16. The chapter has been built on trust amongst the IHS, Tribes, and Tribal organizations.
17. The chapter will be supplemented with regular training for IHS and Tribal personnel to assure consistency in its application.
18. The chapter will be reassessed on a regular basis.

C. Supremacy of the ISDEAA.

Nothing in this chapter is intended to limit an ISDEAA contractor/compactor's right to be paid the full CSC amount under the ISDEAA. If a contractor/compactor believes that it has not been fully paid, it may request additional CSC funding from IHS and, if agreement cannot be reached, must invoke the remedies available in 25 U.S.C. § 5331.

Nothing in this chapter is intended to alter, in any way, IHS's obligations or authority under the ISDEAA. In the event of any apparent conflict, the ISDEAA supersedes this chapter.

D. Background. All policies and circulars concerning the administration of CSC by IHS have been developed and revised through coordination and consultation with Tribes. The CSC policies and circulars developed and revised to date include:

1. Indian Self-Determination Memorandum No. 92-02, "Contract Support Cost Policy," signed by Dr. Everett Rhodes, February 27, 1992.
2. Indian Health Circular No. 96-04, "Contract Support Costs," signed by Dr. Michael Trujillo, April 12, 1996.
3. Indian Health Circular No. 2000-01, "Contract Support Costs," signed by Dr. Michael Trujillo, January 20, 2000.
4. Indian Health Circular No. 2001-05, "Contract Support Costs," signed by Dr. Michael Trujillo (Michael E. Lincoln for), July 6, 2001.
5. Indian Health Circular No. 2004-03, "Contract Support Costs," signed by Dr. Charles W. Grim, September 1, 2004.

6. Indian Health Service Manual, Part 6, chapter 3, "Contract Support Costs," signed by Dr. Charles W. Grim, April 6, 2007.

This version of the chapter is the successor to the same chapter implemented on April 6, 2007. The changes in this successor version of the chapter are provided to streamline and simplify the processes for the determination, payment, and reconciliation of full CSC funding under the ISDEAA. The IHS will continue to reassess the chapter on a regular basis, and further changes will only be implemented after Tribal consultation. This chapter replaces and supersedes all previous versions of the CSC policy, including previous versions of this chapter.

E. Policy. The IHS will provide for a uniform and equitable system of determining, paying, and reconciling CSC funds for new, expanded, and ongoing ISDEAA compacts and contracts and preserve and support each awardee's right to contract/compact under the ISDEAA.

F. Authorizing Legislation.

1. Transfer Act, 42 U.S.C. § 2001
2. Title I of the ISDEAA, 25 U.S.C. §§ 5301-5332
3. Title V of the ISDEAA, 25 U.S.C. §§ 5381-5399

G. Definitions.

1. Award. An agreement authorized under Title I (contract) or Title V (compact) of the ISDEAA, including the associated annual funding agreement (AFA) or funding agreement (FA).
2. Awardee. A Tribe or Tribal organization that receives an ISDEAA award as defined above. See *also* Contractor.
3. Annual CSC Report to Congress. Report provided to Congress from the IHS Director pursuant to 25 U.S.C. § 5325(c), including "an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted."
4. Buy-Back Services. Services contracted by an awardee but that the awardee "buys back" from IHS and, accordingly, IHS provides pursuant to a full-cost reimbursement agreement with the Tribe. Costs of buy-back services may be included in the direct cost base, depending upon the Tribe's indirect cost (IDC) rate agreement.
5. Contract Proposal. A proposal for programs, functions, services, or activities (PFSA) that the Secretary, Department of Health and Human Services (HHS), is authorized to perform, but which a Tribe or Tribal organization is not currently carrying out. The requirements of a Self-Determination contract proposal are found in 25 CFR § 900.8.
6. Cognizant Agency. The Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or IDC proposals developed under 2 CFR Part 200 on behalf of all Federal agencies. The cognizant agency for IDC is not necessarily the same as the cognizant agency for audit purposes. For assignments of cognizant agencies see 2 CFR Part 200.
7. Contract Support Costs Awarded. Total CSC funding allocated to an awardee.
8. Contract Support Costs Need or Requirement. The full amount of CSC funding for new, expanded, and ongoing contracts or compacts, as determined under this chapter pursuant to 25 U.S.C. § 5325(a).

9. Contractor. A Tribe or Tribal organization that receives an ISDEAA award as defined above. See *also* Awardee.
10. Direct Cost Base. The accumulated direct costs (normally either total direct salaries and wages or total direct costs exclusive of any extraordinary or distorting expenditures) used to distribute IDC to individual Federal awards. The direct cost base for each year is determined by a negotiation between each awardee and its cognizant Federal agency.
11. Direct CSC (DCSC). Direct program expenses for the operation of the ISDEAA Programs that are the subject of the award, that otherwise meet the definition of CSC in 25 U.S.C. § 5325(a).
12. Exclusions. Direct expenditures excluded from the direct costs in order to calculate the direct cost base to which the IDC rate is applied. These types of expenditures vary by awardee and are defined in the IDC rate agreement.
13. Expanded PFSA. Expansion of a PFSA through the assumption of additional PFSAs previously operated by IHS, the assumption of programs previously operated under awards to other awardees, the assumption of a new facility (such as increased staff associated with a joint venture agreement), and increases due to new appropriations (excluding general program increases and increases for inflation, pay costs, population growth, and the Indian Health Care Improvement Fund)
14. Indirect Costs. Costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved.
15. Indirect CSC. Administrative or other expenses related to the overhead incurred by a contractor in connection with the operation of ISDEAA programs pursuant to the contract and that otherwise meet the definition of CSC in 25 U.S.C. § 5325(a)(2)-(3).
16. Ineligible Funding. Categories of funding not eligible for inclusion in the calculation of CSC funding because the related activities are not PFSA transferred and funded under 25 U.S.C. § 5325(a)(1).
17. Indian Self-Determination Programs (ISDEAA Programs). The PFSAs associated with an ISDEAA award that are eligible for CSC funding in accordance with this chapter.
18. ISDEAA. The Indian Self-Determination and Education Assistance Act, as amended, codified at 25 U.S.C. §§ 5301-5399.
19. New PFSA. ISDEAA Programs that are being assumed by the awardee and transferred by IHS for the first time in the current contract period, including new PFSA available due to new appropriations (excluding general program increases and increases for inflation, pay costs, population growth, and the Indian Health Care Improvement Fund).
20. Non-Indian Self-Determination Programs. All awardee-operated programs, exclusive of PFSAs associated with an ISDEAA award, which are not eligible for CSC funding.
21. Non-Recurring Funds. Funds that require an annual justification. Some types of non-recurring funds provided for ISDEAA programs are included in the direct cost base.
22. Ongoing Programs. All awardee-operated PFSA that were assumed by the awardee prior to the current contract period.
23. Pass-Through Expenditures. Similar to exclusions in that pass-through expenditures may be excluded from the direct cost base to which the IDC rate is typically applied, though such expenditures also may be assigned a lower nominal IDC rate. The IDC rate(s) should be applied to such expenditures consistent with the IDC rate agreement.
24. Pre-award Costs. Costs incurred before the initial year that an award is in effect. CSC funding is authorized for pre-award costs only if such costs meet the definition in the ISDEAA in 25 U.S.C. §

5325(a)(2)-(3), (6), and the Secretary receives a written notification of the nature and extent of the costs prior to the date on which such costs are incurred.

25. Programs, Functions, Services, and Activities. Those PFSA that are contractible under the ISDEAA, including those administrative activities that support such PFSA and that are otherwise contractible, without regard to the organizational level within the HHS that carries out such functions (as authorized under 25 U.S.C. § 5301 et seq.).
26. Reconciliation. Review by IHS and an awardee of the awardee's total CSC requirement and payments made by IHS, including during the course of the contract year and for the purpose of issuing a final contract amendment.
27. Recurring Funds. Contract or compact funds that do not require annual justification to the Secretary are recurring funds. Annual increases may be provided through congressional increases or other resource allocation methodologies applicable to the respective funding category of the award.
28. Retained Services. Funding which is eligible to be contracted but for which the awardee has chosen not to contract, and thus, for which the IHS has retained associated funding.
29. Secretarial, or 106(a)(1), Amount. The amount of funds provided for the PFSA transferred under the award, per 25 U.S.C. § 5325(a)(1).
30. Self-Governance Request. A self-governance request is any one of the following requests from a Tribe or Tribal organization. A request:
    a. to enter into the Self-Governance Program for the first time, including Title V; or
    b. to join an existing Self-Governance compact; or
    c. to negotiate for new or expanded programs in a subsequent year's compact or FA from a Tribe with an existing self-governance agreement.
31. Service Unit Shares. For the purposes of this chapter, refers to an awardee's equitable share of PFSA associated with Service Unit resources.
32. Startup Costs. Costs incurred on a one-time basis during the initial year that an award is in effect that may be eligible for CSC funding. CSC funding is authorized for startup costs only if the costs meet the definition of CSC in 25 U.S.C. § 5325(a)(2)-(3), (5).
33. Total CSC Shortfall or Overpayment. The difference between the total CSC requirement and the total CSC paid to the awardee.
34. Total Health Care Program. The health care program operated by the awardee from all resources, including but not limited to IHS, other Federal and State agencies, Tribal contributions, and collections from Medicare, Medicaid, and private insurance.
35. Tribal Shares. For the purposes of this chapter, refers only to an awardee's equitable share of PFSA associated with Area Office or Headquarters resources (including Tribal shares of discretionary IHS grants), notwithstanding the definition of Tribal shares set forth in 25 U.S.C. § 5381(a)(8).

6-3.2 DETERMINING CSC AMOUNTS (Footnote /1)

A. Categories of ISDEAA Funding: Secretarial Amount, Pre-award, Startup, DCSC, and Indirect CSC.

The ISDEAA, 25 U.S.C. § 5325(a)(1)-(3), (5), (6), authorizes funding of an award, including the Secretarial amount and CSC. 25 U.S.C. § 5325(a)(1) provides for the Secretarial amount:

The amount of funds provided under the terms of self-determination contracts entered into pursuant to this [Act] shall not be less than the appropriate Secretary would have otherwise provided for the operation of the programs or portions thereof for the period covered by the contract, without regard to any organizational level within the Department of the Interior or the Department of Health and Human Services, as appropriate, at which the program, function, service, or activity or portion thereof, including supportive administrative functions that are otherwise contractible, is operated.

In addition, 25 U.S.C. § 5325(a)(2) authorizes CSC funding:

There shall be added to the amount required by paragraph (1) contract support costs which shall consist of an amount for the reasonable costs for activities which must be carried on by a tribal organization as a contractor to ensure compliance with the terms of the contract and prudent management, but which--

1. normally are not carried on by the respective Secretary in his [or her] direct operation of the program; or
2. are provided by the Secretary in support of the contracted program from resources other than those under contract.

The statute further identifies four categories of CSC funding. DCSC and indirect CSC are defined in 25 U.S.C. § 5325(a)(3):

3. The contract support costs that are eligible costs for the purposes of receiving funding under this [Act] shall include the costs of reimbursing each tribal contractor for reasonable and allowable costs of--
    a. direct program expenses for the operation of the Federal program that is the subject of the contract, and
    b. any additional administrative or other expense related to the overhead incurred by the tribal contractor in connection with the operation of the Federal program, function, service, or activity pursuant to the contract, except that such funding shall not duplicate any funding provided under [25 U.S.C. § 5325(a)(1)].
4. On an annual basis, during such period as a tribe or tribal organization operates a Federal program, function, service, or activity pursuant to a contract entered into under this [Act], the tribe or tribal organization shall have the option to negotiate with the Secretary the amount of funds that the tribe or tribal organization is entitled to receive under such contract pursuant to this paragraph.

The ISDEAA also defines startup and pre-award costs in 25 U.S.C. § 5325(a)(5)-(6):

(5) Subject to paragraph (6), during the initial year that a self-determination contract is in effect, the amount required to be paid under paragraph (2) shall include startup costs consisting of the reasonable costs that have been incurred or will be incurred on a one-time basis pursuant to the contract necessary -

5. to plan, prepare for, and assume operation of the [PFSA] that is the subject of the contract; and
6. to ensure compliance with the terms of the contract and prudent management.

(6) Costs incurred before the initial year that a self-determination contract is in effect may not be included in the amount required to be paid under paragraph (2) if the Secretary does not receive written notification of the nature and extent of the costs prior to the date on which such costs are incurred.

B. Determining CSC Requirements - Statutory Factors that Determine Eligible Costs.

The definition of CSC in 25 U.S.C. § 5325(a)(2)-(3), establishes certain statutory criteria for determining which costs are eligible for any category of CSC funding.

Since awardees often operate more than one program, many of the costs incurred by the awardee are paid through an IDC allocation process, usually negotiated by the "cognizant agency" as identified under the applicable Office of Management and Budget (OMB) regulations at 2 CFR Part 200 and the HHS regulations at 45 CFR Part 75. In the case of ISDEAA awards, both the Secretarial amount and CSC funding include funding for both direct and indirect costs.

25 U.S.C. § 5325(a)(3) authorizes awardees to be paid CSC funding for eligible costs, whether they are "indirect" in nature (benefitting multiple programs) or additional costs associated with operating a single program, subject to all of the requirements for CSC funding in 25 U.S.C. § 5325(a).

IHS and the awardee will review a CSC request to ensure that all costs are eligible under 25 U.S.C. § 5325(a) and to identify duplication, if any, between pre-award, startup, DCSC, and indirect CSC funding.

The procedures outlined in this chapter are intended to ensure that CSC requirements are accurately identified based on the statutory definition of which costs are eligible for CSC funding, as provided in 25 U.S.C. § 5325(a)(2)-(3), (5)-(6).

Duplication, if any, between pre-award, startup, DCSC, and indirect CSC funding will be assessed after first considering each cost proposed by the awardee to determine whether it is eligible for CSC funding under 25 U.S.C. § 5325(a). Examples of pre-award, startup, and DCSC are discussed in the standards in Manual Exhibit 6-3-G.

When awardees choose to use sub-awards with Tribes or Tribal organizations (that in all respects meet the requirements to contract directly with the IHS, but choose, through Tribal resolution, to subcontract to carry out IHS PFSA), to carry out all or part of the PFSA transferred, the eligible costs of the Tribal sub-awardee may also be included in the CSC requirement of the awardee. For CSC on sub-awards, the costs and amounts requested for the sub-awardee will be analyzed and negotiated. Amounts may be considered duplicative to the extent that CSC funding for these costs has already been included in the CSC requirement of the awardee.

C. Startup and Pre-Award Costs.

The amount of CSC funding to be awarded for startup and pre-award costs shall be negotiated consistent with the requirements of 25 U.S.C. § 5325(a)(2)-(3), (5)-(6). Depending on the nature of the costs as direct or indirect, the amount of CSC funding also will be negotiated consistent with the

guidance below on DCSC and indirect CSC funding. NOTE: Examples of startup and pre-award costs are described in the standards for the review and approval of CSC in Manual Exhibit 6-3-G.

Startup costs for PFSA will only be provided to an awardee on a one-time basis, during the initial 12-month period that the award is in effect. Within 90 days after the end of the initial 12-month period of the agreement, the awardee will certify to IHS that it has fully obligated the startup costs funding on the negotiated startup activities. If the awardee's obligations were less than the negotiated amount, the awardee shall either repay any overpayment or agree with IHS to apply the overpayment to the subsequent year's CSC requirement. If the awardee has obligations for the negotiated startup activities in excess of the amounts funded by IHS, the awardee will provide documentation of these costs and the additional amounts will be subject to negotiation between the parties. No additional startup costs will be justified for that awardee if the PFSA is subsequently transferred to a sub-awardee.

Pursuant to 25 U.S.C. § 5325(a)(6) of the ISDEAA, notification from awardees for pre-award costs must clearly indicate the nature and extent of the costs to be incurred and such notification must be received by IHS in writing before any of the costs are actually incurred. Tribes must provide a pre-award notice to the appropriate IHS Area Director as soon as they anticipate contracting or compacting a PFSA, and before they incur any of the costs. If such a notice is received by any other IHS Area Office, it should be immediately forwarded to the appropriate IHS Area Director. Upon receipt by the appropriate Area Director, the IHS will send a letter within 10 days acknowledging the date of receipt of the letter.

The review of pre-award and startup costs by Area Office staff should ensure that the costs meet the CSC requirements in the ISDEAA, 25 U.S.C. § 5325(a)(2)-(3), (5)-(6), and there is no duplication of other CSC funding or of any costs funded under a Tribal management grant. See *also* Manual Exhibit 6-3-G for Sample Pre-Award letters.

D. Direct CSC.

Direct costs eligible for CSC funding, pursuant to 25 U.S.C. § 5325(a)(2)-(3), may be incurred directly by the awardee or by an eligible sub-awardee. DCSC amounts are generally awarded on a recurring basis.

1. Examples of DCSC are described in the standards for the review and approval of CSC in Manual Exhibit 6-3-G. These may include, but are not limited to:
   a. unemployment taxes on salaries funded in the Secretarial amount;
   b. workers compensation insurance on salaries funded in the Secretarial amount;
   c. cost of retirement for converted civil service and United States Public Health Service Commissioned Corps Officer salaries;
   d. insurance, but only for coverage not included in the IDC pool (or indirect-type-costs budget) and not covered by the Federal Tort Claims Act;
   e. facility support costs to the extent not already made available;
   f. training required to maintain certification of direct program personnel to the extent not already made available; and

g. any other item of cost that meets the definition of CSC at 25 U.S.C. § 5325(a)(2)-(3), but is not included in the awardee's IDC pool (or indirect-type-costs budget) or the 25 U.S.C. § 5325(a)(1) amount.

2. Funds for DCSC need not be recalculated each year and will be provided to the awardee on a recurring basis, except for in the following instances:

   a. If an awardee submits a proposal or request and renegotiates DCSC.

   b. If a cost that has previously been funded as DCSC is moved to the Tribe's IDC pool (See Section 6-3.2E).

   c. In the case of a withdrawal as outlined in Section 6-3.3A.

   d. To add amounts in connection with IPA or MOA employees who have converted after the effective date of the preceding DCSC negotiation. This shall not require a renegotiation of ongoing DCSC amounts.

   Renegotiated DCSC requirements become effective for the contract period covered by the DCSC request and are awarded on a recurring basis. IHS will provide technical assistance at the request of the Tribe.

3. Unless a negotiation occurs under the preceding subparagraph, the amount of each awardee's ongoing DCSC need shall be adjusted at the end of the first quarter of the Federal fiscal year by the most recent OMB medical inflation rate in order to account for the normal increased DCSC need.
4. Unless otherwise requested by the awardee, DCSC calculated on new PFSA and expanded PFSA shall not require a recalculation of DCSC on ongoing PFSAs, as long as the additional DCSC is allocable only to the new or expanded PFSA being awarded.

E. Indirect CSC.

Guidelines for the Principles Involved in Negotiating Indirect and Indirect-Type Costs. A plan for the allocation of IDC is required to support the distribution of any IDC related to the awardee's program and the determination of which IDC are eligible for indirect CSC funding. All IDC included in the plan are required to be supported by accounting records that substantiate the propriety of the IDC and establish the costs as either: (a) funded in the Secretarial amount; or (b) eligible for indirect CSC funding. The allocation plan should cover all IDC of the awardee and contain, but not necessarily be limited to, the nature and extent of services provided and their relevance to the awardee's program; the item of expense to be included in the IDC pool; and the methods to be used in distributing costs.

Title 2 CFR Part 200 establishes principles and standards for determining IDC applicable to the awardee and the negotiation of IDC rates with the awardee's cognizant agency. 25 U.S.C. § 5325(k) has made modifications to the OMB cost principles otherwise applicable to awardees. Once these principles are applied to identify an awardee's total IDC, the costs must be analyzed to ensure they meet the definition of CSC in 25 U.S.C. § 5325(a)(2)-(3). See also the standards for the review and approval of CSC in Manual Exhibit 6-3-G.

In determining the amount of CSC funding required in relation to the awardee's IDC, Areas should review the awardee's cost allocation plan, its associated IDC proposal, its approved IDC negotiation agreement, and the requirements of 25 U.S.C. § 5325(a)(2)-(3). The allowable IDC of an eligible sub-awardee may be included in the indirect CSC requirement of the awardee when the sub-awards are excluded from the IDC base of the awardee, or are subject to a pass-through IDC rate. The awardee shall be responsible for providing documentation of these costs to the IHS.

1. Use of Negotiated IDC Rates. The amount of IDC expected to be incurred by awardees using rates negotiated with the cognizant Federal agency will be estimated annually by applying the most recent negotiated IDC rate(s) to the appropriate direct cost base amount, as discussed below in this paragraph and subject to paragraphs 6-3.2E(3)-(4).

   The amount determined as the awardee's CSC requirement will be consistent with the individual awardee's IDC rate agreement and reflect any exclusions required by the IDC rate agreement.

   If an awardee's IDC rate is applicable to a fiscal year (FY) that is more than three years old, IHS will not provide IDC associated with the application of that IDC rate. In these cases, the Area will negotiate "indirect-type costs" with the awardee (see paragraph 6-3.2E(2) that follows). The rate applicable to the current FY is considered current, and the rate applicable to the previous FY shall be considered one year old. Thus, for example, in FY2016 a rate agreement for FY2013 is the oldest rate that will be used in these calculations.

   Based on these principles, IHS will apply the IDC rate to determine a Tribe's IDC need (which shall be adjusted consistent with 25 U.S.C. § 5325(a)(2)-(3), as discussed below, to determine the indirect CSC need) as follows:

   a. Estimate of Indirect CSC Need and Funding Prior to the Contract Year

      In advance of the contract year, IHS and the awardee will negotiate an estimate of the awardee's IDC need using the awardee's most recent (no more than three years old) negotiated IDC rate agreement.

      1. Total direct costs will be used based on either:
         1. The eligible funding in the Secretarial amount plus the DCSC funding (or the salaries (or salaries and fringe) for those awardees that use a salary (or salaries and fringe) base), if the total direct costs of the total health care program reflected in the IDC rate agreement or other documentation of prior-year expenditures demonstrate that amount; (Footnote /2) or
         2. The total direct costs of the total health care program operated by the awardee, if those costs as reflected in the IDC rate agreement are less than the eligible funding in the Secretarial amount plus the DCSC funding.
      2. The IDC transferred in the Secretarial amount, negotiated pursuant to 25 U.S.C. § 5325(a)(2)-(3) and this chapter, shall be deducted from the total direct costs determined in (a)(1).

3. The pass-through and exclusion amount will be determined consistent with the awardee's IDC rate proposal. This amount will be deducted from the total direct costs determined in (a)(1), less the amount determined in (a)(2), if any, to determine the direct cost base.
4. Application of IDC rate: the IDC rate will be applied to the direct cost base determined in paragraphs (a)(1)-(3) to estimate the total amount of IDC applicable to the IHS-funded program.
5. The amount identified in (a)(2), if any, shall be deducted from the total IDC amount determined in paragraph (a)(4) to determine the amount of indirect CSC need and funding to be paid.

b. Determination of Final Amount for Indirect CSC Need and Funding

After the end of the contract funding period IHS and the awardee will negotiate the final amount of indirect CSC as follows.

1. Total direct costs will be based on the amount negotiated pursuant to paragraph (a)(1) above, without further information being required of the awardee, except that:
    1. Increases in eligible funding in the Secretarial amount or DCSC funding awarded during the contract year will be added, to the extent the new total direct costs of the total health care program reflected in the IDC rate agreement or other documentation of prior year expenditures demonstrate that amount;
    2. The awardee may propose to increase the amount for:
        1. Expenditures of prior-year Secretarial funding for which IHS did not pay CSC funding in the year awarded and that the awardee carried over and expended in the current year; and
        2. Increases in expenditures of Secretarial funding above the amount estimated;
    3. Reductions to the Secretarial amount shall be subtracted.
    4. Reductions to DCSC, if any, as specified in section 6-3.2D(2) shall be subtracted.
2. The IDC transferred in the Secretarial amount, negotiated pursuant to 25 U.S.C. § 5325(a)(2)-(3) and this chapter, shall be deducted from the total direct costs determined in (b)(1).
3. Pass-through and exclusion amounts will be based on the amounts negotiated pursuant to paragraph (a)(3) above, without further information being required of the awardee, though the awardee may propose adjustments based on expenditures throughout the year and the amounts may need to be adjusted if the awardee proposes increases pursuant to paragraph (b)(1).
4. Application of IDC rate: the applicable IDC rate - i.e., either the fixed carryforward rate or the final rate applicable to the contract funding year- will be applied to the direct cost base to determine the amount of IDC. If the IDC rate applicable to the contract year is not available within 90 days after the end of the performance period, at the awardee's request IHS shall apply the fixed carryforward rate for the funding year or one year prior, or the final rate for the funding year or two years prior (Footnote /3). The final IDC amount will not be determined until the awardee has received an IDC rate that meets the requirements of this subparagraph.

5. The amount, if any, identified pursuant to paragraph (b)(2) shall be deducted from the total IDC amount determined in paragraph (b)(4) to determine the amount of indirect CSC need and any additional funding to be paid.
6. Once final reconciliation is complete and both parties agree on the amount of indirect CSC funding, the parties shall enter into a bilateral amendment/modification setting forth the amount as the indirect CSC funding required under the ISDEAA for the award. If any amount is still owed, IHS will make payment according to the payment provisions of the award. If the awardee was overpaid, the awardee will have the option to either: (a) reimburse IHS for the overpayment; or (b) agree that IHS will apply the overpayment to the awardee's CSC need in the subsequent year.

2. Negotiating Indirect-Type Costs. A lump sum amount for "indirect-type costs" may be negotiated with awardees that do not have negotiated IDC agreements with their cognizant agency or that request such a negotiation, even if they have a negotiated rate. This annual lump-sum amount may be calculated by negotiating a fixed amount for "indirect-type costs." Categories of costs often considered "overhead" or "indirect-type" are generally in the categories of:

   Management and Administration; Facilities and Facilities Equipment; and General Services and Expenses. More specific examples of indirect and indirect-type costs include but are not necessarily limited to the following:

Management and Administration	Facilities and Facilities Equipment	General Services and Expenses
Governing Body	Building Rent/Lease/Cost Recovery	Insurance and Bonding
Management and Planning	Utilities	Legal Services
Financial Management	Housekeeping/Janitorial	Audit
Personnel Management	Building and Grounds	General Support Services
Property Management	Repairs and Maintenance	Interest
Records Management	Equipment	Depreciation/Use Fees
Data Processing	----	----
Office Services	----	----

   As with all IDC, however, the negotiation of indirect-type CSC funding must ensure the amounts are consistent with the definition of CSC in 25 U.S.C. § 5325(a)(2)-(3).

   Indirect-type costs must be renegotiated not less than once every three years, but they can be renegotiated more frequently at the awardee's option.

3. Alternative Methods for Calculating IDC Associated With Recurring Service Unit Shares. The provisions of this section E(3) shall apply to the negotiation of indirect CSC funding in or after FY 2016 and to the calculation of duplication under 25 U.S.C. § 5325(a)(3), when: i) an awardee assumes a new or expanded PFSA or added staff associated with a joint venture (in which case the review is limited to those new or expanded PFSA or those additional staff); ii) an awardee

includes new types of costs not previously included in the IDC pool that is associated with IHS programs, resulting in a change of more than 5% in the value of the IDC pool (in which case the review will be conducted under Alternative A and will be limited to those new types of costs); or iii) an awardee proposes and renegotiates the amount.

Pursuant to the above circumstances, the awardee shall elect the method for determining the amount of IDC associated with the Service Unit shares and the remaining IDC that may be eligible for CSC funding, to identify duplication, if any, pursuant to 25 U.S.C. § 5325(a)(3), in one of two options listed below.

a. Alternative A. The awardee and the Area Director or his or her designee shall conduct a case-by-case detailed analysis (Manual Exhibit 6-3-D) of Agency Service Unit share expenditures to identify any IDC transferred in the Secretarial amount. The IDC funded in the Service Unit shares will be deducted from the awardee's direct costs and total IDC, not to exceed the amount included for that same cost in the awardee's IDC pool that would be allocable to IHS under the IDC rate, to avoid duplication under 25 U.S.C. § 5325(a)(3) when determining the indirect CSC funding amount as described above in 6-3.2E(1).

b. Alternative B. The awardee and the Area Director or his or her designee will apply the following "split" of total Service Unit shares, the 97/3 method (Manual Exhibit 6-3-E):

   i. 97% of the Service Unit shares amounts will be considered as part of the awardee's direct cost base.

   ii. 3% of the Service Unit shares amounts will be considered as IDC funding.

   iii. If the amount considered IDC funding (3 percent) exceeds the awardee's negotiated CSC requirements, the awardee shall retain the excess funds for direct costs.

Once these 97/3 amounts are computed, they will be used in accordance with the terms of the IDC rate agreement (or alternative method provided herein) for calculating the CSC requirement. The remaining IDC need associated with the IHS PFSA will be eligible for payment as indirect CSC, as provided in this chapter and 25 U.S.C. § 5325(a)(2)-(3). Manual Exhibit 6-3-D illustrates how Alternative A (a detailed analysis) is calculated and Manual Exhibit 6-3-E illustrates how Alternative B (the 97/3 method) is calculated.

4. Alternative Methods for Calculating IDC Associated With Tribal Shares. Pursuant to the above circumstances, if an awardee's contract includes Tribal shares, the awardee shall elect the method for determining the amount of IDC associated with Tribal shares and the remaining IDC that may be eligible for CSC funding, to identify duplication, if any, pursuant to 25 U.S.C. § 5325(a)(3), in one of two options listed below.

   a. Alternative A. The awardee and the Area Director or his or her designee shall conduct a case-by-case detailed analysis (Manual Exhibit 6-3-B) of Agency Tribal share expenditures to identify any IDC transferred in the Secretarial amount. The IDC funded in the Tribal shares will be deducted from the awardee's direct costs and total IDC, not to exceed the amount included for that same cost in the awardee's IDC pool that would be allocable to IHS under

the IDC rate, to avoid duplication under 25 U.S.C. § 5325(a)(3) when determining the indirect CSC funding amount as described above in 6-3.2E(1).

b. Alternative B. The awardee and the Area Director or his or her designee will apply the following "split" of total Tribal shares, the 80/20 method (Manual Exhibit 6-3-C):

. 80% of the Tribal shares amounts will be considered as part of the awardee's direct cost base.

i. 20% of the Tribal shares amounts will be considered as IDC funding.

ii. If the amount considered IDC funding (20 percent) exceeds the awardee's negotiated CSC requirements, the awardee shall retain the excess funds for direct costs

Once these 80/20 amounts are computed, they will be used in accordance with the terms of the rate agreement (or alternative method provided herein) for calculating the CSC requirement. The remaining IDC need associated with the IHS PFSA will be eligible for payment as indirect CSC, as provided in this chapter and 25 U.S.C. § 5325(a)(2)-(3). Manual Exhibit 6-3-B illustrates how Alternative A (a detailed analysis) is calculated and Manual Exhibit 6-3-C illustrates how Alternative B (the 80/20 method) is calculated.

6-3.3 CSC PAYMENTS

Awards will include payment of the full amount of CSC funding negotiated in accordance with the ISDEAA and section 6-3.2 of this chapter.

A. Withdrawal.

When an awardee withdraws a PFSA from an existing award between the IHS and a second awardee, who has been operating that PFSA on behalf of the first awardee, the existing DCSC is subject to reallocation between the two awardees. The DCSC is directly associated with the direct program funds and should be reallocated proportionately between the awardees on the same basis as the Secretarial amount is reallocated.

Any overpayment of CSC funding to the second awardee must either: i) be returned to IHS for allocation to the first awardee; or ii) offset against the second awardee's CSC need in the subsequent year.

B. Initial Funding Period-New and Expanded Contracts.

All requests for CSC funding associated with new or expanded PFSA that are submitted independently of a contract proposal or a final offer must be reviewed within the time provided by the ISDEAA at 25 U.S.C. §§ 5321(a), 5387(b).

Negotiated amounts for CSC funding for new and expanded PFSA will be paid along with the award of any 25 U.S.C. § 5325(a)(1) funds. This includes pre-award, startup, DCSC, and indirect CSC funding.

If an awardee proposes to start a new or expanded activity for less than a full year, an annual amount for CSC may be determined consistent with the methodologies included in this chapter; however, DCSC

and indirect CSC funding will be pro-rated in the first award period. Startup and pre-award costs will be non-recurring, and the negotiated amount will be paid entirely in the first year of the award period.

C. Ongoing Awards.

Negotiated amounts for DCSC and indirect CSC funding for ongoing awards will be paid along with the initial payment of the 25 U.S.C. § 5325(a)(1) funding.

Subsequent payments may be made if a new amount is negotiated during the contract year, e.g., due to updates to the awardee's IDC rate, consistent with the determination of CSC in section 6-3.2.

6-3.4 ROLES AND RESPONSIBILITIES

Awardees and IHS staff have distinct roles and responsibilities in facilitating the determination of Tribal CSC requirements and in the allocation of CSC resources. This section will describe the roles and responsibilities associated with the determination of initial Tribal CSC (new and expanded) requirements; the determination of ongoing CSC requirements; and some of the ancillary CSC activities carried out by the IHS.

A. Overview - New and Expanded CSC Requests. Awardees must provide a detailed CSC request to the Area Director or his or her designee. IHS has developed sample request letters for that purpose, at the option of the awardee to use to submit their requests (see sample letters in Manual Exhibit 6-3-G and the Annual CSC Calculation (ACC) tool in Manual Exhibit 6-3-F). The request must include a clear description of the requested CSC funding to be negotiated (as specified at 25 CFR § 900.8) along with supporting justification, the date that the PFSA are to be assumed, and an identification of the Secretarial amount to be transferred. Additionally, the awardee is encouraged to provide a detailed line item Tribal budget for the 25 U.S.C. § 5325(a)(1) amount to facilitate CSC negotiations. The Area Director or his or her designee will provide a copy of the proposal to the Headquarters Office of Direct Service and Contracting Tribes (ODSCT) and a copy of the final negotiated request to the IHS Headquarters Office of Finance and Accounting (OFA), and a copy to the Office of Tribal Self-Governance (OTSG) in the case of a Title V compactor.

B. New and Expanded CSC Negotiations. The Area Director or his or her designee (or the Agency Lead Negotiator in the case of a Title V Self-Governance award) has the primary responsibility for negotiating the new and expanded CSC request with the awardee and forwarding the proposal to the Headquarters ODSCT (or OTSG), as well as the final approved request to the Headquarters OFA for funding to be released for payment. If the Area Director or his or her designee and the awardee do not agree on an item(s) of cost, the Area Director or designee shall issue a partial declination of the awardee's contract proposal or final offer in accordance with the ISDEAA and with 25 CFR §§ 900.20-900.33 and 42 CFR §§ 137.140-137.48. The declination or final offer rejection must be issued within the time required by the ISDEAA unless the awardee has provided written consent to an extension in accordance with 25 CFR § 900.17 or 42 CFR § 137.135. In the event CSC negotiations are unresolved at the time a program transfer or expansion goes into effect, the finally-determined CSC amounts shall be effective for the entire contract funding period starting from the date of the transfer or expansion.

C. Ongoing Awards.

The Area Director or his or her designee (or the Agency Lead Negotiator in the case of a Title V Self-Governance award) will provide a completed ACC tool during negotiations of successor AFA or FA, in order to assist the parties in determining the amount of CSC funding to be added to the contract. (Consistent with Section 6-3.2.)

D. Other CSC Responsibilities.

1. Disputes. Disputes over CSC should be resolved as either a formal declination or final offer rejection appeal or as a claim under the Contract Disputes Act (CDA), 41 U.S.C. § 7101 et seq. An informal conference (25 CFR § 900.153) or other alternative dispute mechanism (25 CFR § 900.217) may also be useful in resolving disagreements over CSC. When it is unclear whether a dispute should be resolved as a declination or a CDA claim, the Associate Director of Self-Determination Services, ODSCT, should be contacted for possible referral to the IHS Headquarters Leadership Team.
2. Pre-Award Declination Appeals. Declination appeals may arise from a pre-award decision to decline a proposal, in whole or in part; a pre-award decision to decline a proposed amendment to an award; or any of the other reasons cited at 25 CFR § 900.150. Declination appeals are most likely to occur as a result of disagreements over an awardee's new or expanded CSC request (Section 6-3.3B). Declination appeals must be processed pursuant to 25 CFR §§ 900.150-900.177.
3. Appeals of Rejections of Final Offers. Final Offer appeals may arise out of a pre-award decision by the IHS to reject, in whole or in part, a Final Offer submitted by a compactor when it is unable to reach agreement with the IHS on the terms of a compact or FA, including funding levels. Final Offer appeals must be processed pursuant to 25 U.S.C. § 5387(c)(1) and any regulations promulgated thereunder.
4. Post-Award CDA Claims. All post-award disputes regarding an awarding official's decision related to an ISDEAA award, including post-award disputes over CSC funding, must be addressed under the CDA. Post-award contract disputes generally occur as a result of the parties' failure to agree concerning the amount of DCSC due (Section 6-3.2D) or the amount of indirect CSC funding due (Section 6-3.2E). Post-award contract disputes must be handled pursuant to the CDA and 25 CFR §§ 900.215-900.230.
5. Pilot Projects. The IHS may adopt pilot projects to incorporate innovative approaches to CSC funding issues. The IHS Director may approve these pilot projects without requiring revisions in this chapter. Pilot projects must be optional for awardees and of limited duration. Upon the completion and evaluation of these projects, this chapter may be amended following Tribal consultation to incorporate new provisions implementing these projects on a permanent basis.
6. CSC Budget Projections. Each Area Director or his or her designee shall survey Tribes and Tribal organizations within that Area to develop accurate projections of CSC need at the end of the second and fourth quarter. This will include identification of the amounts required for any new and expanded projects as well as projections for the total ongoing CSC requirement for the following FY and estimates for the next two FYs. The information will be consolidated by the IHS Headquarters OFA and provided to Tribes and Tribal organizations as expeditiously as possible. The information will also be generated in the "Contract Support Costs Budget Projections (for the appropriate FY)," and submitted to the Director, Headquarters OFA, on or before September 30 of each FY and will be used by the IHS in conjunction with the Agency's budget formulation process.

7. Common Language. The IHS may from time to time propose common language for AFA and FA regarding CSC. This common language may be considered as an option for negotiations by the awardees and IHS negotiators. Awardees and IHS negotiators should be made aware that specific CSC language in contracts, compacts, AFA, and FA is negotiable and cannot be imposed on awardees as a condition of contracting.

6-3.5 CSC REPORTS

A. Reporting and Documenting Amounts of CSC Available, Needed, and Requested. The Area Director or his or her designee shall maintain a historical record of funds negotiated and awarded in each of the categories listed below. To view final reports follow Final reports.

1. Secretarial amount
2. Pre-award costs
3. Startup costs
4. DCSC funding
5. Indirect CSC funding for those awardees that use an IDC rate
6. Indirect CSC funding for those awardees that negotiate indirect-type costs
7. IDC rates
8. Types of bases
9. Pass-through/exclusions
10. Total direct cost base
11. DCSC requirements (including the unduplicated DCSC requirement associated with sub-awards)
12. Indirect CSC requirements (including the unduplicated indirect CSC requirement associated with sub-awards)

B. Annual CSC Funding Report to Tribes and Tribal Organizations. Area Directors shall provide a report to the Director, OFA, no later than March 1 of each FY that includes those data elements identified above on an awardee-by-awardee basis for the previous FY ending on September 30. Before the report is submitted, the amounts included in the report shall be certified as accurate by the IHS Area Finance Management Officer (FMO) and the Area Director or his or her designee.

1. A copy of the Area Director's report inclusive of all Area-wide CSC funding information shall be provided by the Area Director or his or her designee to the awardees within that Area no later than January 31. Any corrections or changes to the data resulting from an awardee review must be certified by the Area FMO and a [revised / corrected] final Area Director's report shall be submitted to the IHS Headquarters OFA through the Area Director or his or her designee no later than March 1. A copy of this report shall also be provided by the Area Director or his or her designee to the awardees within that Area no later than May 30.
2. The IHS Headquarters Director, OFA, shall consolidate all Area reports into the "IHS CSC Funding Report to Tribes." In doing so, the IHS Headquarters Director, OFA, shall, in consultation with the Director, ODSCT, and the Director, OTSG, provide a projection of the full CSC requirement for the current and subsequent FY.
3. The IHS Headquarters Director, OFA, shall finalize the "IHS CSC Funding Report to Tribes," obtain concurrence from the Director, ODSCT, and the Director, OTSG, and transmit the report to the Director, IHS, for approval no later than April 1.

After the "IHS CSC Funding Report to Tribes" is approved by the Director, IHS, the Headquarters Director, OFA, will provide copies to each Area Director or his or her designee, who shall then be responsible for promptly providing a copy of the IHS CSC Funding Report to Tribes to all awardees compacting or contracting within that Area. The IHS CSC Funding Report shall be furnished to all awardees on or before May 30 of the year following the close of the fiscal year that is the subject of the Report. The timing for delivery of the IHS CSC Funding Report to awardees is not dependent upon finalization and/or clearance of the report referenced in Section 6-3.5C below.

C. Annual CSC Report to Congress. IHS also has a responsibility pursuant to 25 U.S.C. § 5325(c) to provide a report to Congress on the implementation of the ISDEAA and its administration of CSC, including "an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted."

The Director, IHS or his/her designee shall also provide each awardee with a copy of the CSC Report to Congress, once that report has been cleared by the Administration for submission to Congress.

Footnotes:

Footnote 1: IHS and Tribal members of the CSC Workgroup have differing interpretations of what costs are eligible to be paid as CSC under the ISDEAA. This summarizes the differing interpretations and clarifies that any changes to language from the prior version of this chapter or the Exhibits are not to be construed as a change in the IHS or Tribal position on this issue. The IHS position is that the plain language of the ISDEAA makes it clear that, to be eligible for CSC funding, a cost and the underlying activity must meet the definition of CSC in 25 U.S.C. § 5325(a)(2), which requires (among other things) that the underlying activity is one that IHS does not normally carry on or provided from resources not transferred in the contract. Accordingly, under the IHS position, activities performed by a Tribe that are also activities IHS normally carries on and provides from resources transferred in the contract are not eligible for CSC funding. The IHS position is that the statute cannot be construed in any other manner and that reliance on legislative history is unnecessary given the plain meaning of the statute. Therefore, reference to legislative history is not necessary under the IHS position, though the IHS refers to Senate Reports 100-274 and 103-374, as well as 140 Cong Rec. H11140-01, as affirming this interpretation of the statute's clear requirements. Tribal representatives' position is that the plain language of the ISDEAA, including 25 U.S.C. § 5325(a)(3), expressly defines CSC to include both funds required for administrative and other overhead expenses and "direct" type expenses of program operation, and that in the event the Secretarial amount for a particular function, activity or cost proves to be insufficient in light of a contractor's needs for prudent management of the contract, CSC funding is to be available to supplement such sums so that health services do not have to be reduced in order to pay for the insufficiency. Tribal representatives' position is that the plain meaning of this language is supported by the legislative history adding § 5325(a)(3) to the ISDEAA, see Senate Report 103-374, at 8-9; 140 Cong. Rec. 28,631 (1994). Tribal representatives also note that the ISDEAA also requires that "[e]ach provision of the [statute] and each provision of [the] Contract shall be liberally construed for the benefit of the Contractor[.]." § 5329(c) (Model Agreement Section 1(a)(2)).

Footnote 2: Based on current data as of the publication of this chapter, IHS believes that the substantial majority of awardees' total direct costs will be calculated pursuant to this subsection.

Footnote 3: For 2014-2017 agreements IHS agrees to a transitional period, in which it will use an IDC rate up to 3 years old.

Mr. MILLER. Thank you, Mr. Chairman.

The BIA document is about 5 pages; the Indian Health Service document is about 20 pages. That tells you everything, perhaps, you need to know about what worked and what didn't work.

To be fair, the policies are good. Nothing is perfect. The policies are good, but the Indian Health Service policy is too complex, too unworkable, and the agency is poorly staffed to deal with the complexities that are reflected in that policy.

This committee has been excellent in urging the agencies to continually simplify the contract calculation process. I think your directives again would encourage the Indian Health Service to chop that 20-page document down to 10 pages and make it a little bit more workable.

At the same time, the agency ought to be directed to direct some real resources into this area. They now have one person in headquarters due to the reassignment of the second person to a different position—one person left in headquarters who is also serving as an acting director of one of the divisions within the agency. This is not good when you have 350 Tribal contracts around the United States, many of them representing multiple Tribes, such as the California Inter-Tribals you heard today.

This is not proper staffing for this important account. And I know that the committee wants to be sure that there is absolute accountability on these funds, and that can only happen if the agency is properly staffed. So I would respectfully request that the committee consider directing the agency to staff up this account from within the existing budget.

Secondly, I wanted to talk a little bit about the domestic violence, suicide prevention, and related funds. The committee, in response to calls from Tribes, eliminated a notwithstanding clause. The notwithstanding clause, which had appeared in the appropriations act a few years back, had been used by the agency to discontinue calculating contract support costs on those funds.

Now, contract support cost consume about 25 percent of nose funds. So, if those programs have to cut 25 percent to manage the contract support burden on those programs, there is that much less funding. And as it is, the funding is quite low. It is a very modest funding.

There was a $4 million increase, domestic violence, a modest increase necessary to require those programs to absorb their overhead, unlike any other BIA program or his program, is really not reasonable, doesn't serve the purpose of the program, and it isn't what the agency itself did.

The agency, on its own, in 2012, after the Supreme Court decision incidentally, discontinued the practice of calculating contract support costs on those funds and discontinued the practice of paying those funds to the Tribes through their existing self-governance contracts, required them to do grants and incur additional burdens in the way of grant reporting.

All of that can be undone. I think it will be undone now that the notwithstanding clause has been removed. And all I would ask for is that the committee monitor the agency's behavior and, as the grants expire and need to be renewed, that instead the funds go into the self-governance compacts and the 638 contracts and con-

tract support cost gets calculated on top of it. Frankly, it is not a very large number in the large scheme of things, certainly not in comparison to the two appropriations.

And the third thing is the appropriation structure. And on this, I think we are all a little disappointed that the Indian Health Service—if I may have a few extra seconds, Mr. Chairman?

Mr. CALVERT. Go ahead.

Mr. MILLER [continuing]. The Indian Health Service missed the mark in 2017. They predicted that the contract support cost requirement would be in the neighborhood of $800 million. Our own experts have calculated that it will be far lower than that, perhaps close to $700 million.

I think I have detected one of the problems, and it may be that the two were not speaking the same language. The Indian Health Service calculates what the total contract support cost requirement is nationally. But part of that requirement is not in the contract support cost account. It is actually covered by agency dollars, to the tune of about $50 million. That could account, alone, for a $50 million error.

And that is my fear, that perhaps there was just a miscommunication. I am confident this is not going to happen going forward. The agency has acknowledged this error. And I think it may provide some grease in the mechanisms as you go into 2018 and worry about a severe restriction in your allocation.

Thank you, Mr. Chairman and Ranking Member McCollum.

[The statement of Lloyd B. Miller follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CONCERNING THE PRESIDENT'S 2018 BUDGET REQUEST
FOR THE BIA AND IHS

Testimony of Lloyd B. Miller
Counsel, National Tribal Contract Support Cost Coalition
May 17, 2017

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Miller, Monkman, & Flannery LLP. This testimony is offered on behalf of 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 Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) programs on behalf of over 250 Native American Tribes.[1] The 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 and Education Assistance Act. I also litigated the Supreme Court *Cherokee* and *Arctic Slope* cases against the Indian Health Service, and co-litigated the *Ramah* class action case against the Bureau of Indian Affairs, 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.

Over the past year, both IHS and BIA have worked closely with Tribes and tribal organizations on finalizing and publishing new CSC policies setting forth internal guidelines for calculating and reconciling CSC payments. Many Tribes across the country submitted comments, and some are reflected in the final results. In this respect, tribal consultation worked, and both agencies are to be applauded for their inclusive processes. But the agencies' results differ substantially, and it is on this difference that I wish to focus, especially the unnecessarily restrictive and complex approach taken by IHS.

On the one hand, you have the BIA Manual revisions. The Coalition applauds the BIA approach, which genuinely embraced the Committee's instructions to be simple and straightforward, and to streamline the process for determining and reconciling contract support cost requirements. Tribes and agency personnel, alike, can easily understand the BIA's new policy, and the BIA's simple approach will lead to accurate CSC estimates over time. It also

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[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).

does not require extensive training, and therefore has already led to improved agency business practices.

On the other hand, you have the IHS. While IHS deserves genuine praise for consulting extensively with Tribes beginning last spring, the ultimate result was both complex and controversial. Despite compromises reached with Tribes on most issues, the agency's adherence to certain legal positions that the Office of General Counsel prefers to litigate left two large issues in dispute. As a result, the new IHS policy adopts the agency's position on the "duplication" and "allocation" issues, and notes the tribal position in footnotes. IHS's intransigence on these issues has left their resolution to the courts, and there are now at least three ongoing cases against IHS involving one or both of these issues.[2]

The final IHS policy also remains terribly over-complicated: not only does it refer to the statute instead of explaining key concepts in plain language, but it also contains several complex calculations, requires Tribes to submit additional documentation to the agency each year, and necessitates two separate CSC negotiation processes each year. Indeed, the policy is so complicated that the agency has only one staff person across the entire country that can answer policy questions and guide the agency's interpretation of its new policy. This person is currently serving a dual role as an Acting Director at Headquarters, further delaying decisions and complicating negotiations for individual Tribes. The agency's approach to training on the new policy is quite telling—instead of partnering with Tribes that asked to be involved in any agency training programs, the agency instead developed and released a series of YouTube videos that completely ignore the tribal position on the "duplication" and "allocation" issues.

The policy is so complicated that IHS personnel have been unable to get a firm grasp on CSC calculations. We understand that in 2017, IHS misstated the total CSC requirement across Indian country by over $90 million. We believe the actual total CSC need for IHS in 2017 is around $703 million, not the $800 million included in the President's budget for that year and defended by IHS throughout 2016. We believe the total CSC need in fiscal year 2018 will be about $725 million, still far below the agency's prior estimate.[3] Clearly, the agency's failure to simplify the CSC calculation process is impacting IHS, too.

IHS's overly complex CSC policy isn't just impacting CSC calculations and estimates; it is also overly complicating what IHS calls the post-year reconciliation process. Since the adoption of the updated policy, IHS has gone back to Tribes to "reconcile" CSC calculations for 2014, 2015 and 2016. In some instances IHS is demanding that Tribes repay millions of dollars—including dollars that were spent years ago—while other Tribes are still waiting to be paid the full CSC they were promised as much as three years ago. If the new policy remains

[2] In one case, the federal district court last September ruled in favor of the tribal position on both issues. IHS's reaction was unfortunate: instead of revising the CSC policy accordingly, IHS declared it will appeal the decision to the Tenth Circuit Court of Appeals.

[3] We caution that our own estimate for 2018 will vary depending on where this Committee decides to make increases, since most CSC calculations are a function of the size of the IHS programs the Tribes administer.

unchanged, IHS must do a better job of committing the necessary staff to work with Tribes to perform these calculations on a timely basis and to resolve matters quickly.

In sum, while both agencies have made real progress in improving their management of their CSC accounts, we respectfully urge the Subcommittee to repeat its instructions to IHS to further simplify its calculation and reconciliation processes, and to instruct the agencies not to seek to reduce tribal contract support cost entitlements.

To further simplify and streamline contracting activities, we also respectfully suggest that the Subcommittee urge the agencies to explore using multi-year arrangements for fixed rates or fixed lump-sum amounts subject to inflationary adjustments.

We also respectfully suggest that the Subcommittee remind both agencies to interpret and apply the Act's CSC provisions liberally in favor of the Tribes. After all, that is the law, both as stated in section 108 of the Indian Self-Determination Act and in two Supreme Court decisions.

On another note, we thank the Subcommittee for removing the "notwithstanding" clause from the 2017 appropriation addressing certain earmarked funds, including substance abuse and suicide prevention initiative (SASP) funds and domestic violence prevention initiative (DVPI) funds. Between 2008 and 2012, IHS agreed to award these funds through Self-Determination Act agreements, and to calculate contract support cost requirements on those funds. But starting in 2012 IHS reversed course, refusing to calculate CSC requirements and demanding that these funds be awarded through separate grant instruments. This change caused Tribes to cut vital program operations to fund the administrative costs of these programs, including for grant administrators, while adding extraordinary complexity through the parallel grant funding and reporting process. Nationwide, IHS's change in position reduced behavioral health program funding amounts by 25%.

IHS relied on the old "notwithstanding" clause to force Tribes into grant instruments and to dodge the Indian Self-Determination Act's mandate to add contract support costs to these program funds. We hope that in 2017 and beyond, the elimination of that clause will lead IHS to return to its former pre-2012 practice. We respectfully suggest that the Subcommittee ask IHS to report on its progress in eliminating the grant funding mechanism and in adding contract support costs to administer these precious funds.

I thank the Subcommittee for the opportunity to provide this testimony on behalf of the National Tribal Contract Support Cost Coalition.

Mr. CALVERT. Thank you.

Thank you for your testimony, and we appreciate your coming out today.

Mr. Miguel, I have been by your reservation outside of Phoenix. It is not too far from where I am, out in southern California. I know you have a substantial farming operation out there. Do you own the land around Maricopa?

Mr. MIGUEL. No, we don't. Actually, they were our original lands. We were 40,000-plus acres when we were first established. Six months after we were established, the President Taft, at that time——

Mr. CALVERT. Put that mic near you.

Mr. MIGUEL. If you think about it, the city of Maricopa is our original lands. When were first established back in 1960 by President Taft, we were a 40,000-acre tribe. But 6 months after we were designated the 40,000, it was rescinded, and we were reduced to 20,000 acres.

Mr. CALVERT. Another one of those treaty violations that Mr. Cole——

Mr. MIGUEL. Unfortunately.

Mr. CALVERT [continuing]. Talked about. But you have been very successful with the 22,000 acres that you have remaining. And I recognize we have commitments to you, and we will certainly take a look at that as we move this process along.

We have been talking about the Great Lakes all day today, Mr. Hill, so we are on it. And I know you have done a great job of self-government at the Oneida Tribe. And we believe in self-governance around here, so we know you have the—Indian Country has the competence to run their own affairs. We should allow them to do so.

And, Aurene, you are right, we need to—you know, child abuse and neglect is unfortunate. You have to separate the children from that. And that is a big problem throughout Indian Country. We see a lot of that. We have an institute where a lot of these children are separated from their parents if they are exposed to that kind of treatment. Unfortunately, as you know, unless you deal with that, it tends to be generational. So it is a huge problem, and we need to deal with that.

And, Mr. Miller, you come out every year, and we appreciate your oversight and what you do and letting us know what we need to do with oversight.

So there are a lot of challenges out there. We talked about substance abuse. This opioid epidemic is terrible. The former chairman of the full committee has been a big advocate of what we can do to fix this, but there are over 1,000 deaths a day around America with opioids.

And I forget this other drug that was an elephant tranquilizer. Anyway, just a small gram of it can lead to instant death.

And it is just a horrific situation, so we need to get a hold of that. And, unfortunately, Indian Country is not immune from that scourge.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

I am very proud of the Great Lakes Nations who have been up here testifying—but it just goes to show the obligation for maintaining clean water, drinking water, water for habitat, not only in the Great Lakes but throughout the United States.

The work that the EPA does with Tribes, if the EPA's budget is cut too much so that work can't happen, it is going to affect quality of life and a lot of programming and, quite frankly, a lot of jobs, good jobs that Tribal Governments have stood up with their own departments of natural resources.

But it is an inter-dependent organization. They cannot do it without the Federal EPA being there; Fish and Wildlife, as well. I know that many of the Tribes in some parts of the country are also looking to set up more robust relationships with the National Park Service, with monument interpretation and other things, moving forward.

So I thank you for sharing that.

In the urban settings, Ms. Martin, where we are working on home placement or appropriate Tribal placement for children, there is a missed opportunity because of the way the dollars flow?

Ms. MARTIN. Yes, that is true. ICWA authorized this funding stream for off-reservation programs, and it was funded until 1996, I want to say. And what those programs would do is they would provide a connection for State workers who were looking for placements or trying to find out information about a family or even to provide services. And then when that stopped being funded, that is just a gap.

And the problem is that we have a huge increase in our urban populations now over time, where it has basically flipped. We used to have, you know, a minority of our members would live off-reservation, but now it is up to 67 percent during the last census.

So we know that people are falling through the cracks on the urban setting if those Tribes that are on-reservation don't have outreach programs. And there are some Tribes that do, like Oneida, but not every tribe is able to do that.

Ms. MCCOLLUM. Okay. Well, I am going to talk to the folks at Little Earth and learn a little more about that, and I am sure you have somebody I can talk to.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

Mr. Cole.

Mr. COLE. Just quickly, I want to thank all of you for coming. Some of you are regulars here. As a matter of fact, all of you are regulars here. But that is so helpful to this committee and to staff, just over time, those relationships and that information.

Mr. Hill, I want to go back to a point you made, and really, Ms. Martin, you sort of reinforced it, but it is a pretty common theme: Usually, Indians do better running their own affairs than somebody in Washington does.

I know in my tribe I have seen it over and over again. If nothing else, if there is a mistake, it is so much easier to correct if the people responsible for it are—you can get to your Tribal legislator pretty quickly, as opposed to some faceless bureaucrat 1,300 miles away.

So putting as many of these resources in the hands of the people who are on the ground running programs just makes it so much better and so much more responsive and self-correcting. So I know that point of view is shared by everybody on this committee. And where we can do things to, again, push down the decisionmaking to the Tribal level, we are just always better served, every single time.

So, anyway, thank you for your consistent advocacy and your role in educating all of us to the concerns. And, hopefully, over time, you know, as Mr. Miller suggested, the arc is bent in the right way. I mean, we really have tried on a bipartisan basis here—and the successive chairmen—to try and do the right thing, but, you know, if you hadn't been going to the Supreme Court asserting your own rights, the right thing wouldn't have gotten done.

So, I mean, that active participation, using the tools that are available through—obviously, through legislation but, sometimes through negotiation, sometimes through litigation, those things are all necessary. And all of you are to be commended because you have done it not only for your respective Tribes but for the good of Indian Country in general, and it has made a big difference.

So thank you.

Mr. CALVERT. Great. Thank you.

And thank you for your testimony.

This concludes our morning hearing. Thank you for making the effort to be here this week.

Our next hearing begins at 1 o'clock this afternoon.

TUESDAY, MAY 16, 2017.

AFTERNOON SESSION

Mr. CALVERT. Welcome. Welcome to this public witness hearing specifically for American Indian and Alaska Native programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee. I especially want to welcome the distinguished Tribal elders and leaders testifying today and in the audience. 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 of this subcommittee to remind them that honoring the Nation's trust obligations is a responsibility shared by all Members of Congress, regardless of our State or congressional district. I can assure you that your voices are heard by this subcommittee.

For those new to this process, today's hearings are just the start of a dialogue we have come to depend upon to help us make smart choices in the budget, and to earn the votes of our colleagues. The American Indian and Alaska Native programs will continue to be a nonpartisan priority for the subcommittee, just as they have been in recent years under the chairmanships of both Democrats and Republicans alike.

Before we begin, I have a bit of housekeeping items to share. Committee rules prohibit the use of outside cameras and audio equipment during these hearings. The hearing can be viewed in its entirety on the committee's website. 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 testimony. Your full written testimony will be included in the record, so please don't feel pressured to cover everything in 5 minutes. Finishing in less than 5 minutes may even earn you a few little extra brownie points. So 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 remarks. When the light blinks red, I will ask the witness to stop. We will hear from every witness on each panel before members will be provided an opportunity to ask questions.

Because we have a full day ahead, we have over 80 Tribes here the next couple of days, I request that we try to keep things moving in order to stay on schedule and respect each other's time. I am sure many of you have planes to catch.

With that, I thank all of you again for being here today. And I am happy to yield now to our distinguished ranking member, Betty McCollum, for her opening remarks.

Ms. MCCOLLUM. I would just like to thank the chairman for having this important listening hearing with our Native American, Alaska Native brothers and sisters, and I look forward to the testimony. And thank all of you for traveling and coming to enlighten us. Thank you.

Mr. CALVERT. Great. With that, let's start with our first witness, Fawn Sharp, president of the Quinault Nation.

TUESDAY, MAY 16, 2017.

QUINAULT INDIAN NATION

WITNESS

FAWN R. SHARP, PRESIDENT

Ms. SHARP. Good afternoon, Chairman Calvert and Ranking Member McCollum, and our Congressman Kilmer. We really appreciate the opportunity to be here and to testify on such a lovely spring afternoon. So thank you for the invite.

The Quinault Nation is an Indian tribe located in southwest Washington. We occupy about 31 miles of international border along the Pacific Ocean. I serve as president to nearly 3,000 Quinault citizens.

We have four basic issues that we want to touch on this afternoon. And before I get into the specific issues, I want to provide just a little bit of background on a priority that the Quinault Nation has been advancing, and that is, to draw attention to the significant funding disparities across Indian Country. There was a report in 2003 delivered to Congress called The Quiet Crisis. The U.S. Commission on Civil Rights is currently updating that report, and we fully expect their report to be delivered to Congress at the end of the year.

We did some homework this last year at Quinault, and found that we subsidize the Federal trust responsibility to the tune of $5.9 million annually. So over a 10-year period, that is about $10 million that we provide supplemental funds to close that funding gap to carry out Federal responsibilities. We also realize that, to some extent, some of our most vulnerable citizens subsidize the Federal trust. We had Tribal elders who would like to have their timber harvested, but because they don't want to wait the 2 years that might be necessary to go through the BIA process, they, out of their own pocket, pay for a timber appraisal to expedite the process. So at some level, even our elders are subsidizing the Federal trust responsibility.

So against that background, I want to provide just a little bit of testimony on the needs that we have in Tribal forestry. When you look at a report, another report that was submitted to Congress called the Indian Forest Management Assessment Team, IFMAT, there has been a series of three of those reports over the last 30 years, each of the 10 years it has been submitted. The IFMAT report also pointed out in 2011, Western States average $20.46 per acre to manage Federal forests. The BIA allocation for forest management stands at just $2.82 an acre. You look at hazardous fuel suppression in the National Forest. That is funded at $1.49 an acre. The BIA receives $0.69 per acre.

So just with those two facts alone, the report points out that we are not only chronically underfunded, there is an incredible disparity, the congressional investment into either State and Federal activities versus Tribal. And so we strongly urge each of the committees to look at both IFMAT reports, The Quiet Crisis, and we thank the committee for the 2 percent increase in forestry funding for the National Trust Resource Management. However, this will fall short of the increases needed to bring parity to Indian forestry

as compared to other forests within the United States. Given the 2017 forestry line item funded at $54 million, for 2018, we urge the subcommittee to increase such funding to a minimum of $60 million.

The next issue that I would like to turn to is climate change. The Quinault Nation has, over the last 5 years, declared four states of emergency. The ocean is encroaching into our traditional homelands and territories. There are elders who, during their lifetime, can attest, we had the length of a football field just to the west of our village. The ocean is now encroaching, and at certain high tides, the ocean actually breaches into our village. It came very close to our courthouse, our jail facilities. We have our school, daycare, all in the lower village, and so we are, right now, under a comprehensive effort to move an entire village to higher ground.

And so we urge the committee to appropriate funds to help Tribes prepare to respond to climate change. And we support the Department of Interior's request for $15.1 million increase in such funding. We further 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 Tribes that are flexible to meet the needs described in my written testimony.

I also want to, lastly, touch on drug interdiction efforts. As I mentioned at the beginning of my testimony, the Quinault Nation occupies 31 miles of international border. We have been under constant threat of drug trafficking in our reservation and around our reservation. And we applaud the increase in 2017 for $202 million, and we urge the committee to increase the line item within criminal investigations to combat drug trafficking within Indian Country.

With that, I thank you for the opportunity to testify, and I have 10 seconds left.

[The statement of Fawn R. Sharp follows:]

Quinault Indian Nation Appropriations Testimony
House Interior Appropriations Subcommittee
March 2017

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 of Washington State and abuts the Pacific Ocean. 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 need for adequate funding to manage our forests, and (2) our plan to relocate the Quinault community to higher, safer grounds due to impacts related to natural disasters; (3) the need for additional roads to access our village; and (4) the need for funding to support drug interdiction.

U.S. Responsibility to Meet its Treaty and Trust Obligations to the Quinault People

In 2003, the U.S. Commission on Civil Rights issued a report entitled "*A quiet Crisis: Federal Funding and Unmet Needs in Indian Country*" in which it examined funding for Indian programs in six federal agencies and found:

> *The federal government has a long-established special relationship with Native Americans characterized by their status as governmentally 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 government promised through laws, treaties, and pledges to support and protect Native Americans...*
>
> *Over the last 10 years, federal funding for Native American programs has increased significantly. However, this has not been nearly enough to compensate for a decline in spending power, which had been evident for decades before that, nor to overcome a long and sad history of neglect and discrimination. Thus, there persists a large deficit in funding Native American programs that needs to be paid to eliminate the backlog of unmet Native American needs, an essential predicate to raising their standards of living to that of other Americans. Native Americans living on tribal lands do not have access to the same services and programs available to other Americans, even though the government has a binding trust obligation to provide them.*

In more recent years, the United States has continued to fall short of meeting its treaty obligations as appropriations cuts, sequestration, inflation and other factors impede the federal government's ability to meet its trust responsibility. As a result, Quinault spends $5.9 million annually to supplement lapses in Federal funding.

Funding Request for Indian Forestry

The third independent assessment of the status of Indian forests and forestry produced by the Indian Forest Management Assessment Team (IFMAT III) provided to Congress and the Administration in 2013, found that the U.S. is not fulfilling its trust responsibility, that annual funding must be increased by a minimum of $100 million for stewardship and timber production, that an additional 800 staff positions are needed, and that an additional $12.7 million is required each year for training and professional development.

Because the Federal investment in, and the management of, Indian forest land is significantly below the level of other forest lands, the Quinault Nation lacks funding to implement its new Forest Management Plan (FMP), which is required of the BIA under the National Indian Forestry Management Act. Quinault's Annual Allowable Cut (AAC) has increased by 38% for the next 10 years. QIN has identified the need for an additional $1,058,000 yearly to fully fund the positions and activities in order to carry out the new FMP.

The IFMAT III report also pointed out that in 2011 Western States on average received $20.46 per acre for forest management activities and yet the BIA allocation for forest management stands at just $2.82 per acre, and that hazardous fuel suppression for National Forests is funded at $1.49 per acre and the BIA receives $.69 per acre.

The lack of adequate funding for forest management, including fire and resource enforcement, limits income to individual landowners, and creates a loss of sustainable management of the Quinault forests. The lack of funding for resource enforcement continues to leave our forests vulnerable to massive amounts of trespass and theft. These considerable funding disparities are further evidence of the inability of the United States to satisfactorily carry out the trust management of Indian forest lands.

We thank the Subcommittee for including a 2% increase in forestry funding for trust natural resource management, however, this will still fall far short of the increases needed to bring parity to Indian Forestry as compared to other forests within the United States. Given the FY2017 forestry line item is funded at $54 million, for FY2018 we urge the Subcommittee to increase such funding to a minimum of $60 million.

Funding Request for Relocation Project

Persistent natural disasters related to climate change, including flooding, sea level rise, storm surges, mud slides, as well as other natural disasters including 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 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. 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/ambulances 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.

With a three year grant from the Administration for Native Americans in 2013, the Quinault Indian Nation undertook the preparation of a Master Plan to move the village of Taholah to a new location. Located at the mouth of the Quinault River on the Pacific coast, the village is vulnerable to the effects of climate change that cause increased storms surge and sea level rise, as well as natural disasters like earthquakes and tsunamis.

This Master Plan is now complete and illustrates a new village that will provide for approximately 320 sites in a variety of configurations including single family and multi-family

homes, cottages and transitional housing. The Plan also identifies locations for over 200,000 square-feet of community buildings including a school, community center, museum/cultural center, churches, offices, police, fire and emergency services buildings and assisted living facilities. Parks, open space, and trails are also planned. The Master Plan calls for the protection of the existing wastewater treatment plant with an armored berm to shield it from the predicted tsunami.

When completed, the relocated village will fulfill Quinault's goal of promoting the health, safety, and wellbeing of our people. However, 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.

The Quinault Nation is currently designing the 30,000 square foot Generations Building in the new village that will house the Elders Program, Head Start, Early Head Start and Childcare. The Generations Building will be located in the 50 lot Northeast Neighborhood in the new village. We are also designing a Biomass and District Heating facility that will be located in the Energy Park that will provide heat for community buildings in the new village. The Energy Park will eventually include a solar array providing much needed electricity when the predicted subduction zone earthquake and tsunami occur. Additionally, we have "shovel ready" construction documents for a $1.7 million street which will provide access to the Energy Park, the southeast neighborhood and the site for the new Taholah School.

We urge the Subcommittee to appropriate funds to help tribes prepare and respond to climate change and we support the Department of the Interior's request for a $15.1 million increase in such funding. We further 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, and are flexible enough to address the needs described above.

Funding Request 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 such as downed trees, mudslides, and treacherous conditions that make the road impassible. This is a serious concern for our people. When access is cut off, emergency vehicles are unable to reach or leave the villages. The lack of adequate emergency response recently contributed to the death of an elder. 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 once either the lands or the right-of-ways are acquired.

We applaud the inclusion of $30.3 million for the BIA Road Maintenance Program to address the transportation safety concerns of tribal communities ask that the Subcommittee maintain level funding in fiscal year 2018. We also urge the Subcommittee to include report language giving funding priority to tribes with safety and emergency access concerns.

Need for Funding for Drug Interdiction Efforts

The Quinault Nation Reservation is remote and includes more than 200,000 acres of forest land, over 200 miles of interior roads, and 25 miles of undeveloped coastline. This setting offers many secluded entry points onto the Reservation for organized criminal enterprises that have plagued our community. Highway 101 passes through the Reservation and is a major route for drug trafficking.

Our drug interdiction efforts have been successful in greatly reducing drug dealing on the Reservation, however tribal members continue to buy and bring drugs back with them. Drug trafficking and cartel activity continues to be a serious and ongoing challenge for our drug interdiction efforts. The flow of drugs creates jurisdictional challenges and support of our teaming efforts to work with other agencies is ever more critical to our continued success.

BIA assessments of our department from the early 2000's identified problems of understaffing in in our Public Safety department which includes police officers and corrections staff, as well as inadequate space in the Public Safety and Detention building. Our detention center is antiquated and insufficient to meet the increased need due to population growth and greater sentencing in our communities. Because of the success of our drug interdiction efforts, the detention facility continuously operates at capacity. 99% of the inmates in the facility are there because of drug related issues. The Public Safety Building is also located in the portion of the village most vulnerable to natural disaster and a new building, for multiple reasons, is critically needed.

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. We are currently obtaining special law enforcement commissions from the U.S. Attorney's office which will help us to work with federal agencies on and off Reservation regarding the non-tribal population committing offenses on our lands. We are also working on obtaining county commissions in order the better protect the Quinault Nation. Access to Federal grant programs specifically for drug interdiction continue to be 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 applaud the increase in FY2017 appropriations to $202 million for criminal investigations and police services, including $10.3 million for law enforcement special initiatives. We urge the Subcommittee to increase the line item funding 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. Thank you for allowing me to testify to the Subcommittee today.

Mr. CALVERT. Good for you. Thank you.

Next, Aaron Payment, secretary of the National Congress of American Indians.

TUESDAY, MAY 16, 2017.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

AARON A. PAYMENT, SECRETARY

Mr. PAYMENT. Good afternoon, Chairman Calvert and Ranking Member McCollum, and members of the subcommittee.

On behalf of the National Congress of American Indians, we thank you for holding this native public witness hearing, specifically for troubled programs under the jurisdiction of the subcommittee.

NCAI would like to acknowledge the steadfast work undertaken and attention paid by the members of this committee to uphold the Federal trust and treaty obligations funded in this appropriations bill.

This hearing is so important, because the Federal budget for Indian programs is one of the key measures of how and whether the Federal Government is fulfilling its Federal trust responsibilities towards Tribal governments. NCAI recognizes that in the past few years, this subcommittee has supported Indian Country and Tribal self-determination through appropriations. The fiscal year 2017 Omnibus included hard-fought increases for the BIA, Bureau of Indian Education, IHS, and other core Tribal governmental programs. We are hopeful that the final fiscal year 2018 Interior appropriations bill will build on the investments made in Indian Country and the fiscal year 2017 Omnibus.

The fulfillment of the Federal trust responsibility and respect for Tribal self-determination is essential for the ability of Tribal governments to meet the basic public service needs of Tribal citizens. Importantly, these programs are not based on race or ethnicity, but rather, on the centuries-long political relationship between Tribes and the United States.

While the Federal treaty and trust responsibility calls for Federal funding for health, education, social welfare, and other governmental services, upholding these treaty obligations is a critical component of Tribal and surrounding regional economies. Economists have found that Tribal economic growth leads to economic growth in surrounding regions. Tribal economic activity produces regional multiplier impacts for the off-reservation economy. Economic research on Tribal colleges, timber procurement, and other Tribal enterprises has shown direct, indirect, and induced impacts on gross regional product and employment. Governments provide local and national public goods that the private sector would otherwise under-provide, such as public safety and justice, which is essential for conducting business on reservation and Tribal lands. In addition, the central government funds public investments in core infrastructure, such as roads, bridges, and water and sanitation systems that provide high economic rates of return. Such core in-

frastructure in Indian Country has faced insufficient public investments for decades. Please recognize that noncore public investments also, such as early childhood education, child care, healthcare, and a range of human services, provide at least as much near-term economic boost as core infrastructure.

Recent estimates show that Indian Affairs programs contributed $14 billion to the GDP, $18 billion in economic activity, and supported nearly 93,000 jobs, many of them on Indian lands. These estimates did not include education and public safety, which also provide significant social and economic benefits that are difficult to measure. Justice service programs provide economic and social benefit of support of health and safety, lower medical costs from crime, human capital development, and other positive spillover effects.

While the details of the President's budget are not available, many of the BIA programs areas supported by this subcommittee in previous years remain important. For instance, Tribes from all of the BIA regions identified social services and family support programs in need of increases in fiscal year 2018 to address the interrelated needs of their children, families, and communities. The broad outline proposed by the administration would reduce the budget for the Department of Interior by 11.7 percent.

Hopefully, the department-wide reductions would not apply to the BIA in the same proportion, as we have just begun to reach parity across interior divisions. Any reductions would undercut the potential progress of Indian Country as well as undercut the ability of Tribal Nations to provide for our citizens.

We urge this committee to continue its bipartisan approach to meet the Federal obligations for Indian Country. The President's budget outlined aimed to abolish many initiatives that serve Tribes. At the moment, the initiatives that fall into this category are unclear. Several of the top Tribal budget priorities reviewed in the recent BIA budget formulation process are programs included in the Tiwahe Initiative.

Our written testimony also addresses several recommendations for the public safety, roads, natural resources, BIE, IHS, and EPA. NCAI looks forward to working with you on these important issues to uphold the treaty and trust obligations while, again, are negotiated to our last—to last as long as the rivers flow, grass grows, and the winds blow.

Thank you. And I am happy to answer any questions you may have.

And I beat you. 15 seconds.

[The statement of Aaron A. Payment follows:]

NATIONAL CONGRESS OF AMERICAN INDIANS

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

Native Public Witness Hearing
Secretary Aaron Payment, National Congress of American Indians
May 10, 2017

Introduction

On behalf of the National Congress of American Indians (NCAI), we sincerely thank you for holding this Native Public Witness hearing specifically for tribal programs under the jurisdiction of this subcommittee. NCAI would like to acknowledge the steadfast work undertaken and attention paid by the members of this subcommittee to uphold the federal trust and treaty obligations funded in this appropriations bill.

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 2018 budget, we call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget. This testimony addresses the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and tribal programs in the Environmental Protection Agency (EPA).

NCAI recognizes that in the last few years, this subcommittee has supported Indian Country and tribal self-determination in the federal budget. The FY 2017 Omnibus included hard-fought increases for BIA, Bureau of Indian Education (BIE), IHS, and other core tribal government programs. We are hopeful that the FY 2018 final Interior appropriations bill will build on the investments made in Indian Country in the FY 2017 Omnibus.

Federal Trust Responsibility

The relationship between tribal nations and the federal government is unique and founded on mutual promises. Indian treaties have the same status as treaties with foreign nations, and because they are made under the US Constitution are "the supreme law of the land." Treaties and laws have created a fundamental contract between Indian Nations and the United States: tribes ceded millions of acres of land that made the US what it is today, and in return tribes have the right of continued self-government and the right to exist as distinct peoples on their own lands. That fundamental contract – the federal trust relationship – ensures that tribal governments receive funding for basic governmental services. As governments, tribes must deliver a wide range of critical services, such as health, education, workforce development, first-responder, and public safety services, to their citizens. The obligations to tribes and their citizens funded in the federal budget reflect the trust responsibility. Importantly, these programs are not based on race or ethnicity but rather on the centuries-long political relationship between tribal communities and the United States.

Due to fluctuations in federal funding and the uncertain budget process, many tribes have faced continued emergencies in meeting the public service needs of their citizens.[i] Funding decisions by the Administration and Congress are an expression of our nation's policy priorities, and the federal budget for tribal governmental services reflects the extent to which the United States honors its obligations to Indian people.

Tribal Growth Benefits States and Regions

While the federal treaty and trust relationship calls for federal funding of education, healthcare, and other government services, upholding Indian treaty and trust obligations is also an important component of tribal and surrounding regional economies. Economists have found that tribal economic growth leads to economic growth in surrounding regions. Tribal economic activity produces regional multiplier impacts for the off-reservation economy.[ii] Economic research on tribal colleges, timber, procurement, and casinos has shown direct, indirect, and induced impacts on gross regional product and employment.[iii]

Well-functioning governments are essential to market economies. Governments provide local and national public and quasi-public goods that the private sector would otherwise under provide,[iv] such as public safety and justice – essential for conducting business on reservations and tribal lands. In addition, federal and tribal governments fund public investments in core infrastructure, such as roads, bridges, and water and sanitation systems that provide high economic rates of return.[v] Such core infrastructure in Indian Country has faced insufficient public investment for decades. Additionally, noncore public investments, such as early childhood education, early childcare, health care, and a range of human services, provide at least as much of a near-term economic boost as core infrastructure.[vi]

Bureau of Indian Affairs

BIA provides the funding for tribal governmental services, such as law enforcement and tribal courts, Indian child welfare programs, social services, Indian education, road maintenance, energy development, and many other areas. As our testimony goes to print, the Administration's proposed budget outline includes few details on proposals for programs that meet the federal treaty and trust obligations. However, the broad outline proposed by the Administration would reduce the budget for the Department of the Interior by 11.7 percent. While the department-wide percentage reduction would not necessarily apply to BIA in the same proportion, any reductions would undercut the potential progress of Indian Country as well as undercut the ability of tribal nations to provide for their citizens. We urge this Subcommittee to continue its bipartisan effort to meet the federal obligations for Indian Country.

Economic Contributions and Value Added of Federal Treaty and Trust Responsibility: Federal funding that meets federal Indian treaty and trust obligations also provide significant contributions to the economy. In just the Department of the Interior, the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) "contribute substantially to economic growth in tribal areas through advances in infrastructure, strategic planning, improved practices of governance, and the development of human capital."[vii] In FY 2012, Indian Affairs "contributed over $14 billion in value added, $18 billion in economic activity and supported nearly 93,000 jobs, many of them on Indian lands."[viii] Value added is the contribution of an activity to overall Gross Domestic Product (GDP). Indian Affairs specific funding to support tribal governments provided value added of $0.9 billion and economic contributions of $1.2 billion. These estimates for GDP included energy, minerals, forestry, irrigation, support for tribal government, and loan guarantees. Education and public safety also provide significant social and economic benefits that are difficult to measure. Justice service programs provide economic benefits of: protection of property rights, support of health and safety, lower medical costs from crime, human capital development, and other positive spillover effects.[ix]

Specific Funding Recommendations: While the details of the President's budget are not available, many of the BIA program areas supported by this Subcommittee in previous years remain important throughout Indian Country. For instance, in budget formulation discussions at the Tribal Interior Budget Council, tribes from all of the BIA regions identified Social Services and family support programs as in need of FY 2018 increases to address the interrelated needs of their children, families, and communities. Integrated approaches to service delivery that tribes have undertaken represent a promising approach to addressing the interrelated problems of poverty, violence, and substance abuse in Indian communities. Tribes are expanding and integrating job training and social services programs to address child and family welfare, job training, and incarceration issues to promote family stability. Tribal courts, Indian Child Welfare Act programs, and social services are critical funding streams addressing child and family welfare. NCAI strongly supports the proposed increases for social services, child welfare, Housing Improvement, and Job Placement and Training.

The President's Budget outline aimed to abolish many initiatives that serve only a few tribes. At the moment, the initiatives that will fall into this category are unclear. Several of the top TIBC budget priorities reviewed in the BIA budget formulation for FY 2019 are programs included in the Tiwahe initiative, including Social Services. Tribal leaders expressed strong support for programs that are a part of this initiative because of its goals of reducing poverty, domestic violence, and substance abuse, which in turn makes for safer communities. Many of the programs involved in this initiative have not had funding increases for years (except in the FY 2017 Omnibus bill), and they remain top programs in FY 2018 and 2019. Notably, all tribes received recurring base increases under the initiative. Non-pilot tribes stand to gain from learning best practices that will be documented and shared by the pilot tribes in addressing issues that affect most tribes throughout the nation, such as intervention and prevention, improving case management, strengthening partnerships with providers, and increasing access to family and social services to ultimately improve health, safety, and well-being.

Public Safety: BIA recently conducted an analysis of law enforcement and detention needs pursuant to the Tribal Law and Order Act, and found that the total need for basic law enforcement and detention services in Indian country is $1 billion. This estimate includes tribes without regard to whether they are located in a PL 280 jurisdiction. Given the inadequacy of current funding levels, the BIA has had a policy for many years to generally provide law enforcement and detention funding only to tribes in non-PL280 jurisdictions. This has left tribes in many areas completely without BIA support for tribal police and detention needs. We ask Congress to commit to fully funding tribal law enforcement and detention within the next five years by incrementally increasing funding each year.

Road Maintenance: NCAI appreciates the increase of $3.6 million for Road Maintenance for a total of $30.3 million in the FY 2017 Omnibus bill. Most BIA regions have identified that this program requires additional increases to meet unmet needs. Currently, BIA needs approximately $290 million per year to maintain BIA-owned roads and bridges to an adequate standard. Costs to maintain these roads have risen sharply due to high inflation for construction. NCAI requests $40 million for the BIA Road Maintenance program in FY 2018 to address the growing roads maintenance needs.

Natural Resources: The FY 2017 included increases for Rights Protection Implementation, Tribal Management and Development, Forestry, and Fish-Wildlife-and-Parks. Tribal representatives on the Tribal Interior Budget Council have expressed strong support for these programs throughout the 2018 budget consultation meetings.[x]

Bureau of Indian Education: Education contributes to economic growth, while also expanding opportunities for individual advancement. For tribal communities, an educated citizenry serves as a catalyst to boost economic productivity and growth through a more highly-skilled workforce. In addition, investments in education strengthen the human capital across all sectors of society by attracting new businesses, reducing unemployment, and stimulating reservation economies through direct spending. However, low rates of educational attainment among American Indians and Alaska Natives continues to limit opportunity for economic success. In 2014, less than one in ten American Indians on reservations had a bachelor's degree or higher. Tribal leaders as part have strongly supported education in Indian Country, specifically scholarships and adult education as well as Johnson O'Malley. We urge Congress to include increases for education programs.

Indian Health Service

NCAI thanks the Subcommittee for including increases for IHS in the FY 2017 Omnibus bill of $232.3 million over the FY 2016 enacted amount. For FY 2018, the Tribal Budget Formulation Workgroup requested $7.1 billion for IHS. NCAI supports the requests of the Workgroup. NCAI appreciates the bipartisan support for the Indian Health Service budget in Congress and we look forward to ongoing support for the IHS budget in providing much needed increases for the IHS budget.

Environmental Protection Agency

Tribes and states are the primary implementers of environmental programs. Program capacity building is a top environmental priority identified by tribes as part of the EPA National Tribal Operations Committee National Tribal Caucus. The Indian General Assistance Program (IGAP) is unique among federal programs in that it provides a foundation which tribes can leverage to support other greatly-needed programs, such as planning for climate change and natural resource management, energy efficiency activities, and small scale renewable energy projects. GAP funding is particularly critical to Alaska Native villages, where it provides 99 percent of the overall funding to address their fundamental and often dire needs, such as safe drinking water and basic sanitation facilities. NCAI urges the Subcommittee to protect this funding against cuts in FY 2018.

Conclusion

Thank you for this opportunity to share our concerns on programs that fulfill treaty and trust obligations in the federal budget. We look forward to working with this Subcommittee on a bipartisan basis once again this year.

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[i] See NCAI Resolution ATL-14-084.

[ii] Croman, K. S., & Taylor, J. B. (2016). "Why beggar thy Indian neighbor? The case for tribal primacy in taxation in Indian country." *Joint Occasional Papers on Native Affairs* (JOPNA 2016-1). Tucson, AZ and Cambridge, MA: Native Nations Institute and Harvard Project on American Indian Economic Development

[iii] Ibid.

[iv] Hackbart, M., & Ramsey, J. R. (2002). The theory of the public sector budget: An economic perspective. *Budget Theory in the Public Sector*, 172.

[v] Bivens, J. and Blair H. (2016). A public investment agenda that delivers the goods for American workers needs to be long-lived, broad, and subject to democratic oversight

[vi] Ibid.

[vii] U.S. Department of the Interior, Economic Report, FY 2012, July 29, 2013

[viii] Ibid.

[ix] Ibid.

[x] http://www.ncai.org/2017.04.20_TIBC_Minutes_Amended.pdf

Mr. CALVERT. It is a race. Good. That is a good race. Thank you. Next is Esther Lucero. You are recognized.

TUESDAY, MAY 16, 2017.

SEATTLE INDIAN HEALTH BOARD

WITNESS

ESTHER LUCERO, CHIEF EXECUTIVE OFFICER

Ms. LUCERO. Good afternoon, Chairman Calvert and Ranking Member McCollum. Representative Kilmer, it is nice to see you in person. I have to say that it is quite a privilege to sit at a table with such incredible leaders. It is an honor to be here today. And it was also an honor to hear the morning testimonies and to recognize this subcommittee's knowledge when it comes to Tribal issues and also urban Indian issues. And I am here today representing the Seattle Indian Health Board. I am a fairly new CEO, although I guess I am past a year now, so that newness is going to have to pass pretty soon.

We at the Seattle Indian Health Board, there are a couple of things that make us unique, and one of those things is the fact that we operate a 65-bed residential treatment center. We are the only urban Indian health program that has a residential treatment center as a component of it. We also operate the Urban Indian Health Institute. And the Urban Indian Health Institute is one of 12 Tribal epidemiology centers, and the only one that actually has a national purview. We provide technical assistance and support to the urban Indian health programs across the Nation, and we serve the data and epidemiology and surveillance needs to those urban Indian health programs.

Now, that said, I would just like to thank the subcommittee for the continued equipment to strengthen the I/T/U system of care, the I being his hospitals, the T being Tribal 638, and the U being urban Indian health programs. That was really demonstrated with your budget allocation of $232 million increase to the IHS budget and also the $3 million increase to the urban Indian line item. So I just want to thank you for that. That demonstrates your continued commitment. It also demonstrates your understanding of the great disparities that we all have to face. It also shows that you respect the I/T/U system of care. We work very closely with our Tribes in the State of Washington to maintain our position and fulfill our responsibilities as part of that continuum of care.

Now, you heard from a couple of my colleagues earlier today, Ashley Tuomi from NCUIH, and also Sonya Tetnowski, who runs the Indian Health Center of Santa Clara Valley. So I will echo some of their requests of this subcommittee, and hopefully, I will be able to provide some real-life examples to support their request.

One of them is around 100 percent FMAP and the access for urban Indian health programs. Now, we have actually received a resolution letter from NCAI, we are grateful for that, and also more recently, from NIHB. Again, recognizing that these are Medicaid dollars that are directed to incentivize States to actually work with Tribal programs, and we, as urban Indian health programs, really

value that leverage, so that we can maintain the cultural integrity of our programs, and so that we don't consistently get pushed into the broader community health center network.

The way that plays out in our State is that our counties then begin to make—they get to make decisions on who is actually placed in our programs. And if we had not received the CMS carve-out for our BHO program in the State of Washington, we would have lost a significant number of our American Indian, Alaska Native clients being placed into residential treatment.

Now, as it stands, because we were part of the CMS carve-out, we actually increased our Native percentages to above 60 percent, which was really challenging to meet in the past. Typically, it was roughly about 30 percent. So it is just an example of why that is important.

It is also important to not capitate or cut Medicaid and Medicaid expansion, and I will tell you why. Representative Cole pointed out earlier that urban Indian health programs have done really well in being able to leverage other resources to really improve the impact within our communities, and I would say that is absolutely true, and let me give an example of that. We actually have a Suboxone pilot program, one of the things that we discussed when I provided testimony last year was the growing opioid crisis within urban Indian communities, and so now, we have actually been able, using Medicaid dollars, to hire an addiction medicine doctor; and we have been able to provide comprehensive wraparound services that include mental health services, outpatient chemical dependency, also access to traditional medicine.

And so those are things that we are able to do with these dollars. And I would tell you that because of Medicaid dollars, we were also able to add a clinic site at our residential treatment center. And so what happened there was we are no longer transporting people from the residential treatment center to our clinic site, because when we did that, we lost 30 percent of our residents. So that is no longer happening.

I would like to encourage the revitalization or the reauthorization of the SDPI funds, you heard that earlier, and let me tell you why; because as we move towards full integration of services, the SDPI programs were actually the first pilot for our patient-centered health home models, right, where we can measure both behavior change and patient outcomes. And so, if we can begin to build upon those programs, we can certainly begin to grow and establish culturally-centered integrated services within our clinics.

I also recommend the expanded view of health. So if we think about social determinates of health, one example in Seattle is that we have seven—American Indians and Alaska Natives are seven times more likely to be homeless than any other race. That is very important to know.

And then again, I encourage the increase of $10 million for the urban Indian line item, $5 million dedicated to address the capacity and infrastructure needs that we have within urban Indian health programs, and then $5 million to meet the growing service needs. And I think that is——

[The statement of Esther Lucero follows:]

Seattle Indian Health Board

For the Love of Native People

TESTIMONY OF ESTHER LUCERO

CHIEF EXECUTIVE OFFICER

SEATTLE INDIAN HEALTH BOARD

TO

HOUSE APPROPRIATIONS COMMITTEE

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

TUESDAY MAY 16, 2017

Chairman Calvert, ranking member McCollum, members of the House Appropriations Committee's Subcommittee on Interior, Environment, and Related Agencies, my name is Esther Lucero. I am the Chief Executive Officer for the Seattle Indian Health Board (SIHB). I am of Navajo and Latina descent. I strongly identify as an urban Indian, as I am the third generation in my family to live outside of our reservation. I appreciate the opportunity to present testimony today.

The Seattle Indian Health Board is a contractor and grantee as an Urban Indian Health Program (UIHP) with the Indian Health Service (IHS) under authority of the Indian Health Care Improvement Act (IHCIA) as well as a HRSA 330 funded Federally Qualified Health Center (FQHC). Our goal is to improve the health of American Indians and Alaska Natives (AI/ANs) living in cities through the provision of culturally relevant health and human services. The Health Board has been in continuous operation since 1970. We offer a comprehensive array of primary health care services including medical, dental, mental health, substance abuse, nutrition, pharmacy, and traditional health services to more than 4,000 AI/AN people annually who represent more than 250 different Indian tribes. We operate the Thunderbird Treatment Center, a 65-bed residential treatment center, one of the largest in Washington State.

Beyond our clinical services, the Health Board operates an AI/AN, ACGME accredited family medicine physician residency training program. We also manage the Urban Indian Health Institute (UIHI), one of the IHS' 12 tribal epidemiology centers (TECs), and the only one with a focus on the health of urban Indians providing services to UIHPs across the nation.

I would like to thank the Subcommittee for maintaining your commitment to holding tribal witness day hearings, particularly given the time constraints in expediting the Fiscal Year 2018 Budget request. This opportunity to provide testimony regarding UIHPs is never taken for granted.

I am acutely aware of the Subcommittee's demonstrated commitment to improving the health and wellness of American Indian and Alaska Native (AI/AN) people. Last year was my introduction to this committee. I was

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taken aback by how you intently listened to some of the key issues in our community including; the 40% homelessness experienced by members of our elder program, and how the Opioid addiction crisis impacts Urban AI/AN communities in Seattle. I would especially like to thank you for the $232 million increase to the IHS budget, and for the $3 million increase for the UIHPs in FY 2017. These increases will be beneficial in increasing the impact of IHS Hospitals, Tribal 638 Clinics, and the Urban Indian Health Programs, which, together make up the I/T/U system of care for AI/AN people.

Thank you for ensuring the completion of the Report to Congress entitled: *New Needs Assessment of the Urban Indian Health Program and the Communities It Serves.* Some of the highlights of this report include the suggestion that the percentage AI/AN living in urban environments is increasing beyond the 71% I cited in my testimony last year. It gives examples of increased collaborations between UIHPs and Tribal Communities, clearly an effort to bridge past resource allocation hardships, maximize current resources and leverage services to best meet the needs of AI/AN people. It also identified the need for expansion of the UIHP to meet the ever-growing urban AI/AN population. Still, this report would have been more impactful if it moved beyond demographics, health disparities, and program assessments to define clear recommendations and follow-up measures to be monitored by this committee to ensure that not only are we assessing UIHPs, but also taking clear steps to build upon their successes and minimize their struggles to reach and better the health outcomes of our AI/AN community.

Despite the Subcommittee's continued commitment to improve the I/T/U system of care, I am here today seeking your support for increased funding for the Urban Indian Health Program and the entire I/T/U, because even with the increases we have received over the last 3 years, the UIHP line-item is still less than one-percent of the overall IHS budget. We have an increasing need for services, and we are still trying to address a lifetime of a grossly underfunded system. This is of concern given the movement to repeal and replace the Affordable Care Act (ACA), which currently houses the IHCIA and the permanent reauthorization for UIHP funding, and names Tribal Epicenters as Public Health Authorities. The threats to our culturally relevant system of care grow exponentially with the targeted effort to reduce/eliminate funding for Medicaid and Medicaid Expansion, two resources that have provided supplemental revenue for UIHPs that are lucky enough to also be FQHCs. For us, Medicaid dollars allowed us to launch a pilot Opioid Addiction program that includes 5 waivered primary care providers to prescribe Suboxone, mental health professionals to conduct group mental health visits, provide increased access to outpatient chemical dependency treatment, and offer access to traditional health services. A $10 million increase in FY 2018 would bring us to a place where $5 million would bring us closer to meeting the growing need for services and another $5 million to meet capacity and infrastructure demands to meet that need. This increase, coupled with protections from sequestration, might provide UIHPs with some sense of stability. In addition, if Medicaid and Medicaid Expansion were preserved and UIHPs became eligible for 100% FMAP, then we are looking at expanded and impressive programs to support a population that historically has provided significant returns on investment.

In conclusion, we thank the committee for recognizing that there is a funding disparity in the IHS budget to address the health needs of AI/ANs living in urban areas. We would like to reconcile the discrepancy between

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$8,517 average spent per capita for health care per American citizen versus the $3,136 spend on AI/ANs in the IHS system of care. As UIHPs, we are a vital component to the I/T/U system of care, it is very important that we are given the opportunity to work with our tribal communities to best meet the needs of all AI/AN people, particularly when they migrate or relocate to urban environments. We ask that the budget formulation process better reflect the health care needs of the urban AI/AN community and that a feasible budget is established to adequately combat the health disparities experienced by our AI/AN population regardless of where they reside.

Thank you for your consideration of these requests.

Sincerely,

Esther Lucero, Chief Executive Officer

Cc: Congresswoman Betty McCollum, Ranking Member

Congressman Derek Kilmer

Congressman Tom Cole

Congressman Mike Simpson

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Mr. CALVERT. Thank you very much.
Ms. LUCERO. Thank you very much.
Mr. CALVERT. Appreciate it.
Next is Samuel Penney, president of the Board of Directors of the Healing Lodge of the Seven Nations. Welcome.

TUESDAY, MAY 16, 2017.

THE HEALING LODGE OF THE SEVEN NATIONS

WITNESS

SAM PENNEY, PRESIDENT, BOARD OF DIRECTORS

Mr. PENNEY. Thank you, Mr. Chairman. Thank you, Ranking Member McCollum and members of the subcommittee.
Ms. MCCOLLUM. We are going to see if we can get the echo chamber stopped.
Mr. PENNEY. Oh. Okay.
Mr. CALVERT. Change mics. Just trade.
Mr. PENNEY. Is that better, Mr. Chairman?
Mr. CALVERT. Very good.
Mr. PENNEY. Thank you, Mr. Chairman and Ranking Member McCollum and members of the subcommittee. I thank you for taking this time to hold this very important hearing on behalf of Tribes across this country. It is very important to us and it is very much appreciated. And actually, Congressman Simpson is not present today, but he is one of our Congressmen from the State of Idaho. Our tribe is located in Lapwai, Idaho.
So my name is Sam Penney. I am a council member of the Nez Perce Tribe executive committee, and I currently serve as the president of the board of directors of the Healing Lodge of Seven Nations. With me in the audience today is Rebecca Crocker, who is the executive director of the Healing Lodge.
On behalf of the Healing Lodge of the Seven Nations, I respectfully provide this testimony on Indian Health Service fiscal year 2018 budget. Personal background on the Healing Lodge. The Healing Lodge is one of 12 IHS youth regional treatment centers. We are a Tribal organization that contracts with Indian Health Service under the Indian Self-Determination and Education Assistance Acts. We were formed in 1988 by seven Tribes in Idaho, Oregon, and Washington. The seven-member Tribes were the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe, Kalispel Tribe of Indians, Kootenai Tribe of Idaho, Nez Perce Tribe, Spokane Tribe of Indians, and the Confederated Tribe of the Umatilla Indian Reservation.
The Healing Lodge is one of the most successful Tribal adolescent treatment centers, serving over 55 Tribes across this country. Performance statistics over a 3-year span show a consistent completion rate of 82 percent annually. We strive to exceed this amount with the new additions to the facility. As a youth regional treatment center, our main purpose is to provide residential substance use disorder services to American Indian and Alaska Native youth between the ages of 13 and 17. We operate a 45-bed adolescent residential chemical dependency treatment center within a

centrally located, safe and caring healing center in Spokane Valley, Washington.

We have a unique multidisciplinary approach to patient-centered care designed around the individual youth's needs grounded in Native American traditional, cultural, and spiritual values and practices.

Now I will talk a little, Mr. Chair, about substance use disorder and mental health needs. Our adolescent population suffers from severe opioid dependence, Cannabis, and alcohol abuse and addiction, and benzodiazapine dependency. These substance use disorders result in significant family and social issues, impairs motivation and normal functioning, and can lead to legal problems.

At the Healing Lodge, we are also seeing more and more youth who are presenting with higher mental health disease, which is a serious concern for the future health of these adolescents if not addressed appropriately.

The number of adolescents that the Healing Lodge had to turn away from the program due to higher mental health issues increased from 25 percent to 31 percent in 2016, which is estimated about 115 youth, resulting in a significant barrier to treatment and suffering at the Tribal level. This is a major concern of the Tribes because of the lack of—we need—the lack of access to culturally appropriate mental health treatment is very significant to all our Tribes, and the youth need this level of care if they are to become successful contributing members of the society.

The needs of the increase for IHS facilities funding, the Healing Lodge is thus proposing to create an innovative adolescent program focused on outpatient and inpatient treatment that is designed to address the chronic unmet behavioral healthcare needs within this high-risk population. We have two new construction projects that we feel we need to complete at a cost of $2.5 million related to this program. If approved, the infrastructure project will create jobs and stimulate the economy of the greater Spokane Valley region. The first is to add a 4,072-square-foot behavioral health family and wellness center. This building will give us space to provide mental health and chemical dependency and clinical services. It will include office space, family-focused counseling rooms, and the capacity for engaging in telemedicine. The cost of this construction is estimated at $1.6 million. It will be built within the 38 acres of property that is currently assigned to the Healing Lodge by the Indian Health Service.

The second project is to construct a 2,300-foot addition to the existing gymnasium. This will allow us to add showers, dressing rooms, a workout room, and restrooms. The project is intended to improve our young people's mental and physical health through physical exercise. By adding showers, that will also give us better opportunity to discover any contraband, mainly drugs, that the adolescents may try to bring back into the youth center.

We expect expansion will cost around $868,000. Our facility maintenance costs would be covered through our Indian Self-Determination Assistance Act agreement with Indian Health Services. We are very excited about both these projects, and we look forward to the subcommittee considering our request. And it is just such a great need, Mr. Chairman, I will just use a quick example for our

Tribe. We extend youth up there, and because of their core-occurring disorders and mental health issues, that we are unable to get them admitted to the regional treatment center. So this mental health will be a great addition to our facility.

So thank you, Mr. Chair.

[The statement of Sam Penney follows:]

Healing Lodge of the Seven Nations
Sam Penney, President, Board of Directors
5600 East 8th Avenue, Spokane Valley, WA 99212
509-553-6910

Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Regarding FY 2018 Funding for Indian Health Service Appropriations
May 16, 2017

The requests of The Healing Lodge of the Seven Nations (hereinafter "HL7N") for the FY 2018 Indian Health Service (IHS) budget are as follows:

- Support increased funding of $2,523,000 for the IHS facilities appropriation, as sufficient to help ensure HL7N can obtain and utilize IHS funding for the construction of a new behavioral health family and wellness center and a gymnasium expansion project, both of which are critically needed for the American Indian and Alaska Native youth.

- Safeguard the IHS from sequestration.

- Ensure full funding of contract support costs.

HL7N Is A Youth Regional Treatment Center

HL7N is one of the twelve Youth Regional Treatment Centers (YRTCs) within the Indian health care system, located in Spokane Valley, Washington. As a YRTC, HL7N is a self-determination contractor with the Indian Health Service (IHS) under the Indian Self-Determination and Education Assistance Act (ISDEAA). Our purpose is to provide residential substance use disorder services to American Indian and Alaska Native youth between the ages of thirteen and seventeen. HL7N was formed in 1988 by seven Indian Tribes in the Pacific Northwest (Confederated Tribes of the Colville Reservations, Coeur d'Alene Tribe, Kalispel Tribes of Indians, Kootenai Tribe of Idaho, Nez Perce Tribe, Spokane Tribe of Indians and Confederated Tribes of Umatilla Indian Reservation) to create a centrally located, safe and caring healing center for tribal adolescents and their families. The HL7N business complex is nestled in a quiet wooded area consisting of 38 acres owned by the IHS and thirteen acres owned by HL7N.

HL7N operates a 45-bed adolescent residential chemical dependency treatment center, with programs ranging between 90-120 days that are designed around individual youth's needs and are grounded in Native American traditional, cultural and spiritual values and practices. Our addiction treatment programs use evidence-based treatment models to create a holistic approach towards healing. The success of this program is based on shared beliefs and daily practices that

provide structure and consistency; on values and practices that foster respect, honesty, generosity, strong cultural identification; and hope for positive life changes. The work done by HL7N not only treats addiction, but strengthens families, empowers communities and ultimately saves lives.

Increased Funding For IHS Facilities

HL7N currently provides treatment for addictive, substance-related conditions within the adolescent population, which suffers from severe cannabis use, opioid dependence, alcohol abuse and addiction, and benzodiazepine dependency. Additionally, more and more youth are presenting with *higher mental health disease*, which is a serious concern for the future health of the adolescents if not addressed promptly and appropriately. In a recent study conducted by Harvard University, the Cambridge Institute and HL7N involving youth residing on regional reservations of the HL7N Tribes, the study found that 29% of the youth received a diagnosis of at least one psychiatric disorder; 13% had multiple diagnoses; and 60% diagnosed with a depressive disorder also present with a substance use disorder. Typically, tribal youth have multiple limitations, which include substance use and addictive disorders, criminal activity, psychological problems, impaired functioning, and disaffiliation from mainstream values, coupled with historical and inter-generational trauma. These challenges for our youth support the need for the increased availability of culturally relevant mental health services.

HL7N does not currently have adequate facility space and funding to devote to such treatment services. The number of adolescents denied for admissions to HL7N—due to higher mental health issues—unfortunately grew from 25% to 31% in 2016, creating an increased concern by the regional Tribes over the lack of culturally appropriate inpatient substance abuse and mental health treatment access. With 29 years of successful experience in working with American Indian and Alaska Native adolescents, the HL7N proposes to establish an innovative adolescent program focused on outpatient and inpatient treatment designed to address their chronic, unmet behavioral healthcare needs.

HL7N is planning the construction of a new, "shovel ready" infrastructure project to add a 4,072 square foot Behavioral Health Family and Wellness Center, for the provision of mental health and chemical dependency clinical services, primarily serving America Indian/Alaska Native youth. The cost of this construction project is estimated at ***$1,655,000***. The facility will be built on IHS property permanently assigned to HL7N and consist of a single story office building, with office accommodations and family focused counseling rooms to include tele-medicine capability.

HL7N is also planning to construct an addition to its existing YRTC gymnasium in order to add showers, dressing rooms, fitness room and restrooms for the adolescents. This project is expected to cost ***$868,000***. This "shovel ready" infrastructure project will consist of the construction of a 2,366 square foot addition to the existing gymnasium for the purpose of improving youth's mental and physical health through physical exercise. This expansion will help increase moderate intensity physical activity as an intervention in mental health and substance addiction treatment. The addition of a shower system will also help HL7N to identify any contraband (drugs) that may be brought back by youth who are returning from outings.

Gone undetected, such drugs could be used and/or distributed to other youth, which is extremely detrimental to their treatment process and recovery. Once constructed, the facility maintenance costs will be covered by the HL7N's existing ISDEAA annual funding agreement and other of HL7N's financial resources.

HL7N thus appeals to this Subcommittee to support increased funding for the IHS facilities appropriation, as adequate for the IHS to be able to fund HL7N's new behavioral health facility and its gymnasium expansion. Funding these facilities will help in fulfilling the federal government's commitment and obligations to improve the health of American Indian and Alaska Native adolescents. Equally important, the youth deserve a chance to achieve recovery and learn to better manage their mental health issues, while striving to become contributing members of society.

Fully Fund Contract Support Costs (CSC)

We wish to thank this Subcommittee for its leadership in making funding of IHS contract support costs for FY2016, and now FY 2017, an indefinite amount, and also for making it a separate account in the IHS budget. This shift makes an enormous difference in helping ensure that the ISDEAA is fully funded and implemented as Congress intended. It also significantly enhances the federal-tribal government-to-government relationship. For IHS, the FY 2017 estimate for contract support costs is $800 million. We also wish to provide our thanks for listening to the tribes who explained why the proviso in the IHS FY 2016 enacted funding, which effectively denied the CSC carryover authority granted by the ISDEAA, was inappropriate. We very much appreciate that this proviso was absent from the Consolidated Appropriations Act for FY 2017 and recommend that it not be resurrected in FY 2018 or thereafter.

Our long-term goal, however, remains that the indefinite appropriation of CSC funding be mandatory and permanent. Full payment of CSC under the ISDEAA is mandatory, as affirmed by the United States Supreme Court. HL7N is committed to working together with the appropriate Congressional committees to determine how best to achieve this goal.

Protect IHS Funding From Sequestration

We request that you support an amendment to the Balanced Budget and Emergency Deficit Control Act to exempt the IHS from potential sequestration of funds, as Congress has rightfully done to fully exempt the Veterans Health Administration's programs from sequestration. We believe that Indian health should be afforded the same treatment as the VA, and most especially so in light of the federal government's trust responsibility to tribes. We are aware that a number of members of this Subcommittee and other members of Congress have publicly stated that it was an oversight IHS was not included in the exempt category when the Balanced Budget and Emergency Deficit Control act was enacted. We would like to correct that oversight.

We also express our concern that the current FY 2018 funding cap for non-defense discretionary spending is lower than the FY 2017 spending cap. When considered in light of the President's "skinny" FY 2018 budget outline proposal, which raises defense spending by $54

billion and lowers non-defense discretionary spending by a similar amount, we fear a significant sequestration of funds in FY 2018. It is thus even more imperative that Indian health be made exempt from sequestration.

Thank you for your consideration of the concerns and requests of The Healing Lodge of the Seven Nations.

Mr. CALVERT. Thank you. Thank you. It seems a common theme here with all the witnesses is this epidemic of opioids. It seems like things change. Years ago, it was methamphetamine. It is still out there. I am not saying it isn't, but now it seems opioids are the drug of choice right now, and that is the most deadly of all. I saw a statistic the other day a thousand people a day are dying from opioid abuse in the United States, and, obviously, your communities are not immune from that. And a lot of the opioids are coming across the Canadian border, of course, certainly across the Mexican border.

So, Ms. Sharp, do you see more intensity along the border to try to stop this now, or what are you seeing right now?

Ms. SHARP. Yes. When we first started taking a look at this issue back in 2007, we had a December 1 storm, and noticed a lot of heavy traffic into the interior of the reservation from 101, Highway 101. I asked our staff, how many points of entry do we have from the Pacific Ocean to this Interstate Highway that runs through Quinault? 21 points of entry. I began to have direct discussions with Federal officials, and I found out they were patrolling from Port Angeles south to Kwaylok, which is just a few miles from our northern border, and then from the Columbia River north to Grays Harbor. So the entire exterior boundary of the Quinault Reservation was not being patrolled actively. And so when a Tribal elder talked to me about going through a logging road at midnight coming from Neah Bay from Akan noticing a low-flying helicopter surrounded by some cars at midnight, it seemed very odd. Our commercial fishing fleet would notice small Zodiacs making multiple trips to Raft River. We saw heavy road traffic on a dirt road that was obviously a lot of traffic.

So it was at that point we began to make a direct investment to combat this, and it ended up culminating in the execution of 17 Federal indictments. And the U.S. Attorney's Office brought drug trafficking charges, individuals spent 10 years in Federal prison, but we found it was not only trafficking the drugs, they were laundering drug money in the timber industry. They were making bids on sales of $80,000 when there was maybe $20,000 of product. So it was putting out not only Tribal small businesses, but individual nontribal cedar salvagers and logging folks.

So, yes, it was quite intensive. There was hardly any patrol, and it was—we found the point of entry into Quinault was not for distribution at Quinault, it was tracked to Ohio and other parts of the country where the product ultimately ended up, but the point of entry was through the Quinault Reservation.

Mr. CALVERT. That is something we need to do something about.

I am interested in this—obviously urban healthcare is a growing phenomenon with many people moving off reservation, and we will certainly keep an eye on that and obviously, the other challenges that we are having with that. And I certainly do believe that we have Federal trust responsibilities, which we have been trying to keep those responsibilities on this committee and looking for new ways to find—thinking out of the box to try to expand our financial capabilities, because we do have some difficult challenges ahead of us, I suspect.

So, Mr. Penney, your job is difficult to try to get people off of these drugs. Are you having pretty good success on getting people off and not coming back on these drugs?

Mr. PENNEY. Yes, Mr. Chairman. Our treatment program is from 90 to 120 days. It is strictly voluntary. So we have had some—I think Harvard did a study on the statistics that I read that I think about 82 percent success rate.

Mr. CALVERT. Very good.

Mr. PENNEY. Of course, we think that could be more.

And, Mr. Chairman, your earlier question, you know, when the Healing Lodge first started, it was mainly alcohol addiction; now it is, as you stated, opioids, meth, heroin, and marijuana are some of the drugs of choice. So what it meant, getting some of these core-occurring disorders, and mental health is a big part of that, because we also have to think of the safety of the—we call them residents, the adolescents, residents of the Healing Lodge. We want to make sure that they are well taken care of, that their health needs are addressed in a holistic manner, but also, make sure that they are in a very safe environment, so that mental health is very important.

Mr. CALVERT. Well, thank you for all you are doing.

Ms. McCollum.

Ms. MCCOLLUM. Thank you. Climate change and relocation. Mr. Chair, if we have to call it sea level rise, as we do in the Department of Defense, so that we can work with some of these Tribes that are identifying the impacts of climate change and having to relocate, I think the Department of Interior should be getting a handle on that. They should be having a plan on what they are going to do.

I don't care what we have to call it, so that we can put it in print and put it out there. But the sooner we start predicting the cost and putting up a budget for this, the better. It is not going to be easy, because land is going to have to be taken into trust and then there are going to be some people who aren't going to be happy about that, and there are probably going to be adjudication fees and things like that.

I know the Alaska Native folks have been facing that and having to do some moves, and some of the Tribes are looking at now moving for the second time. I know that down in Florida, when I was with one of the Tribes down there, they are very concerned. They might not necessarily have to relocate, but they are losing some of their traditional hunting and fishing places, and it is going to affect their quality of life.

I know that climate change has been a controversial issue for this administration, so let's come up with a different name so that we can talk about it in public and put it in writing.

One other question that I had, when we had people testify last year from the urban health clinics, especially from California, Mr. Chair, they talked about how their software and hardware wasn't adequate. With this recent hack that just happened, if I could put you on the spot, because I didn't think to ask this this morning, did you feel very vulnerable when you heard about this recent hack? Has anything changed with helping you so you are not as vulnerable. One of the places was still using DOS.

Ms. LUCERO. Yes.

Ms. MCCOLLUM. With that, I will stop the questions. And thank you all for your testimony.

Ms. LUCERO. Thank you, Congresswoman McCollum. Yes, as I said, I am fairly new to the organization. So one of the first things we did, actually, was upgrade our IT system, and we did not use the IHS RPMS system, so we actually used a separate electronic health record system. And just recently, we implemented a new cloud-based system so that we could have a backup. So with this recent attack, we were very confident and safe. Over the weekend, our IT manager made sure that we had the appropriate backups, and so, I feel very blessed and lucky to say that. I will have to tell you, if this had happened last year, we would have been in very dire straits.

Mr. CALVERT. Well, if the gentlelady will yield, too, on this subject, this was a Microsoft backdoor, which was discovered some time ago. Microsoft did do a patch on that.

Ms. LUCERO. Yes.

Mr. CALVERT. And I would say to all businesses out there that it is—I know it is a pain to go back and do these security protocols and go back and fix these things, but everyone should do that. I mean, you get these announcements from your provider, your software provider, you need to pay attention to it. A lot of people do not. And those who did the patch were protected, those who did not do the patch were not. And so that is a problem.

Ms. MCCOLLUM. Mr. Chair, I totally agree with you, but based on the fact that we have old and ineffective software out there, it is just a matter of time until somebody decides to break in and wreak havoc.

You decided not to go with the——

Ms. LUCERO. With the RPMS.

Ms. MCCOLLUM. Yeah. The RPMS. Did it cost you more not to go with the RPMS system? Did you have to pay out of pocket to have a more secure system?

Ms. LUCERO. Yes, ma'am, we did.

And if I may respond, Chairman Calvert, that is the issue. It is the lack of resources to even have a team that could actually implement a patch like that, much less the fact that the RPMS system has been very challenging to even work with. And I feel terrible for the Tribal communities who have decided to go that direction. We feel blessed, again, because of some of our supplemental dollars that we have been able to get ahead of this. And like I said, if this was a year ago, we would have been in a very different situation.

Ms. MCCOLLUM. Thank you.

Mr. CALVERT. Mr. Kilmer.

Mr. KILMER. Thanks, Mr. Chair. I just want to thank you all for traveling so far to be here today.

President Sharp, I was hoping you could give the Committee a sense of the cost of relocation. Do you have a ballpark estimate of how much it is going to cost the Tribe to move to higher ground?

Ms. SHARP. At this point, the first phase we are looking at is close to $200 million.

Mr. KILMER. I ask that question because we are talking about literally relocating an entire village that is very, very vulnerable. And

I know the chair has asked for suggestions of where the subcommittee might be able to go and visit. There are four Tribes just in my district that are threatened by encroachment from the ocean, and trying to go through this process of relocating. We can sit here and talk about the cost, but a picture is worth a thousand words.

Mr. CALVERT. Is it just the rising ocean or is it also some subsidence issues in there?

Ms. SHARP. Both. And Quinault is a good example of frontline impacts of climate change. To the far east, the Anderson Glacier that feeds the Quinault River has disappeared. You could see photos from the University of Washington show the glacier receding. I took a helicopter flight over and saw that it was entirely gone. Then to the west, you have the ocean encroachment. You have our fishery studies that show millions of sockeye in the Quinault River, and there is a direct correlation to a drop to just 4,000, and that is tied to ocean acidification and the warming temperatures. So at Quinault, you could see the impacts of ocean acidification, a melting glacier, the ocean encroaching taking out an entire village. Thank you.

Mr. CALVERT. Okay. Thank you very much. We appreciate this panel. We will move on to the next panel. So come up. I guess we are running a little behind schedule here. Jonathan Nez, vice-president of the Navajo Nation; Edward Johnstone, treasurer of the Northwest Indian Fisheries Commission; Leland Bill, the chairman of the Columbia River Inter-Tribal Fish Commission. Welcome.

Mr. Nez, welcome. We will start with you. You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

NAVAJO NATION

WITNESS

JONATHAN NEZ, VICE–PRESIDENT

Mr. NEZ. Good afternoon, Chairman Calvert and Ranking Member McCollum and members of the subcommittee. My name is Jonathan Nez, I am the vice-president of the Navajo Nation. And I appreciate some of the committee members coming out to Navajo a couple years ago. So thank you for that visit.

I appreciate this opportunity to provide testimony to address the Navajo Nation's 2018 funding priorities and needs. We do not have the benefit of the President's 2018 budget request, but we encourage the subcommittee to hold the line against any proposed cuts. I also commend the subcommittee for increased funding in fiscal year 2017. Indian Country is far from sufficient funding. However, it is still good to see incremental increase.

The Navajo Nation is the largest Indian reservation in the U.S., with about 17.2 million acres of land. As such, the Navajo Nation is also a member of the Coalition of Large Tribes, which consists of 12 Indian Tribes who hold large land bases.

For our natural resources division, we request an additional 3.5—3–1/2—$3.56 million for a variety of activities for water resources, forest management, and fish and wildlife. Also, we need to

resolve the issue of redevelopment of the former Bennett Freeze area. Development in this area had been frozen for at least 40-plus years going back to congressional legislation enacted in 1934 and the actions of the Commissioners on Indian Affairs in 1966.

As a result, homes and infrastructure are lacking or in poor condition; the results of a lack of roads, schools, health centers, and other facilities. We are working to bring development back to the area, but it requires a huge amount of funding, and at start, we have requested around $20 million.

For our public safety division, we request an additional $3 million, based on Interior guidelines. However, we estimate that $74 million is needed to ensure proper services.

The Navajo Nation has 11.4 patrol officers per 10,000 citizens, which is less than the national average of 24 officers per 10,000. Navajo requested an additional $1.47 million to increase the number of officers to close the gap. We also requested an additional $1.47 million for our detention facilities and $107,000 for our courts that average 4,000 cases per year.

In regards to education, we have approximately 85,000 students attending 244 schools located on and near the Navajo Nation. With the recent Federal approval of our Dine school accountability plan, we can improve our educational system while using Dine content standards. Our goal is to seek recognition as a State education agency, but we need sufficient funding to meet the standards. We also requested additional funding for scholarships in Johnson O'Malley. We also appreciate the $63.7 million increase in education construction which allowed replacement of two Navajo schools, and seven are in design phase, but we need funding for 31 other Navajo BIE schools that are in poor condition.

We also encourage the committee to provide funding for our school bus routes.

Our Navajo division of social services provide many services to families, children, and individuals. We request an additional $1.83 million in order to keep up with the increasing costs and inflation for social services and welfare assistance. Because our caseloads per social worker does not meet national standards, we request an additional $95,000 to hire more social workers.

In regards to Indian Health Service, we are currently designing a new alternative rural health center, which is projected to serve over 60,000 primary care visits per year. This facility provides a start, but with the outstanding priority list for healthcare facility construction totaling $2.5 billion; we urge Congress to start funding it at $170 million yearly so that we construction in 14 years versus 20 years under the pre-2016 funding levels.

We also urge Congress to continue support for the special diabetes program for Indians, which has decreased blood sugar and cholesterol levels in American Indians and Alaska Natives.

In regards to the environment, the Gold King Mine spill occurred almost 2 years ago, and farmers still have not been compensated for their loss. We encourage the committee to make it their goal to rectify the situation despite EPA's recent legal decision to not compensate. Also, the Navajo does receive other EPA funding for its programs, and we encourage this committee to not cut funding from Tribal environmental programs.

In conclusion, the priorities outlined by the Navajo Nation seek to strengthen the sacred treaty responsibility and trust response relationship and assist the Navajo Nation in furtherance of self-sufficiency and Tribal sovereignty.

I am available for any further questions you may have. Thank you.

[The statement of Jonathan Nez follows:]

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

Testimony of Vice-President Jonathan Nez of the Navajo Nation
Before the
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Hearing on Tuesday, May 16, 2017

Yá'át'ééh. Good morning Chairman Calvert and Ranking Member McCollum and members of the subcommittee. My name is Jonathan Nez and I am the Vice-President of the Navajo Nation. I appreciate this opportunity to provide testimony to the committee to address the Navajo Nation's funding priorities and needs in fiscal year 2018. For purposes of this testimony, we did not have the benefit of the President's 2018 budget request, but considering talks of budget cuts, we encourage this committee to hold the line against any proposed cuts in the 2018 budget request. I also commend this subcommittee for working on a bi-partisan basis to provide increases in funding for Indian programs for fiscal 2017. As you well know, Indian Country is very far from sufficient funding, however it is still good to see an incremental increase. I encourage the subcommittee to maintain this positive trend.

Natural Resources

The Navajo Nation is the largest Indian reservation in the U.S. with about 17.2 million acres of land. Our Natural Resources Division oversees our natural resources with 12 departments: Land, Agriculture, Forestry, Enforcement, Parks/Recreation, Museum, Archaeology, Fish & Wildlife, Abandoned Mines/Uranium, Historic Preservation, and Water Resources. We request an increase of $3.56 million of additional funding for Natural Resources, emphasizing these priorities.

- Water Resources Program. This program implements Navajo's water code and federal law, monitors ground and surface water, monitors climate, develops drought information, oversees dams, GIS Database archive, and coordinates Intergovernmental water resources. Navajo requested an additional $1.5 million to plan, design, secure clearance and permits and construct water facilities that serve Navajos in remote areas.
- Forest Management. This department manages 596,728 acres of commercial forest and 4,818,815 acres of woodlands. Navajo will complete a forest management plan this year and implement it in fiscal 2018. Implementation includes biological and archaeological clearances, NEPA, administration, trespass enforcement, vegetation and timber sale management and road maintenance and construction. Navajo requested an additional $245,000 for these activities.
- Division of Fish and Wildlife. This division implements and enforces Navajo and Federal law to conserve, protect and restore Navajo's fish, wildlife, endangered species and plants. Navajo requested an additional $1 million to replace safety equipment, to add fish culturists, to replace stocking tanks aerators for hatchery ponds, personnel and operational expenses, to monitor priority plants and animal species, expedite biological reviews and clearances, fill botanist vacancies, and add biologists and wildlife technicians and other personnel.
- Bennett Freeze Area Development. The Bennett Freeze goes back to Congressional legislation enacted in 1934 that sought to clarify the western boundary of the Navajo Nation, but created ambiguity as to ownership. In 1966, as a result of litigation, the Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on development in a 1.5-million-acre area. Due to subsequent legislation and litigation, no development occurred in the area for many years. In 2006, the Navajo and Hopi tribe reached a settlement agreement and the freeze ordered by the

Commissioner on Indian Affairs was lifted. Homes and infrastructure are in poor condition. There is the lack of needed housing, roads, schools, health centers, etc. The Navajo Nation has since been working on bring development back to the area. This development requires a huge amount of funding and, as a start, we requested about $20 million in order to start on construction and repair of houses and infrastructure, as well as to implement a management plan for agriculture, permit administration, range management and conservation plans, water resources, fence construction, and additional employees, enhance livestock economy.

Public Safety

Our public safety division includes a Criminal Investigations, Department of Corrections, Training Academy, Police Department, and 7 police districts. We requested an additional $3.05 million based on Interior guidelines, however we estimate that it would take at least $74 million in additional funding to ensure proper law enforcement, detention and judiciary services.

- Criminal Investigations & Police Services. The Navajo Nation Police Department (NNPD) currently has 199 patrol officers, 35 criminal investigators, and 5 internal investigators. With about 174,000 people residing on the Navajo Nation and 199 patrol officers, we have 11.4 patrol officers/10,000 citizens, which is less than the national average of 24 officers/10,000. Assuming vacancies are filled, NNPD would have to hire 142 more patrol officers to close the gap. Also, criminal investigations needs approximately 30 more positions to address cases effectively. In 2015, officers responded to about 213,600 service calls and made 25,700 arrests. The deficit in police officers and the vast travel distances results in increased response times, which allows more bad actors to evade crime. Police vehicles are also subject to wear and tear due to the significant service territory. As of last year, NNPD had about 254 vehicles -- 86 of these units have more than 150,000 miles. Navajo requested an additional $1.472 million to increase the number of full time criminal investigators and the number of police officers.
- Detention and Corrections. The Navajo Nation operates 6 Adult Detention Facilities with 345 bed spaces and 4 juvenile detention facilities with 98 bed spaces. All facilities provide daily 24-hour supervision and other services to ensure full compliance with mandated standards. We request an increase of $1.47 million to fully staff the facilities to operate at full capacity.
- Tribal Courts. Our judicial system has one Supreme Court and trial courts in 11 judicial districts. There are 3 supreme court justices and about 13 judicial court judges that handle about 52,000 cases every year involving a variety of cases. With average of 4,000 cases per year, we are in dire need of funding for additional judges and court personnel. We requested an additional $107,000 to fund new positions. The recurring funds currently allocated is insufficient to fund operational and facilities costs. We also require additional funding to replace outdated and substandard judicial courthouses, two of which are in modular buildings.

Education.

There are 244 schools located on and near the Navajo Nation in Arizona, New Mexico, and Utah that serve approximately 85,000 Navajo students in kindergarten to twelfth grade. There are 32 Bureau of Indian Education operated schools and 34 tribally control schools or grant schools that serve approximately 15,000 students. The remaining 70,000 students are in state, chartered or private schools located in 17 state public school districts on or near the Navajo Nation. In order to have more educational involvement and oversight, the Navajo Nation Council enacted legislation that created the Department of Diné Education (DODE) and the Navajo Nation Board of Education. The Navajo Nation also developed the Dine' Content Standards that includes Diné language, culture, history, government and character development. Over the past 9 years, DODE

social workers; this is equivalent to 52 cases per social worker, 73% more cases per social worker than what is recommended by CWLA. Eligible Navajo Indian children who received ICWA services totaled 1,185. The Navajo Nation requested a $95,000 increase in funding.

Health

The Navajo Nation appreciates the bi-partisan increases in fiscal 2017 funding for the Indian Health Service (IHS) and we request Congress continue the momentum in 2018. Our top priority areas for 2018 funding rank as follows: (1) Health Care Facilities Construction ("HCFC") - $170 million; (2) Sanitation Facilities Construction ("SFC") - $150 million; (3) Preventive Health Services - $125 million and (4) Maintenance & Improvement - $120 million. Our priority areas reflect the great need for health care infrastructure and construction.

Funding increases for Health Care and Sanitation Facilities Construction are currently being used by Navajo to design the new Alternative Rural Health Center in Dilkon, Arizona, which is projected to serve over 60,000 primary care visits per year. We urge Congress to continue funding these projects until completion. Also, the outstanding priority list for HCFC totals $2.5 billion to complete, but this is not representative of the need in Indian country. The last facility on the list is the Gallup Indian Medical Center (GIMC), cited by the U.S. Commission on Civil Rights as an "utter disaster." We urge Congress to start funding HCFC at $170 million yearly so GIMC will see construction in 14 years versus 20 years under the pre-2016 funding levels.

Environment

On August 5, 2015, the U.S. Environmental Protection Agency (EPA) and other parties caused a massive spill of toxic contaminants into the Animas and San Juan River from the Gold King Mine (GKM). As a result, farmers lost a significant portion of their crops which resulted in long-term financial harm. The 2017 appropriations language directs EPA to explore all legal and financial recourses to compensate individuals for damages and to report to the committees within 60 days of enactment on the details and timeline for such efforts as well as plans for stakeholder engagement. Our ultimate goal is to see that these individuals are compensated and we encourage the committee to make this their goal despite EPA's recent legal decision to not compensate. EPA's decision is not just and fair and every effort should be made to rectify it.

Despite GKM issues with EPA, the Navajo Nation does work with EPA as they fund our environmental programs to deal with solid and hazardous substances, underground storage tanks, water systems, radon, air pollution and pollution monitoring. The recent cuts in funding to EPA negatively affects the Navajo Nation's ability to deal with environmental issues on the reservation. As such, we encourage this committee not to cut funding for environmental programs for which tribes are eligible.

Office of Surface Mining Reclamation and Enforcement

We urge you to support continued funding for the Certified Tribal and State programs, which provide funding for the Navajo Abandoned Mine Land programs and activities.

Conclusion

In conclusion, the Navajo Nation entered into a treaty with the United States in 1868. As such, the federal government has a treaty responsibility, as well as a trust obligation, to both protect and assist the Nation in protecting our land and resources, and developing a sustainable permanent homeland. The priorities outlined by the Navajo Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-sufficiency and tribal sovereignty. Thank you.

spent significant resources to develop the Dine' School Accountability Plan, that was officially approved by the U.S. Departments of Education and Interior on September 27, 2016. This is a major accomplishment to improve the academic achievement gap while using Dine' Content Standards. The ultimate goal of the Navajo Nation is to seek recognition as a "State Education Agency." In order achieve this goal we need sufficient funding to meet the standards.

- Higher Education Scholarships. In 2014, our Office of Navajo Nation Scholarship and Financial Aid received 10,069 scholarship applications, but they could only fund 6,035. We request an additional $3.393 million for scholarships for an additional 1,600 plus students. Due to multiple delays from continuing resolutions, we also request Congress forward fund scholarship, similar to forward funding of Tribally Controlled schools and Universities.
- Johnson O'Malley Assistance Grants. Navajo's JOM program provides supplementary financial assistance to public schools to meet the unique and specialized educational needs of Native students that may include language courses, tutoring, school supplies, counseling, etc. The Navajo Nation subcontracts with 27 school districts and other organizations to provide services to 41,627 Native students. Due to an increase in student count and sites, the Navajo Nation requests a $269,000 increase in funding to address the unmet needs.
- BIE Facilities Construction, Repair & Replacement. The Navajo Nation appreciates the $63.7 million increase in education construction in the 2016 and 2017 budget, which allowed replacement of 2 Navajo schools, the Cove Day School and Little Singer Community School. Currently, 31 Navajo BIE schools are in "poor condition" as rated by the BIA Facilities Management and Construction. Our students and teachers have no choice but to use dilapidated facilities. We support increased funding to repair and replace school facilities in poor condition, but more funding is needed to address the longstanding list of facilities concerns.

Human Services

Our Navajo Division of Social Services provides many services to families, children and individuals through its 7 departments and programs: Self-Reliance, Child Care & Development, Development Disabilities, Navajo Children and Family Services, Navajo Treatment Center for Children and their Families, Family Services, and the Navajo School Clothing Program. Our yearly funding has not kept up with increasing costs of services. As such, we requested an additional $1.83 million of funding with emphasis on the following priorities:

- Social Services. This Department administers several programs and services such as adult/elder Protective, Crisis Intervention, Adult/elderly case management, adult/elderly in-home care, youth foster care, protective service intervention for child abuse and neglect, sexual abuse, physical & emotional trauma and emergency shelter for children and mental health services. The Navajo Nation had requested a $288,000 increase in funding for these services.
- Welfare Assistance. The Department of Family Services handles cases involving placement of children, adults and elders in-residential care, adult in-home care, institutional care, foster care and group homes, youth/child(ren) emergency shelter home, burial assistance, assistance to individuals and families with financial assistance during temporary financial hardship. Because this program is important and with the cost of personnel and operations increasing, we request increased funding. The Navajo Nation had requested a $1.45 million increase in funding.
- Indian Child Welfare Act (ICWA). Our ICWA unit provides case management assistance to all Navajo children placed in state custody throughout the United States. The Navajo Nation needs additional social workers to meet the Child Welfare League of America (CWLA) caseload ratio of 30 cases per Social Worker. In fiscal 2014, ICWA caseload totaled 577 cases with 11

Mr. CALVERT. Thank you.
Mr. Johnstone, you are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESS

EDWARD JOHNSTONE, TREASURER

Mr. JOHNSTONE. Thank you. For the record, my name is Ed Johnstone. I am a Quinault Tribal member. I am the treasurer of the Northwest Indian Fish Commission, and the Northwest Indian Fish Commission is a 20-member Tribes. We formed the Commission shortly after U.S. v. Washington, commonly called the Bolt decision. I am very proud to represent the 20-member Tribes as the treasurer. I am here today with Justin Parker, executive director, and it is truly an honor to be here. And I thank the chairman, Mr. Calvert, and Ranking Member McCollum and my Congressman, Mr. Kilmer. It is—it is really an honor to be able to do this testimony, because I sit in some big steps, big shoes from our former chairman for over 30 years, Billy Frank, Jr. And it really struck me in listening to the Tribes, and I have been blessed to be in this hearing room many times and listening to our people throughout the United States tell their story.

And our story from the Northwest Indian Fish Commission is a story of the salmon people. That is our culture, that is our way of life. When you listen to Sam Penney talking about those kids, you know, that are in some form of addiction, you know, our salmon is what gives us hope, our salmon is our way of life, our salmon is woven into our cultures. And we have faced many changes since we signed those treaties in 1854 and 1855, as the growth and development of the United States moved west. And we came to the table and we sat with Isaac Stevens, and we signed those treaties, and we signed them with the understanding of what we knew at the time, that we would always have salmon, we would always be salmon people.

So when we talk about our request, you know, you can see in the written testimony that it gives figures, you know, provides protections, treaty rights protection, the RPI account, that is so meaningful for us 41 Tribes. The Northwest, you have Columbia River and then the Northwest Union Fish Commission; you have—over in the Great Lakes, you have the Great Lakes Fish Commission; you have CORA in 1854.

Those stories are woven into every one of these treaty areas and Tribal areas that mean so much to us. So when we get a chance to present, you know, those numbers, and in some cases we are thanking you for a current 2017. You know, we don't know what 2018 is going to bring us. We try to bring what we know and how we can explain the good and wise use, not only by the Tribes, but the State of Washington and the Federal Government. We are all invested in recovering salmon. And that is what I am talking about, is our salmon are in trouble in several areas of Puget Sound. Thankfully on the coast, we have not been subject to the massive

amounts of growth and development that has come to us since the signing of those treaties. And so in there—there is a story of those funding—different fundings and in the request, some of them like rights protection, or whether it be hatcheries, there are requests for additional funds to take on the almost overwhelming task of rebuilding these stocks and how important, for instance, that hatchery fish are, and it is—you know, it is really hard to impart, you know, our story about how much we appreciate and how meaningful it is and have a dialogue with you about what holds the future in these funding requests.

So I only know how to do it one way. We wrote a whole bunch of stuff down and I practiced it, but I didn't hardly use any of it, but what comes to me, and I prayed last night that words would come to me, always in the style of Billy Frank, and probably Joe Delacruz and Guy McMinds and my president, Fawn Sharp, who I am glad is my chairwoman and I get to serve with her, under her, and she is my boss, and I respect, highly, her and these folks that have come to tell our story.

[The statement of Edward Johnstone follows:]

Northwest Indian Fisheries Commission
6730 Martin Way E., Olympia, Washington 98516-5540
Phone (360) 438-1180 www.nwifc.org FAX (360) 753-8659

**TESTIMONY OF EDWARD JOHNSTONE, TREASURER
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FISCAL YEAR 2018 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &
ENVIRONMENTAL PROTECTION AGENCY**

May 16, 2017

Chairman Calvert and members of the Subcommittee, for the record my name is Edward Johnstone and I am the Treasurer of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the twenty tribes that are party to *United States v. Washington*[1] *(U.S. v. Washington)*, which upheld the tribes' treaty-reserved right to harvest and manage various natural resources on and off-reservation, including salmon and shellfish.

On behalf of the NWIFC, I am here today to speak specifically to our Fiscal Year 2018 natural resources management and environmental program funding requests for the Bureau of Indian Affairs (BIA) and Environmental Protection Agency (EPA). These programs are necessary to meet the many natural resources management responsibilities required of the tribes, including the management of Pacific salmon fisheries that contributes to a robust natural resource-based economy and the continued exercise of tribal treaty rights to fish.

SUMMARY OF FISCAL YEAR 2018 (FY18) APPROPRIATIONS REQUESTS

Bureau of Indian Affairs

- **Provide $56.5 million for Rights Protection Implementation (collective request)**
  - **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 $5.442 million for Climate Change**
- **Provide $10.378 million for Hatchery Operations and Maintenance within BIA Fish, Wildlife & Parks Subactivity**
- **Provide $273.0 million for Contract Support**
- **Provide $30.355 million for Cooperative Landscape Conservation**
- **Provide $830,000 for Watershed Restoration**

Environmental Protection Agency

- **Provide $96.4 million for General Assistance Program**
- **Provide $50.0 million for Puget Sound Geographic Program**
- **Provide $5.0 million for Beyond GAP**

[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 (RPI) is necessary for essential tribal treaty rights management. The NWIFC has also identified an additional need of $4.5 million for RPI Climate Change, bringing our total request for RPI to $56.5 million. The FY17 enacted level provides $39.661 million for RPI.

A summary of the accounts of interest to us within RPI is further identified below. However, please note that a breakdown of these accounts is not provided in the BIA's FY17 Greenbook.

- **Provide $17.146 million for BIA Western Washington Fisheries Management**

We respectfully request $17.146 million; an increase of $8.614 million over the FY16 enacted level of $8.532 million. Funding for this program supports the tribes to co-manage their treaty-reserved resources with the state of Washington, and to continue to meet court mandates and legal responsibilities. For example, funding supports harvest planning, population assessments, data gathering for finfish, shellfish, groundfish, wildlife, and other natural resource management needs.

- **Provide $3.082 million for BIA Washington State Timber-Fish-Wildlife (TFW)**

We respectfully request $3.082 million; an increase of $346,000 over the FY16 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 funding supports the tribes' participation in the Timber, Fish and Wildlife Agreement – a collaborative intergovernmental and stakeholder processes between Washington state, industry, and tribes.

- **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 FY16 enacted level of $4.28 million. The Pacific Salmon Treaty (PST) Act of 1985 charges the U.S. Section of the Pacific Salmon Commission (PSC) with the responsibility for implementation of the PST, a bilateral treaty with Canada. Tribes assist the federal government in meeting its obligations to implement the treaty, by participating in various fisheries management exercises including cooperative research and data gathering activities. This funding request will provide sufficient resources to support tribes to continue effective participation in the bilateral PST process.

- **Provide $2.4 million for BIA Salmon Marking**

We respectfully request $2.4 million; an increase of $1.332 million over the FY16 enacted level of $1.068 million. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes and has provided funding to implement this mandate. This funding allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations 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 $2.118 million over our FY16 allocation. The FY16 appropriations provided a collective (Great Lakes and Northwest) total of $5.442 million, of which our member tribes received $2.382 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 need to assess the potential impacts to tribal treaty-reserved 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 watershed and site-specific science-based activities to meet their particular needs.

Fish, Wildlife & Parks Projects/Fish, Wildlife and Parks Subactivity

- **Provide $10.378 million for Hatchery Operations and Maintenance within BIA Fish, Wildlife & Parks Subactivity**

We respectfully request $10.378 million specifically for Hatchery Operations and Maintenance; an increase of $2.002 million over the $8.378 million provided for these programs in FY16. Funding 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 component of fisheries management because of the lack of natural spawning salmon production due to habitat degradation. As a result, they 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. Hatcheries also play a large role in recovering Pacific salmon, many of which are listed under the Endangered Species Act.

Funding for Fish Hatchery Maintenance is provided to tribes nationwide based on the ranking of annual project proposals. A comprehensive needs assessment study for our western Washington tribes 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.

Other Subactivities and Accounts

- **Provide $273.0 million for BIA Contract Support**

We respectfully request $273.0 million, which would maintain funding at the FY17 enacted level. We also support the reclassification of Contract Support Costs (CSC) as mandatory funding beginning in FY18. Funding for this function is provided to tribes and 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 Cooperative Landscape Conservation**

We respectfully request $30.355 million; an increase of $20.399 million over the FY17 enacted level of $9.956 million. Funding for this program will support tribal capacity to participate in and provide input on climate change issues that impact fisheries and other treaty-reserved resources. It will also allow tribes to provide their perspective on climate change adaptation and resiliency necessary to protect their treaty-reserved rights, which is informed by both traditional ecological knowledge and scientific research.

- **Provide $830,000 for BIA Watershed Restoration**

We respectfully request $830,000 for the western Washington treaty tribes. Funding has historically been contained in the Forestry Subactivity – Forestry Projects – Watershed Restoration account and supports our Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP). SSHIAP is a vital program to the western Washington tribes, because it provides essential environmental data management, analysis, sharing, and reporting support to tribal natural resource management. 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 (GAP)**

We respectfully request $96.4 million; an increase of $30.924 million over the FY17 enacted level of $65.476 million. GAP is important because it provides the capacity for tribes across the nation to develop and operate essential environmental protection programs. These programs help our member tribes address environmental issues such as water pollution, which impacts tribal health and safety, as well as treaty-reserved resources.

- **Provide $50.0 million for EPA Puget Sound Geographic Program**

We respectfully request $50.0 million; an increase of $22.0 million over the FY17 enacted level of $28.0 million. This Geographic Program provides essential funding that will help protect and restore Puget Sound – an estuary of national significance. Funding for this program is essential for tribes because it supports our participation in a broad range of Puget Sound recovery work, including, scientific research, resource recovery planning, implementation, and policy discussions on issues that affect our treaty rights.

- **Provide $5.0 million for EPA Beyond GAP**

We respectfully request $5.0 million for EPA Beyond GAP and accompanying legislative language that would specifically allow tribes to use this funding for implementing tribal programs. We also request an increase to the tribal allocations in EPA CWA §104, §106 and §319, and CAA §103 and §105 programs to allow for media-specific implementation priorities. This Beyond GAP request would advance the EPA/tribal partnership from solely funding capacity building to funding environmental programs capable of implementing a broad range of management activities necessary to protect health and safety, as well as treaty-reserved resources.

CONCLUSION

We respectfully urge the Subcommittee to continue to support our efforts to protect and restore our treaty-reserved rights that in turn will provide for thriving communities and economies. Thank you.

Mr. CALVERT. Thank you. You did well.
Mr. Bill, you are recognized.

TUESDAY, MAY 16, 2017.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

WITNESS

LELAND BILL, CHAIRMAN

Mr. BILL. Thank you. Good afternoon, Chairman Calvert, Ranking Member McCollum, and committee members. [Speaking Native language], Leland Bill. I am a member of the Yakima Nation Tribal Council, and chairman to the Columbia River Inter-Tribal Fish Commission. It is my pleasure to address you today regarding funding needs for the Columbia River Inter-Tribal Fish Commission and the fisheries programs for our member Tribes. The Yakima Nation, the Nez Perce Tribe, Umatilla Tribes, and Warm Springs Tribes. We are celebrating our 40th anniversary this year, and there is a lot of reason to celebrate.

We conduct a comprehensive treaty rights implementation program, which ensures compliance with our Tribal treaties, court orders, regional, intergovernmental agreements, and international salmon treaties. Together, our Tribes manage and co-manage lands equivalent to the State of Georgia. We are the leaders in ecosystem management working in collaboration and partnership with five States, 13 Federal agencies, and several private entities. Prefect in our member Tribes have a goal through the region's efforts to halt the decline of salmon, lamprey, and sturgeon populations and rebuild them to the levels that support ceremonial, subsistence, and commercial harvest. We emphasize the highest level of scientific rigor, cost-effective management, strategies, holistic approaches for the protection of our first foods.

While many of the Pacific Coast salmon stocks remain in distress, our treaties—our Tribes are building Columbia basin success acre by acre, tributary by tributary, and stock by stock. And one of our success stories is Chinook from the Nez Perce Tribe that you can see that they have—this orange part right here is where it started like nothing, and then the blue part is what they rebuilt and the success of them after we implemented the fisheries.

Rights protection implementation dollars have allowed this success story to happen. We are deeply appreciative of the subcommittee's ongoing support for Tribes and our core programs, including rights protection implementation, but the needs remain high. Specifically, Columbia River Fisheries Management, U.S.-Canada Pacific Salmon Treaty, Tribal Climate Resilience, all these vital programs are carried out by topflight professionals under the rights protections implementation.

We also ask for robust support for public safety and justice, which supports enforcement of Federal laws at in-lieu and treaty fishing access sites on the Columbia River, and support for BIA's facilities management operation and maintenance to support annual operations and maintenance funding for the 31 in-lieu treaty fishing access sites.

I have three directly related supporting requests of the subcommittee. The first is the evaluation of the Federal requirement to mass mark all hatchery salmon. In the Columbia, this requirement is becoming more and more costly and unnecessary, as we have seen the summer Chinook and fall Chinook management. Salmon managers should be provided the latitude to make case-by-case decisions whether to mark, and if so, in the appropriate percentages.

I also ask the members of the subcommittee to support two bills before you in the House of Representatives. The first is H.R. 2083, the Endangered Salmon and Fisheries Predation Prevention Act. This bill would allow Tribes and States to better balance the interactions between overabundant sea lions and endangered salmon.

The second is H.R. 1630, the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act, which will provide operations and maintenance funding and jobs for Federal properties heavily used by Tribal members. Both bills directly affect Tribal treaty rights and protect the investment this subcommittee has already made.

In summary, the CRITFC and its four-member Tribes have developed the capacity and infrastructure to lead in protecting, restoring, rebuilding Columbia River basin salmon populations, our collective efforts to protect our 1855 treaty reserve fishing rights for the next seven generations through collaboration and partnerships with the States, Federal, and nonIndian community in showing some success to provide healthy, harvestable salmon population for all citizens to enjoy.

Thank you for this opportunity to testify. We will be pleased to provide any additional information that this subcommittee may require. Thank you.

[The statement of Leland Bill follows:]

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
700 NE Multnomah Street, Suite 1200
Portland, Oregon 97232
(503) 238-0667
F (503) 235-4228
www.critfc.org

TESTIMONY OF
The Honorable Leland Bill, Chairman
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2018 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
May 10, 2017

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) FY2018 budget. We have specifically identified the following funding needs and one request for review:

1) **$10.2 million for Columbia River Fisheries Management under Rights Protection Implementation,** ($5.6 million above FY2017), 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 FY2017) to implement obligations under the recent agreements adopted by the U.S. and Canada;
3) **$8.0 million for Tribal Climate Resilience under Rights Protection Implementation** to assist tribes in climate change adaptation and planning ($2.6 million above FY 2017);
4) **$352.5 million for Public Safety and Justice,** of which $943,000 supports enforcement of federal laws at In-Lieu and Treaty Fishing Access Sites on the Columbia River; and
5) **$900k for Facilities Management, Operations and Maintenance** to support annual Operations and Maintenance funding for the 31 In-lieu and Treaty Fishing Access sites.

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. 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 Nation, 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. 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 collaboration with state, federal and private entities.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. Our programs are integrated with state and federal salmon management and restoration efforts.

Columbia River Fisheries Management within Rights Protection Implementation: The salmon, returning in the greatest numbers since federal dam construction, tell us we're succeeding. 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 $5.5 million over FY2017 for a new program base of $10.2 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, harvest monitoring and renegotiation support for four primary agreements including Columbia River Treaty modernization.

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 co-management is crucial to the tribes and CRITFC's ability to successfully carry out tribal rights protection, including these agreements. These funds support delivery of sound technical, scientific and policy products to diverse legal, public 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.

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[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

***Workforce Development*:** CRITFC's Workforce Development Program helps prepare tribal members of all ages for jobs and careers in Natural Resources Management by providing hands-on, culturally relevant experiences in the Science, Technology, Engineering and Math (STEM) subjects. Since 2010, CRITFC has held a five-day long Salmon Camp for 20 middle school students in collaboration with its member tribes. Beginning in 2014, CRITFC has offered paid internship and research experiences for college students interested in fisheries and natural resources. Through mentorship, internship and externship opportunities, CRITFC aims to establish and sustain a tribal workforce pool of respected and skilled Native American scientists, policy analysts, technicians and managers that serve the tribes' fisheries and natural resource management program needs.

***Columbia River Treaty Modernization*:** The CRITFC'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. While the Columbia River Treaty is evergreen and continues to provide benefits to both the U.S. Canada through coordinated flood risk management and hydropower production, the provisions regarding coordinated flood risk management change substantially after 2024 unless the Treaty is amended. The need for this necessary amendment also creates an opportunity to modernize the Columbia River Treaty to integrate ecosystem-based function as a third purpose of this beneficial partnership. By integrating ecosystem-based function into this bilateral Treaty we will have an opportunity to address shared natural resource issues in a pro-active, comprehensive approach rather than reacting in a piece meal approach to individual salmon listings under the Endangered Species Act. Rights Protection Funds can allow the Columbia Basin tribes to continue collaborating with the states, federal agencies and regional stakeholders to conduct technical analyses in support of the negotiations with Canada being prepared by the State Department.

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. 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. The 2008 agreement expires at the end of 2018. The Parties are in the process of negotiating a revised agreement, which will identify implementation funding.

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $4.8 million for the twenty-five participating tribes. These funds provide for direct tribal participation with the Commission, panels and technical committees. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities, which protect trust resources. Our FY2018 recommended level for this program is an increase of $520,000 above the FY 2017 continuing resolution level and correlates to the U.S. Section's recommendation.

Tribal Climate Resilience under Rights Protection Implementation: The Columbia River Treaty Tribes are feeling the effects of Climate Change. Shifts are occurring in salmon run timing, and berry

and root ripening cycles. In 2015, climate-related stress in the form of historic forest fires and the loss of up to 400,000 sockeye salmon due to elevated water temperatures illustrate our climate crisis.

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 P.L. 87-14 and P.L. 100-581 for use by treaty fishers. CRITFC's officers possess BIA Special Law Enforcement Commissions to enhance protection and service to tribal members and federal trust properties along the Columbia River. We are pleased that the BIA has created OJS District 8 and housed it in Portland. CRITFC entered into a P.L. 93-638 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 Patrol officers, one Sergeant, one Investigator and one Dispatcher. Full funding for this Enforcement need is $943,000 which would support a total of four officers, one sergeant, an investigator and a dispatcher.

Facilities Management, Operations and Maintenance: Long term reliability of Operations and Maintenance funding for the 31 In-lieu and Treaty Fishing Access sites is in jeopardy. Under the current annual O&M service rate and under current financial market conditions the existing O&M funds will exhaust in 2022, a full twenty-three years short of the projected life of the originally structured O&M account. There are some immediate actions the Administration can and should take to provide stability for the sites. First, the 26 Treaty Fishing Access Sites should be added to the federal property management inventory system and in doing will require additional annual operations and maintenance funding currently provided under contract by the Columbia River Inter-Tribal fish Commission. Second, the Administration should allocate $900K annually for O&M. These additional funds will ensure sufficient O&M at the newly added sites.

A Request for Review of Salmon Mass-Marking Programs: CRITFC aspires to a unified hatchery strategy among tribal, federal and state co-managers. To that end, we structure hatchery programs using the best available science, regional expertise. 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. Salmon managers should be provided the latitude to make localized, case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

In summary, through the combined efforts of the four Columbia River Treaty 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

Mr. CALVERT. Thank you.

Thank you. I enjoyed our trip to Navajo country just a while back. And you have the largest land area in the continental United States with 17 million acres, something like that?

Mr. NEZ. Yes, sir. 27,000 square miles.

Mr. CALVERT. 27,000 square miles. That is the size of West Virginia.

Mr. NEZ. The size of West Virginia, sir.

Mr. CALVERT. And we were both on your reservation, the Hopi reservation, and it was an interesting school. One thing we do remember is the condition of the roads, which were not good.

Mr. NEZ. The school bus routes, yes, sir.

Mr. CALVERT. So I am hoping that if we ever get around to an infrastructure bill, that we can make sure we have a carve-out for infrastructure throughout the United States for Indian Country to fix some of these roads that obviously are in badly need of repair. So that is something that I think we all should keep an eye on as this year goes forward. And I know——

Mr. NEZ. If I may say, Chairman, sir, in regards to the Department of Interior BIA budget, there is—$6 million goes into road maintenance every year. I know the Navajo Nation has been receiving a portion of that $6 million to address those roads, but as you know, being a large land-based tribe, $6 million doesn't really cut it.

Mr. CALVERT. It doesn't go a long way. You have a significant increase, and when we do an infrastructure bill that we have to have a carve-out, I think, for Indian Country in that, so hopefully we will have that. And certainly, we need—on the school construction nationwide, we have to come up with a solution to that problem. You guys have obviously the most schools, but we have a problem all across the United States.

One thing on the salmon issue that is interesting, you kind of perked my attention on the sea lion issue. I know that is quite an emotional issue up there, but is the sea lion population not managed properly? Let me be, I guess, somewhat political about it, so you guys can answer that question. Is it a little overpopulated?

Mr. JOHNSTONE. Yes. What we have observed is in Quinault territory in Grays Harbor, which has the Humptulips and the Chehalis River and over into the Quinault River is we are seeing sea lions, and we are not their normal habitat. They are not—this is not their range. They are usually in the coastal environments to the south of us or they come from that southern range out of Alaska, but they are in Grays Harbor by the hundreds.

And I recall about 5 or 6 years ago visiting with Billy Frank on the Nisqually River, and we were at Frank's landing and we were taking some photos, and behind us on the sandbar was about eight sea lions. And Billy said, That is nothing. There are 300 of them at the mouth of the Nisqually. They are out of balance.

Mr. BILL. If I may, Chairman.

Mr. CALVERT. Yes. Go ahead.

Mr. BILL. About 4 weeks ago we lost a member of our tribe due to hazing of the sea lions, and it was very detrimental. The boat capsized while hazing. Three of the four made it out safely and the other one perished there in the—during the whole incident.

And the sea lions down at Astoria are pretty abundant there. I think they even took over one pier site. And roughly there are about 300 sea lion bulls in that area, so they are getting pretty carried away.

Mr. CALVERT. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, I will yield to the gentleman from the west coast.

Mr. KILMER. I just want to say thank you once again for coming all this way to testify. And, Ed, you always do an eloquent job of emphasizing the importance of having the Federal Government uphold its treaty obligations. It was an honor tojoin you to see those treaties in person. I thank you for being here.

Mr. CALVERT. Thank you. And I thank you for your testimony and we appreciate your being here.

We will go on to our next panel Frances Charles, Jim Peters, Annette Bryan, and Jamie Valadez. Please come up. These are all Mr. Kilmer's constituents, I understand.

Mr. CALVERT. All right. Mr. Kilmer has been negotiating for a visit, I suspect. You need to get on over there.

We appreciate your being here.

And let's see, we will start with Frances Charles, the Lower Elwha Klallam Tribe—is that——

Ms. CHARLES. Klallam.

Mr. CALVERT. Klallam. Okay. I appreciate your being here. You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

LOWER ELWHA KLALLAM TRIBE

WITNESS

FRANCES CHARLES, CHAIRWOMAN

Ms. CHARLES. Good afternoon, Mr. Chairman and the subcommittee members and my friend, the gentleman from District Six from Washington State, Derek Kilmer, the Congressman. We thank you for being here today and listening to us.

I went home and I dusted off my testimony and brought it back.

Mr. CALVERT. Welcome back.

Ms. CHARLES. So we have some Tribal specifics—and I listened to the earlier testimonies from the previous chairs just as well as the other community members as much, because we are kind of ditto in regards to the issues that we are faced with in Lower Elwha.

We are located 6 miles west of Port Angeles in Washington State, and we are a population of a little over a thousand Tribal members and still growing. We had acquired some additional land base, so we have a little bit over a thousand acres now, but we are continuing to purchase more of our homeland.

Roughly, we are a checkerboard reservation. On the left side as you drive down the reservation, it will be fee status; on the right side, maybe reservation trust land status.

To date, our economic development opportunities have been limited, and we are continuing to look for some of the opportunities for a long-term perspective in regards to our natural resources.

We are known to have taken the historical two dams down into Port Angeles in regards to our home bases of our river and protection and restoring the Chinook runs and some of the other habitat. The beauty and the nature of it, not only are we seeing and witnessing the salmon come back, but we are also seeing other natural surroundings come back, whether it is the elk, the deer, the eagles, and the resources that are moving back into the homelands.

Unfortunately, the removal of the dam had caused short-term threats to the salmon runs. Due to the settlement released from behind the former dams would have a disparate impact on our Tribal land base and to the Tribal budgets.

We are strongly committed to the restorations of the fishery, the fish habitat, the streams, and the rivers in the Port Angeles Harbor. We are asking and urging for an increase in the self-governance funds to support the operation of the dam removal, mitigation, and restoration features that revive our other self-governance activities that have been forced to transfer funds to support the dam removal mitigations.

In 1992, in the Elwha Act, there was a set-aside in it that was in accordance with the Congress' direction for the Elwha River ecosystem and the fishery restoration of $4.4 million not only for the impact that it had on our land base for the economics but for the impacts that it had on our river.

We are looking for some of the resources for the O&M costs for our fish hatchery. The continuance operation budgets had increases, and we had some impacts because of the settlements that had come in behind the dam, utilizing the well system rather than the river itself to raise the—so we are asking for the continuance of $702,000 for that.

Flood control levee operation and maintenance. We were mandated because of the Katrina episodes that had taken place for a state-of-the-art levee, and that had impacted our revenue just as much for the requirements that we are obligated to now with the levee that is within the reservation boundary. So we are asking for some increase in allocations not only of $270,000 but some operation allocations of $10,400.

I know that I had talked with our Congressman and many others in regards to the land acquisition for the Park Service lands that we had acquired in the earlier stages of 1992 with the congressional set-asides that were earmarked and that they were stricken and taken away of the $4 million for the land acquisition.

We have very sentimental values to the river. We have a creation site that was rediscovered again. In regards to that, we have a lot of cultural, sentimental values to the river, not only to seeing the fish come back, but we have ceremonial outreaches that are related to our youth, the activities that we do with the surrounding communities just as much, that we share the knowledge and the capabilities of what the river had provided in the earlier stages. The cultural ties and the economic aspects that it has for our ancestry all reaches for the creation sites.

Tribal court and Tribal law enforcement enhancements. We have seen a rise—I heard the testimony earlier in regards to the drug activities. We, too, are having those issues and seeing a rise because of the wraparound in the social services programs not only under the Tribal TANF dollars but just in the Indian Child Welfare and in our Tribal court and the jurisdictional aspects of it. We have no control of our juveniles. They go into the outside agencies, and they are placed into detentions and juvenile court systems.

So we are looking for other resources and aspects to maintain families. Foster children are on the rise within our community, but we have limited families that are offered to take the children because of their limited activities themselves.

And treatments, I heard the treatments. It is something that our people have gone to. I have gone and witnessed the ceremonies and the fears that they have of going back home to move back into the same environment, and that is part of it too.

Indian Child Welfare, we have risen on our caseloads, as I indicated in that part. The Indian Health Service specifics funding, I have to go back and get after my staff, because I think they are undercutting us $500,000 for the need. But the mental aspects of it, again, is important. We have an outreach, we have the wraparound programs, we have the fortunates and opportunities, but it is not enough for our Tribal communities, and we are underfunded.

So we are asking to continue with the Medicare and the Medicaid Services' formulas for our Tribal people but also for the people themselves and the elders. So we have a rise on elder abuse/neglect that is taking place because of the pain pill epidemic that are happening in the Tribal communities as well as ours.

EPA, environmental, with the problems that we have with our harbors. And I know that a lot of the delegates are involved in that part of it. And we continue the support—I am cutting it short now—that we will support with the Northwest Indian Fisheries and the national and the Portland health community members, as well.

Thank you.

[The statement of Frances Charles follows:]

LOWER ELWHA KLALLAM TRIBE

ʔəʔɬx̣ʷə nəxʷsƛaɏəm "Strong People"

2851 Lower Elwha Road
Port Angeles, WA 98363

Phone: 360.452.8471
Fax: 360.452.3428

Oral Testimony of
The Honorable Frances G. Charles, Chairwoman, Lower Elwha Klallam Tribe
Before the House Subcommittee on Interior, Environment, and Related Agencies
Outside Witnesses Hearing on the Bureau of Indian Affairs,
Indian Health Service and the Environmental Protection Agency
Budgets for FY 2018
May 16, 2017

Chairman Calvert, Members of the Subcommittee and the distinguished Gentleman from the 6th District in Washington State representing my Tribe, Congressman Derek Kilmer. I am Frances Charles, Chairwoman of the Lower Elwha Klallam Tribe, an elected position that I have been honored to hold for the past twelve years. Thank you for providing me this opportunity to testify on the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and Environmental Protection Agency (EPA) budgets for FY 2018. My testimony identifies our most urgent Tribal-specific funding needs at the Lower Elwha Klallam Tribe. We are also supporting some Regional and National budget requests which will benefit the Lower Elwha citizens and community.

Tribal-Specific Requests for Lower Elwha Klallam Tribe

Bureau of Indian Affairs $5.43 Million

1. **$4.972 Million** Dam Removal and Fisheries Restoration – P.L. 102-495, Elwha River Ecosystem and Fisheries Restoration Act
    a. $702,000 - Salmon Hatchery O&M
    b. $270,000 - Flood Control Levee O&M
    c. $4 million - Land Acquisition
2. **$267,000** – Tribal Court Enhancement and Implementation of Tribal Law and Order Act (TLOA) and Violence Against Women Act (VAWA)
3. **$191,000** – Tiwahe Initiative – Tribe seeks to assert jurisdiction in its own court system over all cases arising under the Indian Child Welfare Act (ICWA) and to become a licensing agency for foster homes

Indian Health Service $500,000 – Mental Health and Chemical Dependency programs

Environmental Protection Agency $356,000 – Environmental Programs

1. **$125,000** – General Assistance Grant (GAP)
2. **$ 81,000** – Clean Water Act § 106 Grant
3. **$150,000** – Puget Sound Partnership Tribal Capacity Grant

Contract Support Costs – Past, Present and Future

As a Self-Governance Tribe, Lower Elwha has been impacted by the Federal government's refusal to pay full contract support costs (CSC) for contracted and compacted programs for the past two decades. In 2014 and 2015, the Supreme Court determined that Tribes

were entitled to CSC. The game-changer going forward was the ground-breaking decision by Congress in P.L. 114-113, Consolidated Appropriations Act, 2016, to create a new account in the appropriations bill specifically for CSC in 2016 and 2017 as well as language establishing an indefinite appropriation for CSC in both agencies. Under the new budget structure the full CSC that Tribes are entitled to will be paid and other programs will not be reduced if payments are underestimated in the President's budget. Tribes agree that this structure achieves the Nation's legal obligation to fully pay CSC without imposing any corresponding reduction in direct services to any Tribe. We also continue to request to fully fund CSC on a mandatory basis in FY 2018-2021 and make it a permanent, indefinite appropriation.

The Lower Elwha Klallam Tribe

The Lower Elwha Indian Reservation is located at the mouth of the Elwha River along the Strait of Juan de Fuca on the northern Olympic Peninsula, about 8 miles west of the City of Port Angeles, Washington. The Lower Elwha Tribe has roughly 1,000 members and a total land base—Reservation and adjacent trust lands—of about 1,000 acres. We are a salmon people with fishing rights in a large expanse of marine and fresh waters, reserved in the 1855 Treaty of Point No Point. To date, our economic development opportunities have been limited and we believe our long-term prospects are tied to natural resources restoration and preservation in an ecologically rich region where an extraction-based economy is well past its prime.

Lower Elwha Tribal-Specific Funding Requests

$5.43 Million - Bureau of Indian Affairs

1. **$4.972 Million** - Dam Removal and Fisheries Restoration - We were the leading advocate for the removal of the two hydro-electric dams on the Elwha River. In accordance with Congress's direction in the Elwha River Ecosystem and Fisheries Restoration Act of 1992 (Elwha Act), P.L. 102-495, we are working closely with the National Park Service and other agencies to remove the last remnants of the dams and restore the once famously abundant runs of native Elwha River salmon and steelhead. Unfortunately, removal of the dams caused a short-term threat to the salmon runs (due to sediment released from behind the former dams) and has adversely impacted our small Tribal land base and our Tribal budgets. We are strongly committed to the restoration of fisheries, fish habitat, streams and rivers, and the Port Angeles Harbor. We urgently need increased Self-Governance funds to support the operation of dam removal mitigation and restoration features and to revive our other Self-Governance activities from which we have been forced to transfer funds to support dam removal mitigation.

a. *$702,000* - Salmon Hatchery O&M Costs - Fish Hatchery Operations Budget for the ongoing operation and maintenance (O&M) of our state-of-the-art hatchery, which went online in 2011. This is a significant increase of $601,929 annually, but one that is amply justified by the crucial role that our hatchery serves in dam removal and fishery restoration. Our hatchery is a genetic preserve for native Elwha salmonids, which have been on the verge of extirpation from the impacts of the dams and which have been further threatened by the enormous sediment load unleashed by the removal of the dams. The National Marine Fisheries Service would not have approved dam removal under the Endangered Species Act without the hatchery's native salmonid programs. The Tribe should not have to bear the O&M cost of this important restoration facility that in fact benefits the entire region.

b. *$270,000* - Flood Control Levee O&M Costs - The levee on our lands had to be expanded prior to dam removal in order to protect Tribal lands from the newly unleashed Elwha River and

to conform to new Federal standards—clearly it is a mitigation feature of the dam removal project. In the 1992 Elwha Act, Congress intended that courts not be asked to address problems where legislative solutions would be far more effective in covering all the bases. Twenty-five years of inflation since 1992 more than justifies this increase in the current annual operations allocation of $10,400.

c. *$4 million for Land Acquisition* - Section 7(b) of the Elwha Act authorized $4 million so that the Secretary could acquire trust lands for the Tribe in Reservation status in Clallam County, Washington, for economic development and housing. But those funds have never been appropriated. In 1934, an Interior Department report concluded that the Reservation should be 4,000 acres, but currently we have only 1,000 acres, several hundred of which (on the river's side of the levee) have to be maintained in undeveloped status as floodplain habitat. In addition, we need legislative direction to ensure that former hydro-project lands are transferred to the Tribe as contemplated in Section 3(c)(3) of the Elwha Act. The Elwha people have struggled for a century from the harm to their culture and economies caused by the Elwha River dams. We had to endure the destruction of not only the fisheries but the treaty fishers themselves and the attendant loss of our traditional and cultural livelihood; we have lost an opportunity—which will only return after another generation—to teach our children the ways of their ancestors and the Elwha life as designed by the Creator.

2. **$267,000** – Funding for Tribal Court Enhancement and to Implement TLOA and VAWA
Although the Interior Department and the Tribe have identified Tribal Court enhancement as a high priority, Lower Elwha has been unable to adopt the enhanced sentencing provisions authorized by the 2010 Tribal Law and Order Act (TLOA) or to exercise expanded Domestic Violence Criminal Jurisdiction under the 2013 Violence Against Women Act (VAWA) because of the lack of adequate base funding for its Tribal Court development. Requested funding will enable our Tribe to do so by providing for: (a) mandatory criminal defense representation (including basic legal assistance for domestic violence victims); (b) legal representation for parents in abuse/neglect cases; (c) detention services; (d) probation services that focus on solutions and restorative justice by sharing coordinated case management and re-entry referrals; and, (e) basic court security. Full funding for TLOA-mandated provisions and increased base funding for our Tribal Court will enable Elwha to benefit from: BIA regional assessments using Trial Court Program Standards; specific technical assistance and training identified through these assessments; targeted training initiatives for specific Tribal court personnel (judges, prosecutors, public defenders clerks); development of Tribal Court bench books; identification of funding sources for pilot court programs; and captured data covering criminal pre-trial to post-conviction matters, including any collateral civil legal issues.

3. **$191,000** - Funding for ICW-related services from BIA's Tiwahe (Family) Initiative.
Lower Elwha faces a community crisis with the increasing number of child abuse/neglect cases, which stem from inordinately high rates of drug/substance abuse by parents or caregivers. This crisis severely impacts services in all facets of Tribal government. A coordinated community response must be based on multi-disciplinary, culturally informed case planning and service delivery, coupled with a strong commitment to restorative justice ideals and (in criminal cases) solutions-based sentencing. A major obstacle to implementing this approach is our lack of infrastructure to assume jurisdiction over all local cases clearly arising under the Indian Child Welfare Act; 85% of our current ICWA cases remain in the State court system. In addition, because we are dependent on an inadequate State system for licensing foster care providers, we

are often unable to make proper placements to assist our families. For the past three fiscal years, the Tribe's base Federal funding (BIA Self-Governance ICWA) has remained flat-lined at a mere **$45,000**. We seek **$191,000** additional annual funding from the BIA's Tiwahe (Family) Initiative, which would enable the Tribe to assert jurisdiction in its own court system over all cases arising under the ICWA and to become a licensing agency for foster homes.

Indian Health Service Elwha Tribal-Specific Funding Requests – $500,000 for Elwha Health Department Programs

The drug abuse and mental health crisis threatens to destroy the potential and the cultural connections of many Tribal members and families. In FY 2016, the Tribe's Mental Health and Chemical Dependency programs served 275 American Indian/Alaskan Native (AI/AN) patients, with the potential to reach approximately 1,500 within Clallam and Jefferson County. The Tribe currently subsidizes its chemical dependency program with third-party revenue and gaming revenue to fund prevention health initiatives and chemical dependency programs, yet these critical health epidemics remain severely underfunded. To remedy this, the Center for Medicare and Medicaid Services formula must be expanded to inpatient chemical dependency treatment programs at the current encounter rate of $391/per day, with annual increases.

Environmental Protection Agency Elwha Tribal-Specific Funding Requests – $356,000 for Elwha Tribal Environmental Programs (General Assistance Grant, $125,000; Clean Water (Sec. 106) Grant: $81,000; and Puget Sound Partnership Tribal Capacity Grant: $150,000)

Lower Elwha's environmental programs have developed a strong pragmatic capability to protect human and basic environmental health over the past two decades, for not only the Tribal community but also the greater Port Angeles and northern Olympic Peninsula communities. By focusing on collaboration with local governments and other stakeholders, we have maximized the efficiency of our small but skilled staff. This would not be possible without the basic EPA funding that we seek to continue. This funding supports: basic staff salaries, including for our highly experienced program director (General Assistance Grant); water quality monitoring in significant local rivers and lakes (Clean Water Grant); Tribal participation and influence in local, State, and Federal processes that involve environmental planning and review activities (General Assistance and PSP Tribal Capacity Grants). In particular, EPA funding is critical to our participation in the cleanup of toxic contamination of Port Angeles Harbor, which was nominated for Superfund but deferred to State cleanup authority; under this deferral arrangement, the Tribe has a unique and important role in this cleanup as the *sole* local representative working directly with the responsible State agency to ensure that the cleanup will protect the health not only of Tribal members but all residents of the greater Port Angeles area.

Regional and National Budget Requests - The Lower Elwha Klallam Tribe supports the FY 2018 *Regional Budget Priorities* of the Northwest Indian Fisheries Commission, Affiliated Tribes of Northwest Indians, and the Northwest Portland Area Indian Health Board. We also support the FY 2018 *National Budget Priorities* of the National Congress of American Indians and National Indian Health Board.

Thank you for considering the requests of the Lower Elwha Tribe.

Mr. CALVERT. Thank you. Sorry. We are just running a little behind right now.

Ms. CHARLES. No, I see that.

Mr. CALVERT. I appreciate your indulgence.

Next is Jim Peters, Tribal councilman with the Squaxin—how do you pronounce that?

Mr. PETERS. Squaxin.

Mr. CALVERT [continuing]. Squaxin Island Tribe. Welcome.

TUESDAY, MAY 16, 2017.

SQUAXIN ISLAND TRIBE

WITNESS

JIM PETERS, TRIBAL COUNCILMAN

Mr. PETERS. I am Jim Peters. On behalf of the Squaxin leadership and the citizens, I am honored to be here in front of you, Chairman, and the rest of the committee.

And, Congressman Kilmer, good to see you again.

We applaud the committee's foresight and leadership on seeking a long-term resolution of fully funding contract support costs for the BIA and Indian Health Service. We thank you for that.

I want to be able to just kind of touch some bases and then maybe come back on a little bit of the Squaxin story here.

We are requesting $500,000 for shellfish management programs for the BIA; $2.5 million to build and operate an oyster and clam nursery in the southern Puget Sound; also the $2.5 million increase in the Northwest Indian Treatment Center that we run in our area. Also, a regional request to fully support the budget request from the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Healthcare Board, and also the Northwest Indian Fish Commission.

So Squaxin Island is located in southern Puget Sound. The Tribe itself is a maritime people, and we are known as the "People of the Water" because of our strong cultural connection to the water in Puget Sound.

The island reservation is located in southeast Mason County, and we also are a signatory Tribe of the Medicine Creek Treaty. We are also one of the first 30 federally recognized Tribes to enter into a compact of self-governance with the United States.

I want to go into some of the specifics of our shellfish management requests that we have. We are in an area of very enriched shellfish, and for us to be able to exercise our treaty rights, we need moneys to be able to manage those lands. Those are both on private lands and State lands that we have the right to harvest.

We are not harvesting a lot of those because of that lack of management dollars to be able to manage these properties. A lot of times, the State of Washington, as soon as we are on them, then we have to manage them ourselves. Obviously, the private property they are managing a little bit but not to the extent that really needs to happen. And so we are losing out on a lot of our traditional economic source of funds that our Tribal members go out to

exercise these treaty rights. So we really need the assistance to be able to do that.

Along with the oyster and clam nursery that we want to try to build. Because of climate change, ocean acidification, there are problems with the reproduction of shellfish. And so, by doing them in a hatchery environment, it actually protects them to get them big enough so then we can put them out on the beaches. And part of the problem with the ocean acidification is it affects the capabilities of the shellfish to grow their shells on them. So being able to do this, we will be able to not only provide seed for our own beaches but also with the industry in southern Puget Sound and other Tribes.

Our Northwest Indian Treatment Center, it is something that I am very proud of. We have named it an Indian name, "Returning from the Dark Deep Waters to the Light." And we have been fairly successful with that program because we have incorporated our traditional teachings and our traditional healings to be able to get Native Americans from Washington, Idaho, and Oregon to come to our facility and get off of some of the addictions that you have heard, the problems, the epidemics of these drugs and alcohol and things in our world today.

And so we have been really successful at doing that, but we need to be able to increase for that center to be able to adapt to the growing need for our people to be able to use that. We have a pretty highly successful success rate. Rarely people relapse, or if they do, they want to come back to our facility instead of some other facility because of that cultural connection that we provide at our treatment facility.

I want to just say thank you for the time here and allowing Squaxin Island to come and share our important issues. I know you guys have a tough job, and thank you for all your support.

[The statement of Jim Peters follows:]

Squaxin Island Tribe
10 SE Squaxin Lane, Shelton, WA 98584
(360) 426-9781
http://www.squaxinisland.org

Written Testimony of Councilman Jim Peters, Squaxin Island Tribe
Submitted to the House Interior, Environment and Related Agencies
Appropriations Subcommittee
On the Fiscal Year FY 2018 Budgets for the
Bureau of Indian Affairs and the Indian Health Service
May 16, 2017

On behalf of the Squaxin Island Tribal Leadership and citizens, it is an honor to provide our funding priorities and recommendations for the FY 2018 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 applaud the Committee for its foresight, leadership and creativity in seeking a long-term resolution to fully fund Contract Support Cost (CSC) in the BIA and IHS. Although full funding in 2014 and 2015 was risky and did impact some other Tribal funding, in the FY 2016 enacted spending bill you included an estimated amount to fully fund the CSC needs in 2016 and 2017. Under the new budget structure, going forward the full CSC that Tribes are entitled to will be paid and other programs will not be reduced if payments are underestimated in the President's budget. **The Squaxin Island Tribe agrees that maintaining this structure achieves the Nation's legal obligation to fully pay CSC and those payments should not be achieved by reducing direct services to any Tribe.**

THE FY 2016 SQUAXIN ISLAND TRIBAL SPECIFIC REQUESTS:

1. **$500,000 Shellfish Management Program – BIA**
2. **$2.5 Million to Build and Operate an Oyster and Clam Nursery for Southern Puget Sound – BIA**
3. **$2.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS**

REGIONAL REQUESTS:

1. **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. ***Continue to fully fund Contract Support Costs for BIA and authorize reclassification of BIA CSC to Mandatory [Permanent] Funding beginning in FY 2018***
2. **BIA Rights Protection - Increase *funding to $56.5 million for the BIA Rights Protection Implementation.***
3. **Fully Fund Fixed Costs and Tribal Pay Costs.**
4. **Increase Tribal Base Funding (instead of through grants)**
5. ***Fully fund all the provisions of the Tribal Law and Order Act of 2010 and the Violence Against Women Act***

NATIONAL REQUESTS AND RECOMMENDATIONS – INDIAN HEALTH SERVICE

1. ***Continue to fully fund Contract Support Costs for IHS***
2. ***Authorize reclassification of IHS CSC to Mandatory [Permanent] Funding***

Squaxin Island Tribes supports the Regional Budget Priorities of the Northwest Indian Fisheries Commission, the Affiliated Tribes of Northwest Indians and the Northwest Portland Area Indian Health Board.

Squaxin Island Tribe supports the National Budget Priorities of the National Congress of American Indians and the National Indian Health Board.

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 – BIA

The Squaxin Island Tribe faces an ongoing budget deficit to maintain and operate the shellfish program at its current level of operation--a level that leaves 20% of treaty-designated state lands and 80-90% of private tidelands unharvested due to lack of funding. To address this shortfall and enable effective growth and development of the program, an annual minimum increase of $500,000 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. Today, we are unable to fully exercise our treaty rights due to lack of Federal support for our shellfish management program.

2. $2.5 Million - Build and Operate an Oyster and Clam Nursery for Southern Puget Sound - BIA

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. Aquaculture is expected to provide almost two-thirds of the fish intended for global consumption by 2030. Aquaculture involves the breeding, rearing, and harvesting of freshwater and marine species of fish, shellfish, and aquatic plants. Producers farm in all types of water environments including ponds, rivers, lakes, oceans, and land-based, closed recirculating-water systems. The Squaxin Island Tribe is uniquely positioned to meet the demand for increased seed production in the shellfish industry. Ocean conditions are affecting the shellfish industry as a whole; ranking ocean acidification as the top concern. Ocean acidification is making it hard for the tiny organisms to make it through the most important stage of their life. They may eat as much algae as they can, but with current ocean conditions, such as the decreasing pH of the water, they cannot eat enough to get the energy they need to grow their shell and increase body mass. In addition, due to weather and/or other environmental factors, the regional shellfish growers in southern Puget Sound continue to face a shortage of viable seed for their shellfish farms.

Our original treaty-designated reservation, Squaxin Island, is a restricted-access area, and therefore an ideal location for such a nursery because it will not be disturbed by residents or recreational boaters. This project would be a capital cost of approximately $2.5 million. The Tribal in-kind contribution to the effort would include land and shoreline and operating costs. Comparable land and shoreline, if privately owned, would be easily valued in the higher millions. The Squaxin southern Puget Sound oyster and clam nursery will be an extension of another project that was created through a U.S. Department of Agriculture appropriation two decades ago for the Lummi Tribe, which created an oyster and clam hatchery in Northern Puget Sound.

3. $2.5 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program - IHS "D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light"

The Squaxin Island Tribe has been operating the Northwest Indian Treatment Center (NWITC) since 1994. The Center, given the spiritual name "D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light", is a residential chemical dependency treatment facility designed to serve Native American who have chronic relapse patterns related to unresolved grief and trauma. NWITC serves adult clients from Tribes located in Oregon, Washington and Idaho. ***Since the original Congressional set-aside in the IHS budget for alcohol and substance abuse treatment for residential facilities and placement contracts with third-party agencies in 1993, NWITC has not received an adequate increase in the base IHS budget.*** With the well-documented nation-wide rise in prescription opioid and heroin abuse, it is more critical than ever to increase the NWITC's annual base in order to sustain the current services to the Tribes of the Northwest. An increase of $2.5 million would restore lost purchasing power, ensure adequate baseline operating funds and allow NWITC to continue to meet the needs of Native Americans and their communities.

REGIONAL Requests:

1. **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 (NWIFC)**

NATIONAL REQUESTS and Recommendations – Bureau of Indian Affairs:

1. ***Continue to fully fund Contract Support Costs for BIA and authorize reclassification of BIA CSC to Mandatory [Permanent} Funding beginning in FY 2018***
2. **+$4.5 million increase for Rights Protection Implementation to *increase funding to $56.5 million*** This Subactivity Account has a clear and direct relationship with the Federal trust obligation to Tribes. This program ensures compliance with Federal court orders by implementing effective Tribal self-regulatory and co-management systems. Contract agreements are designed to assure proper regulation and management of off-reservation fish, wildlife, shellfish, and plant gathering activities, provide conservation enforcement, and perform the necessary assessment and habitat protection activities that help ensure abundant and healthy populations of ceded territory resources. The benefits of these programs accrue not only to Tribes, but to the larger communities as well, because protection and enhancement of ceded territory natural resources and their habitats benefit all users of those resources.
3. **Fully Fund Fixed Costs and Tribal Pay Costs** - Partial funding or failing to fund Pay Costs for Tribes has devastated Tribal communities by causing critical job losses. Over 900 Tribal jobs have been lost and an estimated 300 more jobs will be permanently lost on an annual basis if 100 percent Pay Costs are not provided. The Tribal losses are being further exacerbated by recent projections of costs that have been significantly underestimated. We strongly urge full funding of fixed costs and Tribal pay costs.
4. **Increase Tribal Base Funding (instead of through grants)** - Grant funding, particularly inside the BIA, is not consistent with the intent of Tribal self-determination. Tribal leaders have grown increasingly frustrated by the increase in Indian Affairs funding offer through grants. Allocating new funds via grants marginalizes and impedes Tribal Self-Determination and Self-Governance. Provide increases via Tribal base funding instead of through grants to Tribal governments.
5. ***Fully fund all the provisions of the Tribal Law and Order Act of 2010 and the Violence Against Women Act***

NATIONAL Requests and Recommendations – Indian Health Service:

1. ***Continue to fully fund Contract Support Costs for IHS and authorize reclassification of IHS CSC to Mandatory [Permanent] Funding beginning in FY 2018***
2. **IHS mandatory funding (maintaining current services) - *Provide an increase of $314.9 million over the FY2017 budget request.*** If these mandatory requirements are not funded, Tribes have no choice but to cut health services, which further reduces the quantity and quality of health care services available to American Indian/Alaskan Native (AI/AN) people.
3. **Purchased and Referred Care (PRC) - *Provide an increase of $474.4 million.*** The Purchased/Referred Care program pays for urgent and emergent and other critical services that are not directly available through IHS and Tribally-operated health programs when no IHS direct care facility exists, or the direct care facility cannot provide the required emergency or specialty care, or the facility has more demand for services than it can currently meet.

Squaxin Island Tribe supports the National Budget Priorities of the National Congress of American Indians (NCAI) and the National Indian Health Board (NIHB).

Thank you for inviting the Squaxin Island Tribe to testify on these FY 2018 budgets.

TUESDAY, MAY 16, 2017.

PUYALLUP TRIBE OF INDIANS

WITNESS

ANNETTE BRYAN, COUNCILWOMAN

Mr. CALVERT. Thank you. Thank you, Mr. Peters.

Next, Annette Bryan, councilwoman—I always have a hard time pronouncing this.

Ms. BRYAN. Like a church pew, "Puyallup."

Mr. CALVERT. Oh, Puyallup—Tribe of Washington State.

Ms. BRYAN. Thank you. [Speaking native language.] Good day, my honorable people.

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide testimony for the fiscal year 2017 appropriations for American Indian and Alaska Native programs. My name is Annette Bryan, Tribal Council member for the Puyallup Tribe of Indians. Today I am here representing our Tribal chairman, Bill Sterud, members of my Tribe, and my elders, my ancestors, and our future generations.

The Puyallup Tribe of Indians serves more than 5,200 Puyallup Tribal members and 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 great State of Washington.

First and foremost, while we do not know the details of any cuts the administration may propose to programs critical to Tribes, including Johnson-O'Malley, education, Native American housing, social services, or healthcare, I must impress upon you that Indian programs are already underfunded, and we cannot do the job necessary to prevent homelessness, addiction, violence, or protect our natural resources if the Federal funds we do receive are cut.

The Puyallup Tribe contributes substantial amounts of funds to support our programs, but we need the Federal Government, our trustee, to remain a partner in these efforts.

The Puyallup Tribe accomplishes critical work with Federal funding, and I would like to extend an invitation to any and all of you to come and see the new justice center, our school, our youth center, or our culturally relevant housing.

In 2009, the Puyallup Tribe received a Department of Justice grant in the amount of $7.9 million to construct a 28-bed adult correction facility. The estimated cost of operating the facility was set at $2.6 million annually. The BIA base funding offered to the Tribe in fiscal year 2015 was just over $700,000, or 27 percent of the actual need, with no increases to base funding in fiscal year 2016 or 2017.

We request support from the committee, to include committee report language that would direct Office of Justice Services to submit a plan for fully funding the staffing and operations of the detention facilities now operating in Indian Country.

We would also like to thank the committee again for Tribal court funding for Tribes in P.L. 280 States, like mine in Washington, allowing the Tribe to operate and provide justice to our people with prosecutors, public defenders, and law-educated judges.

Addressing public safety needs in our community means nothing if our natural resource environment is not protected. The Tribe has treaty responsibilities to manage its natural resources for uses beneficial to the Tribal membership and the regional communities. Our fisheries are in danger, as we have heard here today, and they must be protected.

Again, we support the call for increased funding for rights protection implementation to ensure compliance with Federal court orders through effective Tribal self-regulatory and co-management systems. It is essential that adequate funding is provided to allow Tribes to carry out our inherent stewardship of these resources.

Related to this, the Puyallup Tribe continues to operate a number of salmon hatcheries that benefit fisheries to the Pacific Northwest and the Puget Sound. We work cooperatively with the Northwestern Indian Fisheries Commission, neighboring Tribes, Federal agencies, and State fisheries' managers to ensure the success and sustainability of our hatcheries program. Thus, we greatly appreciate the committee's $1 million increase in funding for fish hatcheries operations and fish hatchery maintenance.

The Tribe has been a leader in education for a generation. Today, the Tribe operates Chief Leschi Schools, with an enrollment of over 900 students. Chief Leschi Schools will soon exceed its capacity in the near future. Additional education facility space will be necessary to provide quality education services to the Tribal students in the community. Thus, the funding to address BIE facilities maintenance needs and upgrades is vital.

Finally, as with education, the Tribe has been a leader in healthcare, with the first 638 contract for an his clinic in the Nation. We know all too well the inadequate funding of Indian Health Service is the most substantial impediment to the current Indian healthcare system. The Puyallup Tribal Health Authority's current patient load exceeds 9,000, of which approximately 1,700 are Tribal members.

There are no Indian Health Service hospitals in the Portland area, so all specialties and hospital care are paid for out of our purchased/referred care, PRC, allocation. The PRC allocation remains inadequate to meet the need. The Tribal PRC subsidy has grown to more than $6 million.

Given that the PTHA service population is only comprised of 17 percent of Puyallup Tribal members, it is clear that the Tribe is shouldering the responsibility that lies within the Federal Government. Thus, we urge the committee to continue to support the Indian Health Service, including direct care, dental, mental health, substance abuse, and purchased/referred care.

Tribes are found in the Constitution, and the U.S. Government has a trust obligation and, in some cases, as with the Puyallup Tribe, a treaty obligation to fund our programs.

Thank you for your time.

[The statement of Annette Bryan follows:]

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS
COUNCILWOMAN ANNETTE M. BRYAN
BEFORE THE U.S. HOUSE
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS FISCAL YEAR 2018

May 16, 2017

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2018 appropriations for American Indian and Alaskan Native programs. My name is Annette M. Bryan, 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 5,006 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 18,061acre 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).

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: The Tribe's top priority remains public safety and justice programs. Funding for detention facilities is of great importance to the Puyallup Tribe. In FY 2009, the Puyallup Tribe received a Department of Justice 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 years the Puyallup Tribe has worked closely with the BIA-Office of Justice Services to identify the operating and staffing costs associated this facility. The agreed upon estimated cost of operating the facility was set at $2.6 million annually. The BIA base funding offered to the Tribe $704,198 or 27% of actual need, with no increases to base funding in FY 2016 or 2017. We are request support from the Subcommittee to include committee report language that would direct Office of Justice Services to submit a plan for funding the staffing and operations of the detention facilities in Indian country.

In addition, we operate a Tribal Court program through a P.L. 93-638 contract with the B.I.A. In FY 2015, our base funding was increased from $45,000 to $194,996 and remains this amount for FY 2017. 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 2016, the Tribe has allocated $1.172 million of tribal funds for the Tribal Court budget. The Puyallup Tribe greatly supports the $10 million in funding support for Tribal Courts in P.L. 280 states that Congress just provided. This funding would assist with the implementation of the Tribal Law and Order Act and the Violence Against Women Act for Tribes like Puyallup.

Natural Resources Management: The Puyallup Tribe has treaty and governmental obligations and responsibilities to manage its 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.

For FY 2018, a minimum funding level of $8.5 million is necessary for the Rights Protection Implementation - BIA Western Washington (Bolt) Fisheries Management program. However, we agree with the Northwest Indian Fisheries Commission and the National Congress of American Indians that an overall $52 million increase for the Rights Protection Implementation funding is necessary to ensure compliance with federal court orders through effective tribal self-regulatory and co-management systems. This increase in funding would provide new monies for harvest management, habitat protection, stock enhancement, shellfish, enforcement, 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 of these resources.

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 Tribe supports the Congress past funding of for Fish Hatcheries Operations and Fish Hatchery Maintenance, including the recent $1 million increase for fish hatchery operations.

The Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs has 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 the funding recommendations of the NWIFC for the FY 2018 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 B.I.A. Unresolved Hunting and Fishing Rights grant program. We request Subcommittee support to provide base funding to the Tribes' Wildlife Management Program in the amount of $150,000 through the B.I.A. Unresolved Hunting and Fishing Rights program in FY 2018 Appropriations.

Education: The Puyallup Tribe operates the pre-K to 12 Chief Leschi Schools which included a School student enrollment of approximately 910 students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will

exceed design capacity in the near future. Additional education facility space will be necessary to provide quality educational services to the students and tribal community. Additionally, the cost of operation and maintenance of the Chief Leschi School facilities continues to increase in the areas of supplies, energy and student transportation costs.

We greatly appreciate the $39 million increase for Bureau of Indian Education (BIE) that Congress was able to provide in FY 2017, but more is needed. The Tribe will continue to work with Congress, BIE and the National Congress of American Indians to increase funding in FY 2018, including; Tribal Grant Support Cost for Tribally Operated Schools - $78 million; Student Transportation - $73 million; School Facilities Accounts - $109 million in facilities operations and $109 million in facilities maintenance, Indian School Equalization Program (ISEP) - $431 million and Construction/Repair of BIE Schools- $263.4 million.

Operations of Indian Programs & Tribal Priority Allocations: Again, the Puyallup Tribe greatly appreciates Congress increases for B.I.A. Operations of Indian Programs. 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. Nevertheless, 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 has not been adequate to keep pace with inflation.

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 Indian Health Service 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. Today, the tribal PRC subsidy has grown to in excess of $6 million. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in FY2011 thru 2016 has made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. The Tribe greatly supports the $3.694 billion funded for IHS Indian health services in FY 2017, including the $928 million for Purchased/Referred Care, a $14 million increase.

As the first ISDA contracted health clinic in the country, we greatly appreciate Congress' strong support for fully funding Contract Support Costs at $800 million. The Puyallup Tribe fully supports funding increases for existing I.H.S. programs and will work Congress to continue efforts to increase funding for I.H.S. and the critical programs administered by this Agency.

Mr. CALVERT. Thank you.

Next, Jamie Valadez, you are recognized for 5 minutes.

Jamie is the language teacher at the Lower Elwha Klallam Tribe, Port Angeles School District.

TUESDAY, MAY 16, 2017.

LOWER ELWHA KLALLAM TRIBE, PORT ANGELES SCHOOL DISTRICT

WITNESS

JAMIE VALADEZ, KLALLAM LANGUAGE TEACHER

Ms. VALADEZ [Speaking native language]. Good afternoon. [Speaking native language.] My Indian name is [speaking native language], also known as Jamie Valadez, and I teach the Klallam language and Native American studies at Port Angeles High School since 1999.

I am here to tell you about the success of our Klallam Language Program that was funded by the National Endowment for the Humanities in 2007 to publish this dictionary. By 2012, we completed the publication of the dictionary, the most extensive Native language dictionary in our State and a very important tool in preserving our language.

The Klallam language is spoken by three federally recognized Tribes: besides Lower Elwha, Jamestown S'Klallam, and Port Gamble S'Klallam. These three Tribes are located in western Washington along the Straits of Juan de Fuca and to the Puget Sound. Klallam is a language of the central-coast branch of the Salishan languages, which are spoken in Washington, Oregon, Idaho, and the western part of Montana.

The Klallam language was the last language in western Washington that had first language speakers. Our last two fluent first language speakers passed on in 2013 and were major contributors to this dictionary. Fortunately, we were able to preserve their traditional knowledge here. Thirty-eight elders contributed to this dictionary.

The Klallam Dictionary project, in turn, made it possible to preserve the language by passing it on to second language speakers, such as myself, and younger generations.

I have been teaching here since 1999 at Port Angeles High School, and until the dictionary—and then after the dictionary was published, we were able to publish our grammar with the proceeds that were made from this publication.

Let's see. We had very limited resources, and now there are more second language speakers of Klallam than any other Tribal language in our State. This has authenticated our existence, raised up our standard of living, and helped make our social fabric whole once again.

The academic impacts for Native American students associated with the Klallam Language Program have been enormously positive. Grade point averages have risen from 1.3 to 2.5 from 2005 to 2012. More students are staying on track to graduate, and test

scores in English have risen, and more Native American students are graduating high school.

The Klallam Language Program has also helped the relationship between the Lower Elwha Tribal community and the local city of Port Angeles. It wasn't that long ago that the Native American and non-Native communities in Port Angeles were isolated from one another, with little interaction or mutual trust, but increased interest in the language and culture has helped change that.

We have seen a huge increase in usage of the Klallam language in local publications, street signage, and the city's new beach park with interpretation and Klallam place names. The Klallam language is spoken as a regular part of the programs at many community gatherings.

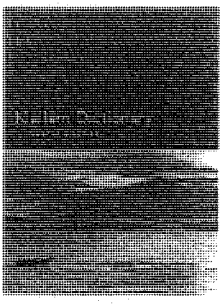
It is safe to say that the National Endowment for the Humanities grant has been a great investment not only in Native language preservation but also in improved understanding between two communities that really needed it.

By having the opportunity to speak with you today, allowing us to share our success story, we hope that the committee continues to support projects under NEH that help Native Tribes revitalize languages.

[Speaking native language.] Thank you for your hard work. [Speaking native language.] I also thank you for listening to our story.

[The statement of Jamie Valadez follows:]

Written Testimony for National Endowment of the Humanities
By Jamie Valadez, Klallam Language Teacher, Lower Elwha Klallam Tribe



The NEH project description

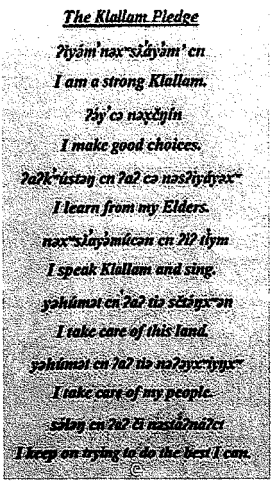
The Klallam Dictionary was published in 2012, funded by a *Documenting Endangered Languages* grant from the National Endowment for the Humanities.

Klallam is the language of the Klallam Tribes, who live at Lower Elwha, Jamestown, and Port Gamble in Washington State, and Becher Bay on Vancouver Island, British Columbia. Klallam is a language of the Central Coast branch of the Salishan languages. In 1978, there were around 100 fluent Klallam speakers; the last two who spoke Klallam fluently as a first language both passed away in 2013 – Hazel Sampson, age 103, and Adeline Smith, age 95. Fortunately, however, over 267 hours of audio recordings were taken by linguists and others between 1953 and 2011 to help preserve the language. As a result of those resources, combined with interaction with native speakers when they were alive, today there are dozens of fluent second language speakers of Klallam; the Klallam language lives on.

When the Klallam Language Program began in 1991, there was a rich resource to build the program. With the help of linguist, Timothy Montler, the Klallam Language Program began to revive the language by developing tools like a writing system, basic grammar lessons, and the use of a wordlist. In working with the growing program, there was a need for more than just a wordlist. The elders and teachers asked linguist, Timothy Montler if he would produce a dictionary. The Klallam Dictionary has more than 9,000 entries, by 38 fluent Klallam speakers from four different dialects. It also includes: translations from English to Klallam and Klallam to English; the use of the words in sentences; a brief biography of the 38 elders who contributed; a pronunciation guide and grammar guide; numerous indices; and a wealth of cultural information.

How the NEH project supports my teaching

The NEH *Documenting Endangered Languages* grant made our ability to teach the Klallam Language at Port Angeles High School much more effective. From 1999 to 2011 there were only three resources: the Klallam alphabet, 50 grammar lessons, and a wordlist of approximately 2,200 words. These resources were not published yet – the lessons and wordlist were draft works in progress. It was difficult to transcribe stories, or write speeches or songs, with the limited resources we had to work with. The students were getting more advanced, but the resources could not keep pace with the need. When we finally received the Klallam Dictionary in 2012, it opened up access to the Klallam language tremendously, not only in the classroom, but throughout the reservations and even out into the local communities. Anyone interested could access this resource. So many copies of The Klallam Dictionary sold that proceeds from the sale were able to pay for the Klallam Grammar book to be published in 2015. The process of publishing the Klallam Dictionary also identified a gap for ten more lessons and many corrections to the draft grammar book. Having both of these resources in the classroom for students to use daily has had a huge impact in student learning. It authenticated our existence, raised up our standard of living, and helped make our social fabric whole once again.



Some of the projects students have been able to complete include:

- Last month, on April 20, 2017, Peninsula College hosted an annual Culture Fair. Peyton Cable transcribed Amazing Grace into Klallam. The first verse had previously been transcribed by Elders, but he wanted to transcribe verses 2 to 4. Then he and his mother sang it to the tune of House of the Rising Sun.
- At last year's Culture Fair, all the year two students transcribed *The Strong People* story of how we got our name, 'Nəxʷsƛ̓áyə́m'. It had never been told in the Klallam Language until then. It was videotaped and illustrated.
- The Pledge of Allegiance was transcribed into Klallam by Elder Adeline Smith. Students have recited this pledge at school assemblies and other cultural events.
- Students have translated Dr. Martin Luther King Jr.'s I Have a Dream speech into Klallam and presented it at the annual MLK assembly at Port Angeles High School.

Impacts on student academic success

- Port Angeles High School Native American students (as a sub-group) scored 10% higher in 2016 than 2015 on the Grade 10 English Language Arts (ELA) Smarter Balanced Assessment (SBA) and 14% higher than Native students statewide. The population of PAHS is 1,123 with 120 Native students. (Native students make up the largest minority group).
- Since 2005 there have been 700 students who have taken Native American Studies and 582 students who have taken two years of Klallam Language at Port Angeles High School. (213 were from Lower Elwha Klallam).
- From 2011 to 2016 there have been 169 Native American students who have graduated from Port Angeles High School (averaging 27 students per year). From that 169 total, 38 students are Lower Elwha Klallam; of those 38 students, 27 took Klallam Language.
- From 2012 to 2016 the Grade Point Average improvement rate has increased for students taking Klallam Language Class. For boys (55) in 2012 the average GPA was 1.77. In 2016 the average GPA was 2.43. For girls (70) in 2012 the average GPA was 1.31. In 2016 the average GPA was 2.53. These students who have taken Klallam Language are on track to graduate.

Testimonials from students

The biggest impact I have seen in the 17 years that I have taught Klallam language in the public school is an increase sense of cultural identity, confidence and pride. Since I began to teach Native American Studies in 2005, I have seen in students a sense of awareness, understanding, and respect for the local tribal history, which has fostered a generally healthier social fabric for both the Lower Elwha Klallam tribal community and the Port Angeles community. Here are a few student reflections:

. . . The Klallam Dictionary and Grammar books helped establish a well-thought community. It expanded our traditions and helped get the Klallam Language used by the youth. . .
Dejon Watson-Charles, Elwha Klallam member

. . . Taking Klallam Languages has allowed me to have fun learning and also connect to my roots of who I am, taking Klallam Language has allowed me to be more optimistic towards my day . . .
Alan Charles, Elwha Klallam member

. . . Our Klallam Language was already almost lost, we've been fighting to revive and keep it alive . . . Gillian Elofson, Elwha Klallam member

. . . I chose to take Klallam Language because it is a language that is used near where I live. It's good to know the language and traditions of the Native people you live near . . .
Morgan Ballinger, Non-native

. . . I hope this program continues to be funded because we never had the opportunity to learn the Klallam Language for so long and lost much of it. I want my grandkids to know what happened . . . Gary Johnson, Elwha Klallam member

. . . The Klallam Language class has allowed me to learn more about my culture which has almost been lost in the past. . . Peyton Cable, Elwha Klallam member

Teaching Native History, Language and Culture in Schools	
Benefits for Native Students	**Benefits for Other Students**
• Increase comfortability in school • Assist in Keeping Native Culture alive • Promote positive Native identity and sense of pride • Increase Native American youth and families' awareness about themselves and their culture • Protect Native American Rights	• Increase respect, understanding and awareness for Native people and culture and the hardships they have faced • Reduce/eliminate stereotypes and ignorance about Native Americans • Demonstrates that schools value Native Culture • Increase communication and understanding between Native American youth, families, and school community

Tribal Community Klallam Language Programs:
Since the Klallam Language Program began in 1991, there have been many community projects to help revitalize the language.

- A community class for new parents who want to teach Klallam to their newborns called Baby Talk.

- Inter-tribal community classes with Jamestown and Port Gamble joining in with Lower Elwha. Several Klallam from the other two Klallam Tribes have become certified to teach Klallam Language and have developed similar programs within their tribal communities.
- Lower Elwha Tribal Head Start programs and Child Care. There has always been a dedicated Klallam Language Teaching position at these two early learning sites.
- After-school elementary and middle school programs.
- Summer School programs for Elementary, Middle, and High School levels.
- Klallam Language teachers also provide outreach in elementary and middle school classrooms.

Regional and Local Impact of the Klallam language

A huge increase in local access and use of the Klallam language by both business and government has been seen since the Dictionary was printed. Below are some examples:

- Local business have included signs in Klallam, such as "Welcome," "Come Inside" and "Thank You for Coming."
- Beaches in Port Angeles now have Klallam names.
- In the international district of downtown Port Angeles, there are street signs in both English and Klallam.

- As respect has grown for our Tribal culture, organizations have asked how they should recognize/ acknowledge that this is Klallam territory. "I wish to acknowledge the Klallam People upon whose land we are standing."
- The Elwha Interpretive Center was created in 2016 to highlight the removal of the two dams – one of which was the largest dam removal in the Nation, the human history of the Elwha River and the restoration of the water shed. Panels containing the Klallam language and depicting the information were created from a joint effort of the National Park, Scenic Byway Association, the Lower Elwha Klallam Tribe, the Federal Hwy administration, and Clallam County.
- We have Government to Government agreements with all our regional partners such as Washington State, Clallam County, Port of Port Angeles, City of Port Angeles and the Port Angeles School District.

Conclusion

The Klallam language dictionary is more than a resource. It has helped students, not just with Native Pride, but also builds confidence with their other core subjects, especially English. We now find Klallam spoken at Tribal Journeys, Potlaches, and multiple community gatherings.

Having this living and growing language has given our community a stronger social fabric and enhanced our sense of belonging. It has empowered the local community to celebrate the Native Culture and begin to understand the value of co-existing and the global impacts of the Traditional Knowledge of the land we share.

Mr. CALVERT. Thank you very much for your testimony, for all of you.

Just one quick question for Frances.

On the dam removal side, I understood the environmental enhancement that created for future fish population. But did those dams offer any flood control? Is that some of the reasons why you to have this levee management?

Ms. CHARLES. It was a requirement to have the flood control levee in place because of some of the old homes that were down there but were transferred over to the——

Mr. CALVERT. So these homes are all——

Ms. CHARLES. They are no longer there——

Mr. CALVERT. Okay.

Ms. CHARLES [continuing] Because of the flood in that earlier stage, it was a mandate.

Mr. CALVERT. I understand. Thank you.

And shellfish. I know that shellfish populations are kind of up and down. How is it up there in your neck of the woods? Are the populations rebounding pretty well?

Mr. PETERS. It goes up and down, certain years, we will get higher number of natural production and stuff like that, but because of the climate issues, it is continuing to go down.

So the production of that natural environment has been impacted such that it can't sustain itself, so that is where the hatchery type of facilities come into play. And it is impacting not just the Tribal harvest, but it is impacting the industry in general.

Mr. CALVERT. Okay.

And I wanted to plug—I understand the National Endowment for the Humanities helped with that. And, as you know, that is part of our responsibility on this committee also. So we fully funded the National Endowment for the Humanities and Arts this year.

Ms. VALADEZ. Good.

Mr. CALVERT. So, hopefully, that will continue to help not just Indian Country but throughout the United States. So it is an important program.

Ms. CHARLES. Mr. Chairman, with the last funding sources on that, it was a little over $300,000 of that endowment money that had helped us with the language program.

Mr. CALVERT. Great. That is good. Thank you.

Ms. McCollum.

Ms. MCCOLLUM. Congratulations on the grammar book—which is every child's trepidation, right?—and the dictionary.

But children who learn a second language do much better in school. Whether that second language is music, math, or another spoken language or sign language, they do much, much better in school. And for those children then to feel proud of who they are and understand where they have come from, it grounds them even more.

So congratulations, and I am glad to see my tax dollars at work with the National Endowment for the Humanities.

Ms. VALADEZ. Thank you.

Mr. CALVERT. Mr. Kilmer.

Mr. KILMER. Thanks, Mr. Chairman.

I know we are short on time, so I am going to ask one brief question.

Annette, I know in the past representatives from your Tribe have said that the Justice Department project probably wouldn't have happened if you had known that the operating expenses wouldn't be covered. Do you want to just affirm that?

Ms. BRYAN. Yes. Good question. Thank you, Congressman Kilmer.

The operating expenses are burdensome, and had we known that they weren't going to be covered, we may have reconsidered this project, absolutely.

Mr. KILMER. I want to thank Jamie for the programming you are doing at my alma mater.

And I thank the rest of you for coming.

I also just want to mention to Chairwoman Charles, the Interior Secretary visited with our subcommittee a couple weeks back, and I raised the issue of the land acquisition with him. I know it is an issue for the Tribe, so please know we are trying to elevate that issue for the Tribe.

And I appreciate the chair's attention to it, as well.

Mr. CALVERT. Thank you.

And thank you for your attendance. We appreciate it.

Our next panel is Charlene Nelson, Dee Pigsley, Mel Tonasket, and Donald R. Michel, if you all will please come forward.

First, we are going hear from Charlene Nelson, the chairwoman of the Shoalwater Bay Tribe.

Welcome. You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

SHOALWATER BAY TRIBE

WITNESS

CHARLENE NELSON, CHAIRPERSON

Ms. NELSON. Thank you for having me this afternoon, and I would like to thank the other members of the subcommittee.

And, fellow Washingtonian down there, I am glad you are here in the sunshine.

Mr. KILMER. I haven't seen it in 8 months.

Ms. NELSON. My name is Charlene Nelson. I am chairwoman of the Shoalwater Bay Tribe. The Shoalwater Bay Tribe is right on the coast, and we are a Lower Salish Sea Tribe. We are close to the Columbia River.

I know my allotted time is short, so I am going to try to go through what is important.

One of the very important things I wanted to do is give a thank you. Twenty-five years ago, Congress listened to the story from the Shoalwater Bay Tribe. We were losing our babies; it was an infant mortality crisis. And they provided us with funding. We had no doctor, nothing on-reservation, no medical care. They provided us with funding so the Tribe for the first time could administer a wide range of healthcare on the reservation. We, as a Tribe, say masi—"masi" means "thank you"—to the Congress for doing that.

Now we have a baby due any day. And the exciting thing to me is we have, this year, nine graduates from high school—nine graduates from high school, and we will send every one of them to college that can go, because we believe in them.

Our wellness center, which we built afterwards—when we first had our wellness center, it was in a very small area, but we had a good doctor and a good dentist, so it really, really helped us. And we had other things. But right now our clinic is open to everyone, Indian and non-Indian alike. It is a good model for affordable care.

It was dedicated to our ancestors, and it was named the Wellness Center because we consider health very, very important. If you are well, you have a different outlook on the world. And I believe that we want all people well. And if they are ill, we strive hard to make them well.

But you all have my written testimony. Our people are becoming more healthy, but the community itself is in severe danger.

We have a reservation, and we are a small reservation, of 1,034 acres. Of that land base, over 700 acres is unbuildable tidelands. You can't build down there; I don't think you would want to. Of the remaining 334 acres, the vast majority is steep, forested hills, land slopes, roads, or wetlands. All buildable lots on the reservation are already occupied.

And our wellness center, government offices, graveyard, and almost all residents sit within just a few feet of the high-tide line. Some of us are right down near at sea level, definitely. That is sea level, but we are below.

If we had an earthquake on shore, the land below us sinks 6 feet. It becomes liquified because it is sand. And the sea will inundate the village. If the earthquake is offshore, we have 20 minutes to get uphill. And we actually have a place for people to go. And we don't care who they are; anybody who gets up there is welcome to come in and be safe. Twenty minutes is not very long, and it is hard to get people up there. We need to move to high ground.

I am requesting—coastal erosion is a constant threat. The U.S. Army Corps of Engineers reconstructed a natural sandspit that was out in front of us forever, and that is helping keep care of our reservation right now. But we had two severe storms in a different wave action last year, and we lost about 2 miles of it.

And, right now, the Corps, who I consider great friends and most, most helpful, are trying to arrange so that they can repair the berm. The berm cost about 9 years of my time and Federal moneys. I don't want to see it disappear. And they can do some revetment on it that will help. Revetment is like a rock, I believe, they are going to use.

In case of a tsunami, our reservation would no longer exist. In case of tsunami, many will go to God's house, like, overnight, right then. We need to move to high ground.

I am requesting that this subcommittee work with the Washington delegation for a funding vehicle for $480,000 for initial planning and construction that would begin the process of our Tribe moving uphill, relocating to higher lands that we have already bought but we have bought with the idea that we would move uphill, but we did not begin that process. We realize now, as things

change, or are changing, we really need to get our reservation uphill.

The written testimony discusses and illustrates with the attached map what we plan to do. The land and road are going to cost money, and it has to go over wetlands, where I think we are going to have to mitigate for that. We need to start now. And we have, by resolution, as a Tribe, said in 2016 that we will move uphill.

In order to survive, the Tribe has repeatedly had to make its way through lean times. The Tribe prides itself on its resilience and its capacity to make a little go a long ways. The Tribe counts on full funding from Congress on contract support costs in order to make these things work.

I appreciate that Congress is making CSC a separate account in the his and the BIA budgets. This ensures that the Tribe's self-governance compacts with the his and the BIE will be implemented, and we have assurance that the Federal programs are strong.

Mr. CALVERT. Thank you.

Ms. NELSON. I am in support of the congressional funding provided for the Tribal court systems for Tribes impacted by P.L. 83–280. We have one. It is in an old trailer, and you can all come down to see it. But we have a judge and the prosecuting attorney and lawyers that come in, and we are now, as far as the county, being looked at as real. That is a good thing.

We rely on that court for health, safety, justice, and peace. We cross-commission our officers so that we can help the county. Because, where we live, it is a long ways for the sheriff to get to—and his deputies.

State Highway 105 runs through our reservation. It is our only way to leave this area except by boats or helicopters. We have boats, no helicopters. The highway and the beach beside it needs repair.

The part that is in worse shape is north of us, and it is not on-reservation, but this is the highway the school buses carry the children from the reservation and surrounding lands to school. This is the highway emergency vehicles take when headed for the hospital, which is 33 miles. This is the highway that law enforcement must travel to assist citizens north of here. This is the highway that people use to go to grocery stores, et cetera. This is the highway that is an important trunk highway in case of emergencies, such as terrorism attacks or flood or whatever. And this is the highway that brings tourists in to our enterprises. If it is washed out, it would destroy historical and traditional lands, cranberry bogs, and homes. When these things are gone, they are gone forever.

Please consider helping us back Pacific County's request for help by supporting the U.S. Army Corps of Engineers under section 103 of the Rivers and Harbors Act of 1962 for the Shoreline Protection Project.

I believe in health and safety. Masi for letting me talk to you today. We live in a beautiful area of the coastline. Please come down and visit us.

[The statement of Charlene Nelson follows:]

Testimony of Charlene Nelson
Chairwoman, Shoalwater Bay Tribe
2373 Tokeland Road
Tokeland, Washington 98590
360-267-6776

for the House and Senate Appropriations Subcommittees on Interior,
Environment and Related Agencies
FY 2018 Appropriations

MAY 16, 2017

The requests of the Shoalwater Bay Indian Tribe (Tribe) for the FY 2018 Interior, Environment, and Related Agencies budget are as follows:

- Appropriate $480,000 through the Tribe's self-government agreement with the BIA to address initial planning efforts in the first phase of a necessary tribal relocation.
- Move forward with full and mandatory funding for Contract Support Costs (CSC).
- Funding for tribal courts in PL 83-280 states.
- Shield IHS funding from sequestration.

* * *

Background.

Good afternoon Chairman Calvert and members of the Sub-Committee. Thank you for inviting the Shoalwater Bay Indian Tribe to provide testimony at this hearing on FY 2018 funding for programs affecting Indian tribes which are funded through your Subcommittee. My name is Charlene Nelson, and I am the Chairwoman of the Shoalwater Bay Indian Tribe which is located 2,800 miles west by northwest of where we are meeting today on the beautiful north shore of Willapa Bay, facing out to the Pacific Ocean.

My own personal history matches closely with many of you serving on this Subcommittee, as I understand you consistently are tasked with determining how to fund and shape federal programs that positively impact the health, environment, and learning of American people. I worked for decades in the field of education. As a former commercial fisherman in Alaska, I came to understand the economic potential of a healthy environment. Prior to my service on Tribal Council, I worked in the Tribe's Health and Women's Wellness Program, learning firsthand that vibrant and successful Indian communities are not possible without first attending to human health.

Relocation Assistance.

I am here today to talk to you about survival. In this case, the survival of our Tribe, its lands, homes, businesses, and its people. This is my second stint as Chairwoman of the Shoalwater Bay Tribe. During my prior period chairing the Tribe, I spent the vast majority of those ten years spearheading an effort to help the Tribe and surrounding area survive the threat of coastal erosion. As a result of those efforts, the Army Corps of Engineers worked with the Tribe to construct an erosion control embankment south and west of the Reservation. The embankment went into service four years ago and this winter it took a beating and is now a new concern of the Tribe and the Corps. The embankment has temporarily halted the erosion that directly threatened the Reservation and State Highway 105, which connects the surrounding Tokeland community to schools, grocery stores, health care, banks, and housing.

But through the process of fighting for the Tribe's survival from coastal erosion, we learned a great deal. We learned, among many other things, that essentially the entire Reservation, with one small exception on Eagle Hill, is no higher than 6 feet above the ordinary high water mark of the Willapa Bay tides. The low elevation of the entire reservation puts it squarely within a tsunami zone that ensures, in the case of a tsunami event, that the Reservation would be wiped out. Think about that for a moment—an entire Tribe wiped out in an instant.

Attached to this testimony is a map entitled Exhibit A that lays out the Tribe's intentions: to begin the preliminary engineering, planning and initial funding to construct a road to an upland elevation, out of the tsunami zone, to begin the relocation process of the Tribe. The cost to carry out this initial phase of work is $480,000, and the Tribe is seeking this Subcommittee's support in developing a funding vehicle to support these efforts through the Tribe's existing BIA self-governance compact.

Exhibit A shows a part of the Reservation at the bottom left intersection, as well as Highway 105 in yellow. The new road, to the north east of the main reservation, will provide access to a higher elevation land base that the Tribe owns that is safe from the threats of coastal erosion and tsunami.

This relocation project will require a number of partners, the tribe, state, Interior Corps of Engineers. While our request today is for planning money for the Tribe from the BIA., other, temporary efforts are under serious consideration. For instance, realizing how dire she situation is, the state and Corps of Engineers have under serious and immediate consideration a joint project for a dynamic revetment to help protect the berm which is endangered because the wave action is now split where it hits the shore and part goes north and part comes toward the berm. We appreciate these efforts but the Tribe also needs the resources to be actively involved in what ultimately is our own relocation.

Contract Support Costs (CSC).

Our great thanks for this Subcommittee's leadership in making funding of IHS and BIA contract support costs (CSC) for FY 2016, and now FY 2017, an indefinite amount and also making made it a separate account in the IHS and BIA budgets. This shift makes an enormous difference in helping ensure that the Indian Self-Determination and Education Assistance Act (ISDEAA) is fully funded and implemented as Congress intended in these two agencies. It also

significantly enhances the federal-tribal government-to-government relationship. For IHS, the FY 2017 estimate for contract support costs is $800 million, and for the BIA it is $278 million.

Thank you also for listening to tribes who explained why the problematic IHS-supported FY 2016 enacted bill proviso which effectively denied the CSC carryover authority granted by the ISDEAA. We appreciate that this proviso is absent from the Consolidated Appropriations Act for FY 2017.

Our objective, though, continues to be the indefinite appropriation of CSC funding as mandatory and permanent. Full payment of CSC is not discretionary; it is a legal obligation under the ISDEAA, affirmed by the U.S. Supreme Court. Funding of CSC on a discretionary basis has in the very recent past placed the House and Senate Appropriations Committees, in their own words, in the "untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs." We remain committed to working with the appropriate Congressional committees to determine how best to achieve this objective.

Tribal Court Assistance for Tribes Subject to PL 83-280.

We appreciate the much-needed support in the FY 2017 appropriations bill for tribes who are affected by Public Law 83-280 and who are striving to serve their communities with competent and appropriate judiciary systems.

The FY 2017 Explanatory Language accompanying the Consolidated Appropriations Act, FY 2017 would increase BIA Tribal Justice Support funding for tribes affected by PL 83-280 (first enacted during the early 1950s termination era) who are working to exercise their rightful jurisdiction on domestic violence and other matters, and to increase available remedies and services for crime victims. It is very important for the future of tribal nations affected by PL 83-280 to continue development of robust criminal jurisdiction systems. We quote below the FY 2017 language:

> "Funding for Tribal justice support is restored to $17,250,000, of which not less than $10,000.000 is to address the needs of Tribes affected by Public Law 83-280. The Committees remain concerned about Tribal court needs as identified in the Indian Law and Order Commission's November 2013 report, which notes Federal investment in Tribal justice in "P.L. 280" States has been more limited than elsewhere in Indian Country. The Committees expect the Bureau to work with Tribes and Tribal organizations in these states to fund plans that design, promote, sustain, or pilot courts systems subject to jurisdiction under Public Law 83-280. The Bureau is also directed to formally consult and maintain open communication throughout the process with Tribes and Tribal organizations on how this funding supports the technical infrastructure and future Tribal court needs for these jurisdictions."

Shield IHS Funding From Sequestration.

We have requested in our previous years' testimony that the IHS budget be protected from sequestration. We again ask this Subcommittee's support of an amendment to the Balanced Budget and Emergency Deficit Control Act to exempt the IHS from sequestration of funds, just as Congress has done for the Veterans Health Administration's health programs. We are very concerned that the current FY 2018 funding cap for non-defense discretionary spending is lower than the FY 2017 spending cap, and when considered along with the President's "skinny" FY 2018 budget outline proposal, which significantly lowers non-defense discretionary spending, we fear a significant sequestration of funds in FY 2018. IHS funding for health care services should be made exempt from sequestration.

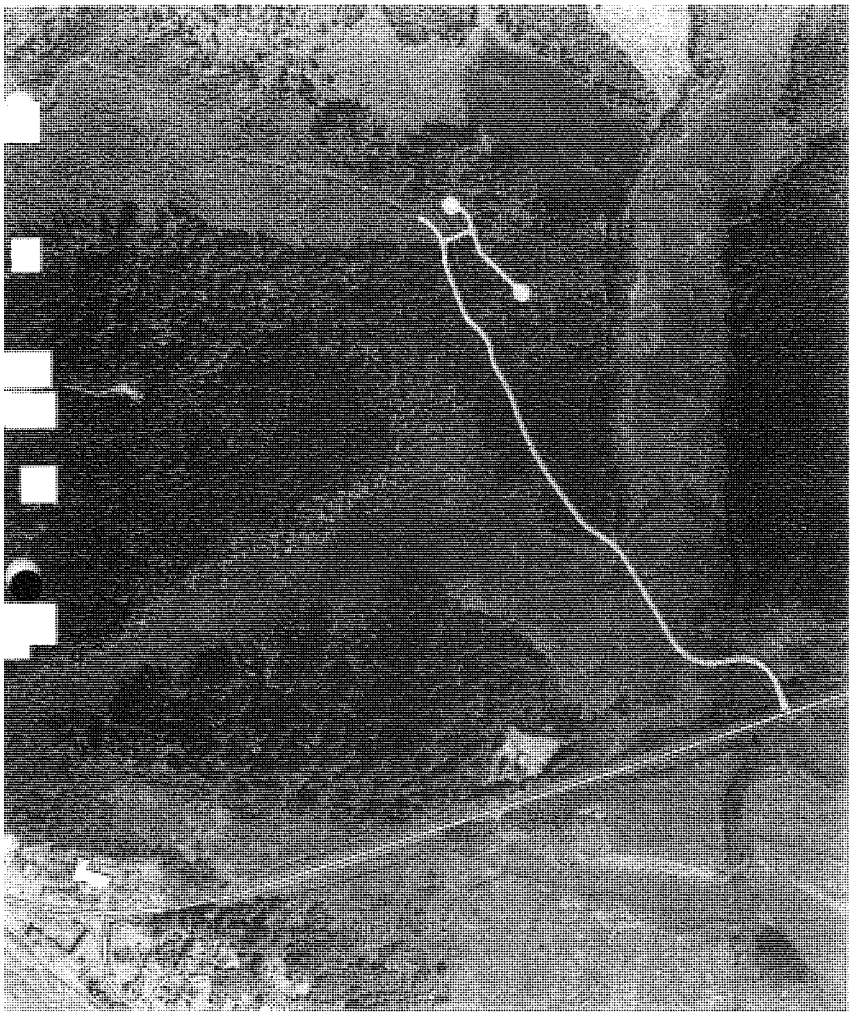


EXHIBIT A – Phase 1 Upland Development Project
Tribal Lake Road (Main Entrance) and
Tribal Administration Site

RED PLAINS PROFESSIONAL

Mr. CALVERT. Would love to.

I am trying to stay within these timeframes because we have so many witnesses here today. Please, we will try to stay within the 5-minute rule. You know, I will try to be respectful, but we are getting a little bit behind.

Next is Dee Pigsley, Tribal Council, Confederate Tribes of the—Siletz Indians?

Ms. PIGSLEY. Siletz Tribe of Oregon.

Mr. CALVERT. Welcome.

TUESDAY, MAY 16, 2017.

CONFEDERATED TRIBES OF SILETZ INDIANS

WITNESS

DELORES PIGSLEY, CHAIRMAN

Ms. PIGSLEY. Thank you for entertaining our testimony today.

I have been the Tribal chairman at Siletz for a very long time. I am not going to say how many years. We rely on multiple funding sources and the flexibility of self-governance to adequately fund services to our membership. And we are entering the era of a new administration, and we are a little bit nervous about some of the proposed changes that we are obviously going to have to live with.

Indian Health Service and the Bureau of Indian Affairs contract support costs. Sufficient contract support costs are essential for Tribal Governments to carry out our new and existing program services, functions, and activities under self-determination and self-government. We urge Congress to continue to adequately fund CSC. And we appreciate the lady's testimony on contract services.

The Purchased/Referred Care Program. This program is the most important budget line item in the IHS budget for the Siletz Tribe. With no IHS or Tribal hospital in our entire region, Oregon Tribes are 100-percent dependent on this program to pay for hospitalization, hospital services, including specialty care.

Historically, insufficient resources for this program resulted in underfunded/deferred healthcare requests such as CT scans, hernia repair, knee and hip surgery, psychological counseling, and back surgeries, and other treatments that did not meet current funding levels. As a matter of fact, we were on Priority 1 for about 8 years, and that meant only treating people with emergency kinds of care. Healthcare rationing causes Tribal members to be diagnosed only when their disease is advanced and the cost of the treatment becomes prohibitive.

So we support full funding of Purchased/Referred Care at $1.3 million, which is an increase of $422,000 over the current budget level. And we support the testimony of the Northwest Portland Area Indian Health Board.

BIA Tribal courts. The Siletz Tribal Court exercises only civil jurisdiction, handling about 552 cases a year. And it is staffed by a part-time judge, a full-time court administrator, a part-time deputy court administrator, and four on-call judges. The court's budget is only $249,000, with only $21,000 provided by BIA funds.

The BIA methodology for calculating Tribal court programs shows a minimum budget at $717,000 for a part-time court, serving a population of less than 600 people. And our current enrollment is 5,119 members—half men and half women, by the way. We recommend funding Tribal courts at $106 million to provide a functioning justice system.

BIA Tribal law enforcement. The Siletz Tribe is a Public Law 280 Tribe and has struggled to create and maintain a sufficient public safety program. We operate our own police department, but funding was not sufficient to maintain a program.

We then contracted for reduced hours from a local city police department but had to terminate the contract in 2014. And we actually went without any policing activities for 2 years, until, 2016, the Tribe and the city of Siletz were successful in forming a special district levy to help pay the costs for law enforcement, and we currently operate one with Lincoln County Sheriff's Office and contribute a share of that.

Enhanced services began in 2016 at 80 hours a week. We only received $93,000 of BIA funds for law enforcement, which is less than half of the Tribe's current law enforcement costs with the county. The BIA methodology for estimating law enforcement costs showed that the most minimal program should be funded at $666,000 for a population of 600 people.

In 2016, the BIA law enforcement was funded at $348 million. Recently, the BIA determined the total need for basic law enforcement and detention services in Indian Country is $1 billion. This disparity is exacerbated by the Bureau's long-term policy of generally providing law enforcement and detention funding only to P.L. 280 Tribes.

We were encouraged to see that the omnibus appropriations bill included a $10 million set-aside to address the needs of Public Law 280 Tribes, and we look forward to learning how the assistance will be provided. We support funding law enforcement and detention at $548 million, taking into the account the needs of Public Law 280 Tribes.

BIA hatchery operations and maintenance. The Tribe operates its fish hatchery on a shoestring budget using our own funds and a minimal amount of BIA hatchery maintenance funding. The hatchery is important to the continuance of the Tribe's subsistence salmon fishing resource. To operate the hatchery properly, we need to invest several hundred thousand dollars. But the Tribe cannot tap into the BIA hatchery operations funding because there is not enough funding in that pot to sustain the operations of the existing hatcheries of other Tribes. We support increasing the hatchery operation budget to $3.8 million and the hatchery maintenance budget to $6.6 million.

One of the very important duties of our Tribe is to provide education benefits for Tribal members. We are currently funded at the same level we were funded in 1995 when we became a self-governance Tribe. And the BIA funding totals $200,000, and, currently, we support 125 students in higher education, 18 in vocational training. We provide over a million dollars a year in our own funds to help these students.

Mr. CALVERT. We need to wrap this one up, please.

Ms. PIGSLEY. So we want to thank you for listening today.
[The statement of Delores Pigsley follows:]

WRITTEN TESTIMONY OF
DELORES PIGSLEY, TRIBAL COUNCIL CHAIRMAN
FOR THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FY 2018 BUDGET – May 10, 2017

My name is Dee Pigsley and I have served as a Siletz Tribal Council Member for 35 years, 29 of those as Tribal Chairman. The Siletz Tribe is a Self-Governance Tribe, with an 11-county Service Area in western Oregon. We rely on a multiple funding sources and the flexibility of Self-Governance to adequately fund services to our membership. We are entering the era of a new administration proposing many changes; some which could present challenges for Tribes. We look to Congress to assist us in navigating these changes and I thank the Committee for giving me this opportunity to explain some of our specific funding requests:

- **BIA & IHS Contract Support Costs – fully fund contract support costs**
- **IHS Purchased/Referred Care – $1.3 billion**
- **BIA Tribal Courts - $106 million**
- **BIA Law Enforcement – $548 million**
- **BIA Indian Child Welfare Act - $80 million**
- **BIA Endangered Species - $3 million**
- **BIA Forestry - $73 million**
- **BIA Hatchery Operations - $3.8 million**
- **BIA Hatchery Maintenance - $6.6 million**
- **Environmental Protection Agency Indian General Assistance Program - $98 million**
- **BIA Scholarships and Adult Education - $68.9 million**
- **BIA Johnson-O'Malley Assistance Grants - $42 million**
- **Department of Commerce Economic Development Administration –retain program**
- **Department of the Treasury Community Development Financial Institutions – retain program**
- **Department of Agriculture, RDA, Water and Wastewater loan and grant program – retain program**
- **HUD Indian Housing Block Grant and Training/Technical Assistance– IHBG at $700 million and T/TA at $3.5**

Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) - Contract Support Costs. Sufficient contract support costs are essential for tribal governments to carry out new and existing programs, services, functions, and activities under Self-Determination and Self-Governance. **We urge Congress to continue to adequately fund CSC.**

IHS - Purchased/Referred Care Program. This program is the most important budget line item in the IHS budget for the Siletz Tribe. With no IHS or tribal hospital in our entire region, Oregon tribes are 100% dependent on this program to pay hospitalizations and hospital services, including specialty care. Historically insufficient resources for this program resulted in unfunded, deferred health care requests such as CT scans, hernia repair, knee or hip surgeries,

psychological counseling, back surgeries and other treatments that do not meet current funded priority levels. This results in only "Priority Level I" patients receiving care, and even then care may be delayed. Health care rationing causes tribal members to be diagnosed only when their disease is advanced and cost of treatment is prohibitive. Passage of the Affordable Care Act allowed many tribal members to receive health coverage under the Oregon Health Plan (OHP). This coverage allowed the Tribe to bill for the care that OHP Patients received at our Tribal Clinic, providing revenue to meet what would otherwise be deferred requests and other medical needs. Between 2012 and 2014 our Tribal Clinic experienced a 39% increase in OHP patients—from 1842 to 2709. In 2016, OHP billing accounted for 36% or $1.5 million of the clinic's billing. That same year there was an 80% decrease—from 302 to 61—in the deferred services list. If the American Health Care Act passed by the House becomes law, projections are that 19 to 24 million Americans, including tribal people, will lose their coverage. Clinic revenue will decline as costs to cover tribal members health care will increase. We will likely return to Priority Level I and the deferred services list will grow. **We support funding Purchased/Referred Care at $1,352,284, an increase of $422,244,388 over the FY 2017 budget.**

BIA - Tribal Courts. The Siletz Tribal Court exercises only civil jurisdiction, handling 552 cases in 2016. It is staffed by a part-time Chief Judge, a full-time Court Administrator, a part-time Deputy Court Administrator, and four on-call Judges. The Court's 2017 budget is $249,302 with only $21,271 provided by BIA funds. The BIA methodology for calculating tribal court program costs shows a minimum budget at $717,000 for a part-time court serving a tribal population of less than 600. Our tribal enrollment is 5119 with 1222 members residing in the central office service area where our Tribal Court is located. **We recommend funding tribal courts at $106 million to provide functioning justice systems**

BIA - Tribal Law Enforcement. The Siletz Tribe is a Public Law 280 tribe and has struggled to create and maintain a sufficient public safety program. We operated our own police department but funding was not sufficient to maintain a program. We then contracted for reduced hours from a local city police department but had to terminate the contract in 2014 due to increasing costs and declining revenue. In 2016, the Tribe and City of Siletz were successful in forming a special district and passing a levy to help pay the costs to purchased enhance law enforcement services from the Lincoln County Sheriff's office. The Tribe pays the other half or $220,184. Enhance services began in November 2016, at 80 hours a week. The Tribe receives $93,080 of BIA funds for law enforcement—less than one-half of the Tribe's current law enforcement costs. The BIA methodology for estimating law enforcement costs shows that the most minimal program should be $666,000 for a population of 600 or less.

In 2016, BIA law enforcement was funded at $348 million. Recently, the BIA determined that the total need for basic law enforcement and detention services in Indian Country is $1 billion. This disparity is exacerbated by the BIA's long-term policy of generally providing law enforcement and detention funding only to non-P.L.280 tribes. We were encouraged to see that the 2017 Omnibus Appropriations bill included a $10,000,000 set aside to address the needs of P.L.280 tribes and look forward to learning how that assistance will be provided. However this one time assistance needs to increase and be recurring. **We support funding law enforcement and detention at $548 million, taking into account the needs of P.L.280 tribes.**

BIA - Indian Child Welfare. When Congress enacted the Indian Child Welfare Act (ICWA) in 1978, it estimated that $35 million was needed to adequately fund tribal child welfare programs. However, it has never been funded above $17 million. The Siletz Tribe receives just $55,000 from the BIA to run our ICW program. That is not enough to fund even one caseworker position. The actual cost for our modest program is $483,000 annually. To pay for it, the Tribe takes funds away from other self-governance programs, directing them to this priority area and we access other funding through four agreements with the state of Oregon and two other agreements with the Administration for Children and Families. We enthusiastically undertook a plan to directly administer the Title IV-E foster care reimbursement program, but a major barrier will be the match requirements (even though federal law allows Tribes to use BIA funding as non-federal match) and the limits on reimbursements. A conservative estimate, considering no increases in current child welfare caseloads, would require $225,000 per year in matching funds from the Tribe that could not be utilized from other Federal funding sources. Unlike states, we do not have the tax base to generate revenues to cover federal match requirements. **We recommend increasing the BIA Indian Child Welfare Act funding to $80 million.**

BIA - Endangered Species. Tribal lands include habitat for three endangered species—marbled murrelet, northern spotted owl, and Oregon Coast coho salmon. Surveys for these species are required prior to consultation with the US Fish and Wildlife Service and/or National Marine Fisheries Service in order to harvest timber (a critical source of tribal operating funds). In FY16, the BIA budgeted $2.6 million for the Endangered Species Program, an insufficient amount. **We support a $3 million funding level to assist Tribes with complying with the Endangered Species Act.**

BIA - Forestry TPA. Increasing personnel costs and sequestration cuts have reduced Forestry program funding to a barely functioning level. The recently completed Indian Forest Management Assessment Team's third decadal report on the status of Indian forest management in the U.S. found that current forestry funding for tribes is $100 million below the minimum base level of funding needed to be on par with the per acre funding levels of other federal and state forest management agencies. **We support increasing Forestry TPA funding to $73 million.**

BIA - Hatchery Operations and Maintenance. The Tribe operates its fish hatchery on a shoe string using our own funds and a minimal amount of BIA Hatchery Maintenance funding. The hatchery is important to the continuance of the Tribe's subsistence salmon fishing resource. To operate the hatchery properly we would need to invest several hundred thousand dollars, but the Tribe cannot tap into the BIA Hatchery Operations funding because there is not enough funding in that pot to sustain the operations of the existing hatcheries of other tribes. **We support increasing the Hatchery Operations budget to $3.8 million and the Hatchery Maintenance budget to $6.6 million.**

Environmental Protection Agency IGAP. EPA's Indian General Assistance Program (IGAP) provides a much needed base of funding for tribes to maintain a minimal environmental protection program. The Siletz Tribe receives $125,000 in annual IGPA funding. To create a viable program the Tribe has leveraged IGAP funds for a total of $1,317,000 to support six staff positions—an environmental specialist, a biological programs director, two field technicians and a finfish biologist who provide the expertise needed to represent tribal interests in many complex

areas, including: the Portland Harbor Superfund site cleanup; the Federal Energy Regulatory Commissions process to re-license six Pacific northwest dams; managing fish, wildlife and clean water on tribal lands; development of state pollutions laws to reduce toxics in fish tissue; and restoring degraded habitats for culturally important species and clean water. The administration's proposed 31% funding decrease for EPA will devastate these gains we have made. **We urge you to fund this essential resource at $98 million.**

BIA – Scholarships and Adult Education. The Tribe's education grant programs include adult education, vocational training and higher education. BIA funding to the Tribe for these programs totaled $201,301. To make our dollars stretch we require all students to timely apply for federal and tribal financial aid and we cap the amount of tuition and fees to the costs of in-state tuition. In 2016, we funded 125 for higher education and 18 for vocational training. Actual costs to cover these students totaled $1,085,292. BIA funded only 19% of our need. **We recommend funding scholarships and adult education at $68.9 million.**

Johnson O'Malley (JOM) Assistance Grants (TPA). JOM is intended to provide grants to supplement basic student needs. In 1995, this was budgeted at $125 per student based on a student count that has remained frozen in time; currently the allocation is less than $64 per student. The student count needs to be updated and the allocation increased at least to the initial $125.00. **The Tribe recommends funding JOM at $42 million.**

Department of Commerce - Economic Development Administration (EDA): The EDA is targeted for elimination. The Tribe has received EDA grants that have provided the core capacity of the Siletz Tribal Economic Development Corporation to create economic development plans, seize business opportunities and facilitate Tribal member owned businesses. **We urge that you retain this needed and valuable tool for tribal economic development.**

Dept. of Agriculture - USDA RDA. The Water and Wastewater loan and grant program is slated for elimination. The Tribe must leverage many financial resources to make necessary and required improvements to the aging local water and waste water systems. USDA Rural Development funding provides critical financial assistance to enable us to provide safe, affordable, and environmentally responsible water and wastewater utility services. System needs include treatment and storage, transmission system upgrades, and security. **We urge retaining the Water and Wastewater loan and grant program which supports tribal efforts to ensure safe drinking water and basic sanitation for our communities.**

Indian Housing Block Grant (IHBG). The IHBG is the primary funding mechanism of the Native American Housing Assistance and Self-Determination Act (NAHASDA), supporting a variety of activities including new construction, rehabilitation, modernization, weatherization and energy efficiency improvement, and crime prevention, among others. The IHBG program has been flat funded since FY 2011 and has not kept pace with the rate of inflation. Increasing IHBG funding is needed to meet the tremendous unmet housing needs. Training and Technical Assistance (TTA) funds provide tribes with up-to-date information on compliance with statutory requirements and HUD regulations and on best practices and development of model housing policies. **We recommend funding the IHBG at $700 million and funding TTA at $3.5 million to support adequate, affordable housing.**

Mr. CALVERT. Great.

Oh, by the way, all statements will be submitted for the record, and I will be looking through them all.

Sorry to be on this timeline. I know that some people have to catch an airplane at 5 o'clock, I have been told, so we are trying to keep it on schedule.

Ms. PIGSLEY. Thank you very much.

Mr. CALVERT. Next, Mel Tonasket, vice chairman of the Confederate Tribes of Colville Reservation.

TUESDAY, MAY 16, 2017.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

WITNESS

MEL TONASKET, VICE CHAIRMAN

Mr. TONASKET. Thank you.

My name is Mel Tonasket. I am currently the vice chairman of the Colville Confederated Tribes Business Council. And I would like to thank Chairman Calvert, Ranking Member McCollum, and our friend from the Northwest, Mr. Kilmer. I met you when you were first running for Congress over on the coast.

There are three items that the Colville Tribe really wanted to present to your committee today, along with all of the other kinds of things, but I am going to focus on BIA forestry, BIA law enforcement, and Tribal EPA programs.

I don't know if you heard in the media back here, but back in our country, in 2015, we had some major fires, forest fires, on the Colville Indian Reservation. And we lost about 255,000 acres of forest in those fires, which was nearly 20 percent of our full 1.3-million-acre reservation. And in that loss, it was almost a billion board feet of timber that burned up, which leaves us—as a Tribe that primarily was supported by the forestry program, timber sales, and a couple mills, it has really been a devastating effect on the Tribe.

So the Colville Tribe would like to request an increase of $5 million for BIA forestry for reforestation and an additional $5 million for hiring 67 additional foresters. What we would like to do is to get back into replanting the areas that we have lost.

The BIA's entire replanting budget for Tribes nationwide is $3.2 million. This would cover planting of less than 11,000 acres. At the current funding level, this would mean that hundreds of thousands of acres of forest burned in the Colville Reservation in 2015 may not be replanted for decades.

In fiscal year 2016, the committee provide an additional $2 million for fire restoration, which we greatly appreciated and used for replanting our forest. The $5 million increase we are requesting for 2018 will help us and other affected Tribes continue these efforts. This increase is needed to ensure the Colville Tribe and its members can continue to utilize our forest for future generations.

BIA law enforcement. What we are asking is that the committee continue to fund the BIA law enforcement at least at its current levels. As the committee is aware, large-land-base Tribes often lack

enough police officers to adequately patrol and respond to calls. The Colville Tribe is no different. On occasions, the Colville Tribe has only a single officer on duty for the entire 1.4-million-acre reservation, which caused us to have to cross-deputize with counties and cities so that we wouldn't have those blank areas where there is no law enforcement whatsoever.

There is a constant need for reliable funding for Tribal law enforcement and detention operations. BIA law enforcement has received much-needed base funding increases during the past few years, but, despite these increases, these programs continue to be underfunded relative to need. And the committee should ensure that current levels are maintained.

We are in an area—it is not in my written, but we are in an area between Canada and the south, which is what we see as a drug route through the Okanagan Valley. And we have seen evidence now of Mexican mafia coming in. And so we know that we are going to have more problems as the drug issues increase, like on all reservations.

The third and last is Tribal EPA programs. Finally, the Colville Tribes request that the committee maintain current funding levels for several Tribal EPA program activities. These programs are described in more detail in my written statement but include the Tribal General Assistance Program and the Tribal components of the EPA's Clean Air Act and Clean Water Act programs.

Since 2004, the Colville Tribes have been fighting to compel the Canadian mining company called Teck Cominco Metals to clean up decades' worth of slag that is deposited into the Columbia River for nearly a century. All of this—the Tribal EPA programs that I mentioned in my written statement have and continue to contribute to our efforts.

What we are getting in that slag is mercury and lead, and so that doesn't just affect the Colville Tribe but affects all of the communities on both sides of the river, to a point that even the Governor has tried to put out—for the State of Washington—tried to put out a certain amount of fish that is safe to eat out of the Columbia River, and that is scary. So that is one of our really important fights that we are in for today, and we would hope to continue to be able to fund the cleanup and the fight.

Thank you very much. That concludes my statement. Did I make it?

Mr. CALVERT. You did. You did fine.

Mr. TONASKET. Okay.

[The statement of Mel Tonasket follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable Mel Tonasket, Council Member
Confederated Tribes of the Colville Reservation

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Public Witness Hearing—Native Americans

May 16, 2017

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 testimony today.

The CCT recommends that the Subcommittee (1) provide a $10 million increase to Bureau of Indian Affairs (BIA) Forestry for reforestation of Indian forests and additional forestry personnel; (2) maintain current funding levels for BIA law enforcement; and (3) maintain current funding levels for activities carried out by Indian tribes under various Environmental Protection Agency (EPA) programs.

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 smaller 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.

PROVIDE INCREASE TO BIA FORESTRY FOR REFORESTATION AND ADDITIONAL FORESTERS

The Colville Tribes joins the Intertribal Timber Council's request that the Subcommittee (1) increase BIA Forestry Projects Forest Development by $5 million for replanting and thinning; and (2) increase BIA Forestry (TPA) by $5 million for the hiring of 67 additional foresters.

In 2015, the Colville Tribes endured the most destructive fire on an Indian reservation in recorded history. The North Star and Okanogan Complex fires collectively burned more than 255,000 acres on the Colville Reservation—nearly 20 percent of the total land base. Approximately one-fourth of the commercial timber land on the Reservation burned or was affected, which included 788 million board feet of timber.

These two fires were part of the worst wildfire season in Washington state history that saw more than 121 fires ignited during a four-day period from August 10-14, 2015. The 2015 fires statewide resulted in the deaths of three firefighters, a non-firefighting fatality, 21 injuries, and ultimately burned more than 1 million acres. 2015 marked the first year ever that Washington state officials asked residents to volunteer to assist in fighting wildfires.

In the next few years, the single biggest task will be replanting trees burned during the 2015 wildfire season. Although the Colville Tribes has and continues to seek alternative funding sources, the only dedicated federal source of replanting funds for Indian forests is the BIA forestry account. The BIA has a statutory obligation under the National Indian Forest Resources Management Act to replant Indian forest land. The BIA's average annual reforestation budget, however, is approximately $3.2 million for tribes *nationwide*.

The BIA's entire $3.2 million budget for forest restoration would cover planting of less than 11,000 acres. At current funding levels, this would mean that hundreds of thousands of acres of forest land burned on the Colville Reservation in 2015 may not be replanted for decades, if ever. In contrast to the obstacles the CCT must endure given the limitations of the BIA's reforestation budget, the U.S. Forest Service is already implementing its plans to replant the 9,095 acres of national forest land affected by the 2014 and 2015 fires.

The CCT has traditionally relied on forest products and stumpage as primary sources of revenue to fund tribal government programs. The long-term damage to the CCT's economy and government will be felt for decades unless extensive replanting can take place soon. The loss of forest lands will also have a lasting cultural impact on the Colville Tribes and its members. The fires devastated big game populations, cultural plants, and culturally significant sites reservation-wide.

Also important is additional BIA funding for foresters, which are essential personnel to increasing the tribal timber harvests. The BIA remains responsible for a wide range of critical forestry functions in its capacity as trustee. These functions include environmental clearances and approval and oversight for timber and salvage log sales, and the lack of forestry staff to perform these and other trust functions directly constrains harvest levels.

MAINTAIN BIA LAW ENFORCEMENT FUNDING

There is a constant need for additional funding for tribal law enforcement and detention operations. The CCT requests that this account continue to be funded at the $373,460,000 level for FY 2018.

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 tribal police officer salaries within the BIA's budget. 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 BIA law enforcement account has seen much needed increases during the past few years. These programs continue to be underfunded relative to need, and the Subcommittee should ensure that there is no regression in these funding levels.

MAINTAIN CURRENT FUNDING FOR TRIBAL EPA PROGRAMS

Finally, the Colville Tribes requests that the Subcommittee maintain current funding levels for several tribal EPA program activities, which include the following:

Tribal General Assistance Program (GAP): This small EPA grant has resulted in tens of millions of dollars of cleanup work and planning on and around the Colville Reservation. As a direct result of the GAP program, the Colville Tribes initiated investigations to the Upper Columbia River Remedial Investigation Feasibility Study undertaken by the EPA and Teck Metals of British Columbia, the cleanup of a smelter site in Northport, Washington, removal of lead contaminated soil from people's yards in Northport, cleanup of a wood treatment plant in Colville, sampling and cleanup of lead contaminated soil from Indian Allotments and private home sites along the Columbia River near the Canadian border, among others. These actions, many of which occurred outside of the Colville Reservation, benefited the entire area and its population. None of these activates would have occurred without the GAP program.

Clean Water Act Section 106 Program: This program partially supports water quality monitoring at 50 sites, upgrading and enforcing water quality standards, performs snow water measurement, well head protection, pollution discharge permits, coordinates NPDES and Corps of Engineers permits, prepares annual Tribal Assessment Reports for water quality, and provides a vital basis for water quality standards and discharge permits.

Clean Water Act Section 319 Program: This program funds non-point source pollution control activities, including enforcement and permitting of the Colville Tribes' water quality standards code, and planning and project implementation for timber sales and forest management activities. More money should be made available to tribes with large reservations and vast water resources.

Wetland Program: This program enables the Colville Tribes to monitor, assess, and map wetlands on the Colville Reservation. It also enables the Tribes' staff to streamline and eliminate contradictions or inconsistencies in regulatory laws and updates shoreline management codes.

Clean Air Act Section 105 Program Accomplishments: The Colville Reservation comprises four airsheds delineated by mountains and rivers. The Colville Tribes achieved "treatment as a state"

status under the CAA program in 2004 and uses these funds to provide intensive monitoring of outdoor and indoor pollution levels and daily public notification during wildfire smoke events, in addition to numerous other activities benefiting the surrounding communities.

CERCLA 128a – Hazardous Waste Response Program: Funding from this program allowed the Colville Tribes to complete the following activities: Conducted fourteen Phase 1 and twenty-two Phase 2 environmental assessments; assisted twenty-eight responsible parties to achieve cleanups; conducted forty-five pre-demolition asbestos inspections; completed closure of twenty underground storage tanks; and provided enforcement oversight and cleanup response direction for remediation and closure of a gasoline spill site on State Route 21 adjacent to the Sanpoil River.

The Colville Tribes was unable to ascertain from budget documents how much of the funding appropriated to the programs identified went to Indian tribes. Whatever those enacted funding levels may be for FY 2017, however, the Colville Tribes requests that the Subcommittee maintain those levels specifically for the tribal allocation for each program.

Finally, with regard to tribal EPA programs, the Colville Tribes recommends the Subcommittee consider directing the EPA to make two changes relating to tribal funding. First, the EPA should restrict tribal program grant funds to Indian tribal governments, rather than funding tribal organizations or consortia (which are not tribal governments) or funding off-reservation work (which is a state responsibility). The second would be to encourage the EPA to fund tribes in block grants based on a single comprehensive work plan agreed upon by tribes and the EPA. This would reduce spending on grant administration and increase productivity and personnel time on solving real environmental problems.

Mr. CALVERT. Next, Donald Michel, executive director of the Upper Columbia United Tribes.

TUESDAY, MAY 16, 2017.

UPPER COLUMBIA UNITED TRIBES

WITNESS

DONALD R. MICHEL, EXECUTIVE DIRECTOR

Mr. MICHEL. Good afternoon, Chairman Calvert. I appreciate the opportunity to be here today to provide testimony on behalf of the Department of the Interior on the President's budget request for Indian Affairs for fiscal year 2018 to continue support for the $16 million of base budget funding of the Bureau of Indian Affairs, BIA, trust—natural resource management account, sub-activity—Tribal Management Development Program.

My name is D.R. Michel. I am a member of the Colville Tribe, and I am currently the executive director of the Upper Columbia United Tribes. Our organization consists of the Coeur d'Alene Tribe, the Confederated Tribes of the Colville Reservation, the Kalispel Tribe of Indians, the Kootenai Tribe of Idaho, and the Spokane Tribe of Indians.

Combined, the five UCUT member Tribal Governments represent over 15,000 enrolled Tribal members and retain management duties over 2 million acres of reservation lands, 14 million acres of aboriginal territories, and includes over 500 miles of waterways, 40 interior lakes, and 30 dams and reservoirs. The UCUT responsibilities encompass diverse land uses, ranging from wilderness to timber, grazing, mining, industrial zones, and growing urban areas.

Out of that $16 million line item, UCUT receives approximately $589,000. We are a decentralized organization, so there are five of us that work at the central staff. Out of that $589,000, we subcontract out to our member Tribes, which, in turn, allows them to participate back in the organization, so that gives us access to all of their technical, legal, and policy folks. So we are able to do what a lot of bigger organizations with bigger budgets do for, you know, a very, very small portion, $589,000.

Some of the major things that we are working on or are involved in is the Columbia River Treaty, which includes modernizing of the Columbia River Treaty between Canada and the U.S. to include ecosystem function, ecosystem services. Within that is fish passage at Chief Joe and Grand Coulee Dam.

I think over, you know, the past 80 years or with the development of the Columbia River, we have tended to focus on the two aspects of the treaty, which is flood risk management and hydroproduction, and based all of the economics or a lot of the things that we do around those two legs of the stool, so to speak.

So we worked real hard through the sovereign review process to get ecosystem function or ecosystem services included in the modernization of the treaty, which would allow us to look at the economic opportunities of fish passage, of some of the other things that currently aren't necessarily looked at when you are planning operations at the Federal Columbia hydro system. So there are a

lot of economic opportunities that we feel are available in modernizing the Columbia River Treaty.

We are in the process of completing an economic study of the Columbia River Basin, including the portion in Canada, which puts a value on those things—irrigation, navigation, recreation. All of the uses within the Columbia River, we are working on valuing those.

So, for the last 80 years, 100 years, ecosystem has been a cost to flood risk management and hydro while, in our opinion, flood risk management and hydro production has been a cost to ecosystem. And we are just trying to swing that balance back a little bit. So we are looking at all of those economic opportunities when we operate the Columbia River. It is a huge asset.

Our mission statement—I will run through real quick—is to unite the Upper Columbia River Tribes for their protection, preservation, and enhancement of treaty, executive order rights, sovereignty, culture, fish, water, wildlife, habitat, and other interests and issues of common concern in our respective territories through a structured process of cooperation and coordination for the benefit of all people.

And that is our philosophy, is, while the Tribes are out in front of these issues, the Tribes aren't the only ones that benefit. All the work that the Tribes do benefits everybody who lives along the reservoir, who lives in the region, recreates in those areas. And just a small budget allows the Upper Columbia United Tribes to come together on those common issues for the benefit, again, of all people.

And we thank you again today for this opportunity to provide testimony. If there is anything else we can provide or answer, we would be more than happy to. Thank you.

[The statement of Donald R. Michel follows:]

TESTIMONY
OF
DONALD R. (D.R.) MICHEL
EXECUTIVE DIRECTOR OF THE UPPER COLUMBIA UNITED TRIBES
BEFORE THE
SUBCOMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
COMMITTEE ON APPROPRITIONS
U.S. HOUSE OF REPRESENTTIVES
ON THE PRESIDENT'S FISCAL YEAR 2018 BUDGET
FOR INDIAN AFFAIRS
MAY 16, 2017, 2:20 P.M.

Good afternoon Chairman Frelinghuysen and Ranking Member Lowey, and members of the Subcommittee. Thank you for the opportunity to provide testimony on behalf of the Department of the Interior on the President's Budget Request for Indian Affairs for Fiscal Year (FY) 2018 to continue support of the $16 million of base budget funding of the Bureau of Indian Affairs (BIA), Trust - Natural Resources Management Account, Sub-activity - Tribal Management/Development Program. This funding requires current programmatic level funding which serves important tribal and regional interests. This work provides the foundation of any economic development originating from the healthy ecosystems of these tribal lands.

I am the Executive Director of the Upper Columbia United Tribes (UCUT), one of the robust organizations in this base BIA funding, which supports professional staff that protect and steward tribal-related natural resources management efforts across the country. These organizations provide essential and diverse services that include the Montana Bison Range, Lake Roosevelt Management in Washington State and Circle of Flight and other diverse services in many states. The Upper Columbia United Tribes (www.ucut.org) was formed in 1983 and is comprised of the Coeur d'Alene Tribe, Kootenai Tribe, Colville Confederated Tribes, Kalispel Tribe, and Spokane Tribe. Together, these tribes as the UCUT use these funds to perform essential governmental functions necessary to fulfill federal trust responsibilities concerning the protection and restoration of fish, natural resources and wildlife conservation in the Pacific Northwest.

Combined, the five UCUT member tribal governments represent over 15,000 enrolled tribal members; and retain management duties over 2 million acres of reservation lands, 14 million acres of aboriginal territories, and includes over 500 miles of waterways, 40 interior lakes, and 30 dams and reservoirs. The UCUT responsibilities encompass diverse land uses ranging from wilderness to timber, grazing, mining and industrial zones and growing urban areas.

The benefits of a healthy ecosystem provide employment and new economic opportunities in fish, wildlife, and habitat managed by these tribes yielding millions of dollars of value to the fishing, hunting, sustainable forestry, recreational, and cultural economies of Idaho, Washington, Oregon and most of the west. In eastern Washington and northern Idaho, the UCUT strive to manage and improve natural systems and resources for the benefit of all.

This aspect of the FY 2018 budget supports the most crucial function, which is to develop regional partnerships, that bring together local and regional governments to promote and assist in the beneficial use of our land and water. Specific examples of the benefits of the UCUT are:

The Health of the Columbia River Affects Everyone
The Tribal Management/Development Program assists the UCUT in the sustainable stewardship of resources in the Columbia River Basin. We have been able to create partnerships that allows for the successful management, development, and protection of Indian trust land and natural resources. These programs assist tribal landowners to optimize sustainable stewardship and use of resources, providing benefits such as revenue, jobs, and the protection of cultural, spiritual, and traditional resources. UCUT has garnered the trust and support of cities, counties, states, and U.S. members of both sides of the House and Senate in our efforts to implement cost-effective partnerships that support our management of trust resources and compliance with federal statutory mandates. The funding will target areas across the states that promote tribal cooperative management of fish and wildlife and improve access to subsistence resources on Federal lands and waters.

Regional Solutions Can Strengthen Sound Stewardship
Supporting Indian families and ensuring public safety are top priorities for the President and tribal leaders. We have helped lead the region to a consensus recommendation for the future of the Columbia River Treaty that includes a healthy ecosystem as a primary foundation of future river operations. We want to make sure that what we do for the river on the upper reaches does not harm the lower reaches – and conversely, what is done to manage the lower river does not harm the upper river region.

Increasing Resilience of Natural Resources in Indian Country
Tribes throughout the U.S. are already experiencing the impacts of a changing climate including drought, intensifying wildfires, changes in plants and animals important to subsistence and cultural practices, impacts to treaty and trust resources, and coastal erosion and sea-level rise. The UCUT seeks to leverage cost-share projects to complete large cost-effective workloads for which no other sources of funding exist, such as assistance with the shared mark-selective salmon harvest of the Colville Tribes, the UCUT Wildlife Monitoring and Evaluation Project, Timber Fish and Wildlife Program, outreach-and education programs, and continuing efforts that share the resources of all the member tribes of the UCUT.

Funds provide support for tribal development of and access to science, tools, training, and planning. The best available science supports the Tribes and region to build resilience into resource management, infrastructure, and community and economic development activities. Tribal lands, particularly in the West are by their geography and location on the frontline of climate variability, yet many of these communities face immense challenges in planning for and responding to the far-reaching impacts on infrastructure, economic development, food security, natural and cultural resources, and local culture. Many communities have experienced increasingly devastating wildfire, storms, droughts, floods, sea-level rise, and threats to subsistence resources. The Spokane and the Colville Confederated Tribes suffered tremendous losses in 2015 with wildfires devastating an area larger than greater Los Angeles. The damage to habitats, water regimes, fish and timber industry has cost the tribes into the hundreds of millions

of dollars. This Tribal Management/Development Program budget supports adaptation and resilience by funding training, studies, scenario planning, natural resource and infrastructure projects, public awareness and outreach efforts, capacity building, and other projects.

These priorities include the protection and restoration of ecosystems and important landscapes; stewardship of land, water, ocean, and energy resources; resilience in the face of a changing climate; and clean and sustainable energy development; again, for the benefit of all.

Summary

The proposed FY 2018 Tribal Management/Development Program budget must remain at current levels going forward to maintain strong and meaningful relationships with Native communities, while strengthening government-to-government relationships with federally recognized tribes and local, state and federal government agencies to promote efficient and effective governance, and supporting nation-building and self-determination. The FY 2018 budget request delivers community services, strengthens regional partnerships, empowers tribal stewardship of their homelands, fulfills commitments related to water and other resource rights, executes fiduciary trust responsibilities, supports the stewardship of energy and other natural resources, creates economic opportunity, expands access to education, and assists in supporting community resilience in the face of a changing climate.

As Secretary Zinke recently said, "(We) I have a great obligation to make sure as the steward of our public lands to make sure that we have value on it, that it's multiple-use," he said. "Some lands are best kept where man is an observer with the lightest footprints but a lot of our lands are in multiple use where they are for the benefit and enjoyment of people." The UCUT stand committed to work with this Administration, just as the past Administrations, to achieve this goal together of sound stewardship of our lands, waters and wildlife for the benefit of all.

Thank you for the opportunity to appear before you today. I am happy to answer any questions the Committee may have.

Mr. CALVERT. Thank you. I appreciate it.

One thing I just kind of remembered as we were having this testimony today is, obviously, being from California, earthquakes are a big thing in California, but I was surprised a number of years ago to read that, actually, the largest earthquake calamity could occur, in the Pacific Northwest and that, historically, it happens every so many thousands of years. And it seems like——

Mr. KILMER. We are overdue.

Mr. CALVERT. You are overdue, yeah. So I was reading that, which was somewhat alarming, because if that occurs, that would be truly a——

Ms. PIGSLEY. We won't be back next year.

Mr. CALVERT. Yeah.

So that just—it reminded that I know of the subsidence issues that are going on in that part of the world, not just water rising but ground sinking. So those two things are not good if you own low-lying land, I know that.

So, with that, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I was getting a map out to look.

So for part of where you are on the Canadian border, are there First Nations right above you? Are your lands rather contiguous, and is the Canadian Government helping the First Nations with some of these requests as you are having these discussions, because these are artificial lines that governments drew.

Mr. MICHEL. Correct.

Ms. MCCOLLUM. Your Tribal Nations didn't draw them, the First Nations, or as we refer to ours, as the First Americans. So can you tell me how the synergy works along the border between you and Canada?

Mr. MICHEL. So there are still family ties, family relations between First Nations in Canada, and Tribes in the U.S., Colville Tribe is actually part of the Okanagan Nation Alliance, the Kootenai Tribe of Idaho is one of the seven bands, the Tanana, which the other six are located in Canada, so we have those family ties.

Again, you mentioned the borders. You know, we don't really recognize it, but have to kind of follow along with that.

Ms. MCCOLLUM. Yeah.

Mr. MICHEL. We do work with the First Nations on those issues, coordinating messaging, and we have met with folks within the BC Hydro, and other entities, so there are those ties and that working relationship between First Nations and the U.S. Tribes.

Mr. TONASKET. Can I add that I am also chairman of the UCUT organization, at least until July and then I am retired.

But, when we have had meetings, with all of the Columbia River Tribes, that are affected by what is going on on the Columbia, and the UCUT hosted it, we also invited the Canadian Tribal leadership to come down and participate with us there too. So they are sitting with us when we are talking about the Columbia River Treaty so that we won't be at heads on the issues, because we are—you know, we are all in it together, water, fish, everything.

Ms. MCCOLLUM. Because the water flows north?

Mr. TONASKET. South.

Ms. MCCOLLUM. It flows south there? Because near the Great Lakes, up where we are in our water basin, it flows north.

Mr. TONASKET. It flows south.

Ms. MCCOLLUM. Yours flows south?

Mr. TONASKET. Yes.

Mr. MICHEL. Flows south. And it is unique that it comes into the U.S., goes back into Canada and then comes back into the U.S., some of the waters, the Okanagan, the Pend Oreille. So there is a lot of trans-boundary issues. Mel mentioned Teck Cominco and the pollution. That is a trans-boundary issue.

Ms. MCCOLLUM. I am going to have to look at a U.S. map. So you must be below the Laurentian Divide. You have got this former geography teacher really, really confused.

Mr. TONASKET. It is easier to paddle a canoe south on that river than it is to paddle it north——

Ms. MCCOLLUM. Oh, I will figure that out quick.

Mr. TONASKET [continuing]. Because it is going south.

Ms. MCCOLLUM. Okay, thanks. Because we don't have the water flowing up there, it is concerning. Their water quality then falls down into yours.

Mr. TONASKET. Yes.

Ms. MCCOLLUM. Okay.

Mr. TONASKET. Yes. That is why we are fighting the Teck Cominco.

Mr. MICHEL. If I may, there is a lot of information on our web page, UCUT.org.

Ms. MCCOLLUM. I will go there after the meeting.

Mr. MICHEL. A lot of information about operations and currently what we are working on.

Ms. MCCOLLUM. Thank you.

Mr. CALVERT. Mr. Kilmer.

Mr. KILMER. Thank you, Mr. Chair.

Briefly, I just want to say thanks to all of you for coming. And, Mel, congratulations on your impending retirement. I know that you have been spectacular not only in your service to your own Tribe, but to NCAI. You have demonstrated decades of leadership, so thank you for that.

Mr. TONASKET. Thank you very much.

Mr. CALVERT. All right. Thank you. Thank you to this panel. We appreciate your attendance.

Next we have Reynold Leno, Phil Rigdon, Patty Brown-Schwalenberg, Mark Hoover. So we are going to start off with Reynold L. Leno, Tribal council chairman for the Confederated Tribes of the Grand Ronde Community of Oregon. Did I get that right.

Mr. LENO. Grand Ronde.

Mr. CALVERT. Grand Ronde.

Mr. LENO. Grand Ronde.

Mr. CALVERT. You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

CONFEDERATED TRIBES OF GRAND RONDE

WITNESS

REYNOLD L. LENO, CHAIRMAN

Mr. LENO. Thank you, Chairman Calvert, Ranking Member McCollum, members of the subcommittee.

My name is Reynold Leno. I am the Tribal council chairman of the Confederated Tribes of Grand Ronde. Thank you for providing the opportunity to raise an issue of great importance to Grand Ronde and other restored Tribes.

I would like to thank Dee for her comments. She is a neighboring Tribe from Siletz.

The lack of adequate law enforcement funding for our reservation and in particular the continued impacts of termination has had on Grand Ronde's ability to secure Federal funding for much needed law enforcement services. Grand Ronde's reservation is located in the outlying areas of Polk, Yamhill, Lincoln County, and Tillamook County in rural northwest Oregon. The Tribe has over 5,000 members.

The Tribe was terminated by the Federal Government in 1954, but we all stayed there in Grand Ronde, but we were restored by the government in 1983. Grand Ronde, like other terminated Tribes, did not receive any of the Federal money for services and infrastructure that was otherwise available in Indian Country in the years before restoration.

Since restoration, the Tribe has spent a lot of time and money rebuilding its Tribal community, including the development of housing, which is approximately over 200 houses just for our Tribal members, not counting outside community, government buildings and an education complex, a health and wellness center, fire and police station, management of over 10,000 acres of timberland, and operation of a successful casino.

The Tribe has made substantial contributions in the infrastructure of the surrounding community as well, including roads, water systems, fire protection, and more.

Due to the high crime rate in the community and inadequate county resources since 1997, the Tribe has funded or provided criminal law enforcement on or near its reservation and surrounding community, initially entering into an agreement with Polk County and paying hundreds of thousands of dollars per year for coverage.

In 2012, following a change in the State law, the Tribe started its own police department, and now has the primary responsibility for law enforcement in all four of them county areas.

Crime on our reservation is a problem. Grand Ronde Tribal Police Department and the Polk County Sheriff's Office handled nearly 900 cases in 2015 and more than 1,000 in 2016 in the Grand Ronde area.

The numbers so far suggest we are on track to handle an estimated 1,200 cases in 2017. Drug-related crime is a real concern for our community, as it has increased in sex crimes also. Many reductions in force which resulted in loss of gains made and reduced our

ability to keep our youth safe and drugs off of our lands. 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 have problems getting funding for law enforcement.

The Tribe has never received operational funding from BIA, and requests for funding have been denied. The Tribe has utilized Cop grants and State grants to fund some law enforcement and emergency preparedness function, which I will also say when we were talking about the earthquake, we do serve as the emergency center for Polk and Yamhill County.

Due to the high crime rates in the remote and rural areas, which also contains one of the largest tourist destinations in the State, it is imperative there be a police protection, and the Tribe needs for BIA funding to provide it.

The Tribe has requested that BIA enter into a 638 contract under which the Tribe would procure law enforcement services, but these requests have been turned down because the BIA hasn't provided law enforcement services, so there are no services to contract for. Had Grand Ronde not been terminated in 1954, we believe the BIA would have provided law enforcement services on the reservation, thus allowing the Tribe today to qualify for a 638 contract to fund its police department.

There is a lack of law enforcement funding for Indian Country. As a formerly terminated Tribe, Grand Ronde and other Tribes who have been restored are at a disadvantage, as we are unable to secure law enforcement funding through the 638 program. BIA funding should be made available to those Tribes who have been terminated and then restored and who provide criminal law enforcement in their respective communities.

So on behalf of the Grand Ronde people and myself, I would like to thank you for the time.

[The statement of Mr. Leno follows:]

To: U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

From: Reynold L. Leno, Tribal Council Chairman, Confederated Tribes of Grand Ronde

Subject: May 16, 2017, American Indian/Alaska Native Public Witness Hearings

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Chairman Calvert, Ranking Member McCollum, Members of the Subcommittee:

My name is Reyn Leno and I am the Tribal Council Chairman of the Confederated Tribes of Grand Ronde. Thank you for providing me with the opportunity to raise an issue of great importance to Grand Ronde and similarly situated tribes in Indian Country – the lack of adequate law enforcement funding for our reservations. 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 5,389 members. The Tribe's Reservation is located in the outlying areas of Polk and Yamhill Counties.

The Tribe was terminated by the federal government in 1954 then restored in 1983. The burden of rebuilding the reservation fell on the shoulders of the Tribe. Grand Ronde, like other terminated tribes, did not receive any of the federal investments in services and infrastructure available to Indian Country in the years before restoration. Since restoration, the Tribe has put forth significant effort into rebuilding its Tribal community, including the development of various types of tribal housing, government buildings, an education complex, a health and wellness center, fire and police stations, management of over 10,000 acres of timber lands, and operation of a successful casino. The Tribe has made substantial contributions into the infrastructure of the surrounding community as well, including roads, water systems, fire protection, and more.

While Grand Ronde has made great strides in rebuilding its Reservation community, the Tribe continues to suffer the effects of the 29 years of termination, and it continues to be disenfranchised when seeking funding for infrastructure needs such as law enforcement. The Grand Ronde community has grown significantly over the last two decades, and along with that population growth has come an increase in crime. The Grand Ronde Tribal Police Department and the Polk County Sheriff's Office handled nearly 900 cases in 2015 and more than 1,000 cases in 2016 in the Grand Ronde area. Cases logged by the Grand Ronde Tribal Police

Department alone, through early May, suggest we are on track to handle an estimated 1,200 cases in 2017. Drug-related crime is a historic and persistent concern for our Tribal community, as is the growth of sex crimes.

Due to the high crime in the community and inadequate County resources, since 1997 the Tribe has funded or provided criminal law enforcement on and near its reservation and the surrounding community. Because of the Tribe's remote location, there is a history of inadequate police coverage. To address this, the Tribe entered into Enhanced Service Agreements with Polk County between 1997 and 2012, under which the Tribe paid the County hundreds of thousands of dollars per year to provide coverage in the Grand Ronde community. In 2012, following the passage of Oregon Senate Bill 412 – state law which allows Tribal police officers to act as peace officers under Oregon law – the Tribe started its own police department and began enforcing criminal law in the Grand Ronde area. Grand Ronde now has primary responsibility for law enforcement in the area.

The Grand Ronde Police Department has been slowly making strides in its law enforcement and community safety programs, and is beginning to see what we hope are positive trends in certain crime rates. Unfortunately, we continue to see sex crimes on the rise, especially those involving youth. Drugs remain a persistent concern in our community. Any reduction in force would result in a loss of any gains made, much less reduce our capacity to keep our youth safe and keep drugs off of our lands.

The Tribe has never received operational funding from the Bureau of Indian Affairs, and its requests for funding have been denied. 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 police operations, for which it requires BIA funding. 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 provide adequate law enforcement, it needs BIA funding.

The Tribe has requested that 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. Had Grand Ronde not been terminated in 1954, we believe the Bureau of Indian Affairs would have provided law enforcement services on the Reservation, thus allowing the Tribe today to qualify for a 638 contract to fund its law enforcement.

As a tribe terminated in the 1950s, Grand Ronde is at a severe disadvantage as it is unable to secure law enforcement funding through the PL-638 program, as it was not federally recognized during the self-determination era when these federal programs were established. Tribes that have been terminated and subsequently restored are at a significant disadvantage when it comes to accessing federal funding for law enforcement.

There is a lack of law enforcement funding for Indian Country. Grand Ronde is not alone – those tribes who have been restored following the termination era face additional challenges in securing funding. BIA funding should be made available to those tribes who have been terminated and restored and who provide criminal law enforcement in their respective communities.

Mr. CALVERT. Thank you very much.

Next, Phil Rigdon, president of the Inter-Tribal Timber Council. Welcome.

TUESDAY, MAY 16, 2017.

INTERTRIBAL TIMBER COUNCIL

WITNESS

PHILIP RIGDON, PRESIDENT

Mr. RIGDON. Thank you, Mr. Chairman and Ranking Member.

My name is Phil Rigdon. I oversee the Department of Natural Resources for Yakima Nation and I am also the president of the Intertribal Timber Council. I want to thank you for this opportunity to testify today.

Indian forests are sacred to our people. They provide the food, medicine, jobs, revenue, and the connection to our culture, our past, and our way of life today. One-third of Indian forest lands held in trust by the Federal Government are forest and woodlands. That translates to 18.6 million acres.

Indian forests generate over $40 million in annual Tribal government revenue for about 19,000 jobs nationwide. Overall, Indian forestry produced $3 in economic activity for every $1 invested by the Federal Government. With only a couple of Tribal sawmills left in production, most of our timber is processed by nonIndian mills across the West, meaning that surrounding communities share in the benefits of Indian forestry.

Our commercial forest management is guided by an annual allowable cut that harvests a sustainable benchmark that can be maintained indefinitely. The current AAC has targeted about 750 million board feet. That lumber could generate—or could build about 47,000 houses. But the BIA forest management has been chronically underfunded. BIA Forest received $1 for $3 that the U.S. Forest Service was appropriated. As a result, Tribes are challenged every year to meet the goals within our forest management plans.

Tribes are currently harvesting half of the annual allowable cut since 1991. This decline in itself will cost $700 million in foregone stumpage revenue and tens of thousands of jobs in the woods and mills.

In fiscal year 2015 alone, the depressed level of harvest cost Tribes more than $60 million. Even small increases in BIA forestry funding can and has resulted in positive results. The ITC thanks this committee for its willingness to invest in Indian forestry, and every additional dollar will generate more in local economies. As such, the ITC provides the following recommendations for fiscal year 2018.

We ask that you increase two accounts within the BIA Forestry. First would be a $5 million increase in the Tribal priority allocation for forestry. This will pay for an additional 67 foresters to increase Tribal trust timber harvests. Tribes can't cut timber without foresters on the ground laying down timber sales according to our forest management plans. The modest investment we request could

increase Tribal harvest by up to 200 million board feet, generating $3 in stumpage for $1 invested and create over 15,000 rural jobs.

To cite my own reservation, the Yakima Nation, 33 of the 55 BIA positions have not been filled. To date, it is basically unchanged despite the pleas by our Tribal government. Our harvest targets are not being met, our forest health is at risk, and economic opportunities are being lost.

Second, we ask for a $5 million increase in BIA forestry projects. This will go towards reforestation as well as thinning projects.

On a related issue, wildfire plagued Indian Country, as it does other large landowners. 2015 was the worst fire season in recorded history for Tribal forests, killing 1.5 billion board feet of timber worth more than $200 million in Tribal revenue.

Before fires, Tribes are ready and willing to thin overstocked stands and reduce the threat of wildfire. When fires do hit, however, we struggle to compete against other Federal agencies for fire suppression resources. After fires, Tribes can move quickly to salvage portions of the damage and get moving on rehabilitation, because Tribes rely heavily on our forest for our jobs and food. We are better motivated to get this work done than other of the Federal agencies, but we need funding in place to accomplish these three actions before, during, and after wildfires.

So we are asking for three items within the Department of Office of Wildland Management. $49.5 million in burned area rehabilitation for Indian forests burned in 2015. The vice chair from Colville talked about the need that Colville has to reforest. The Yakima Nation, where I come from, we have the need from the 2015 fires for reforestation on our lands.

Increase the fields management funding to $206 million and allow reserve treaty right lands to be expended on Tribal lands. The fund request within the Office of Wildland Fire is a reassessment of the Federal wildfire suppression priorities. Specifically we are asking the committee direct UAI to raise the priority of fires on Indian Lands to that of threat—that of life and property on other lands.

Time after time we have seen air tankers and fire crews diverted from Indian forests to protect private property in or near other Federal lands. We don't want to diminish the importance of suppression of these areas, but surely an uninsured summer cabin somewhere north of us is not worth more than a million acres of Indian land that sustains entire communities as well as being a trust asset to the United States.

Finally, the Intertribal Timber Council requests broader authorization for Anchor Forest initiative with the Forest Service. We are making great progress and planning many of these type of projects now, and we need to implement them, which includes timber harvests. We would appreciate report language that accelerate their completion.

We also ask the committee to encourage the Forest Service to increase the Tribal Forest Protection Act authority. Previous report languages provided by the committee have been helpful in initiating a number of TFPA projects and agreements, but much more can be done.

[The statement of Mr. 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 2018 APPROPRIATIONS FOR THE B.I.A., DoI WILDLAND FIRE MANAGEMENT, AND THE U.S. FOREST SERVICE, MAY 16, 2017

Introduction and 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 2018 Indian forestry-related activities in the Bureau of Indian Affairs (BIA), the Department of Interior (DoI) Office of Wildland Fire Management (OWFM), and the USDA Forest Service (USFS):

BIA

1) Increase BIA Forestry (TPA) by $5 million for the hiring of 67 additional foresters to increase tribal trust timber harvest pursuant to tribally approved forest plans, improving tribal employment, economies, and forest management;

2) Increase BIA Forestry Projects Forest Development by $5 million ($2 for thinning, $3 million for replanting) to reduce BIA backlogs, provide hundreds of immediate jobs, and strengthen long-term tribal economies;

OWFM

3) Provide $49.5 million in OWFM Burned Area Rehabilitation for Indian trust forests burned in 2015.

4) Direct a reassessment of wildfire suppression priorities to include Indian trust forests as a second priority behind only protection of life as a suppression priority.

5) Increase Fuels Management funding to $206 million; allow RTRL funds on tribal lands.

USFS

6) Encourage expanded support for the ITC *Anchor Forest* initiative, and direct USFS to initiate implementation of the Anchor Forest Final Report, including harvest.

7) Continue encouraging the USFS to improve implementation of the TFPA.

BIA

1) Increase BIA Forestry (TPA) by $5 million for the hiring of 67 additional foresters to increase tribal trust timber harvest within tribally approved forest plans, improving tribal employment, economies, and forest and woodland management.

Indian forests and woodlands comprise 18.6 million acres, or one third, of the total 57 million acres of Indian land held and managed in trust by the U.S. Department of the Interior's BIA. Forests are a principal tribal renewable resource, and more than 300 Indian tribes have forest resources. Across the country, Indian forests provide more than **$40 million** in annual tribal governmental revenues, **19,000 jobs** in and around tribal communities, and wildlife habitat, clean water and air, and sources of food and medicine for Indian people.

Six million acres of tribal trust forests support commercial use. Sustainable annual harvest targets set by tribal governments total approximately 750 million board feet. But lack of BIA trust management capacity, combined with increasingly complex federal regulation, has

caused actual annual harvest levels to fall steadily over the past forty years, to a current level only about half that amount. Since 1991, this decline has cost tribes **$700 million in foregone stumpage revenue** and tens of thousands of forestry-related jobs. For FY 2015, BIA could only process 46% of the tribally approved annual allowable cut, costing tribes more than $60 million in foregone revenue.

The 2013 Indian Forest Management Assessment Team Report, the third statutorily required (PL 101-630, Sec. 312) decadal independent review on tribal forests and forestry (IFMAT III), finds that federal funding for BIA forestry is only one third of that per-acre for the US Forest Service, that BIA technical forestry staffing is chronically insufficient, that each BIA forester administers more acres than any other federal forester, and that BIA professional forester staffing should be increased by 65%.

Over the past two years I cited an example on my reservation - the Yakama Nation – where 33 of the 55 BIA Forestry positions had not been filled for a long time. Today, it is basically unchanged, despite repeated Tribal pleas. Our harvest targets are not being met, our forest health is suffering, and economic opportunities are being lost.

Data from IFMAT III indicates $5 million added to BIA funding for 67 foresters (@ $75,000 each) could increase tribal harvest by up to 295 million board feet, generate $3 in stumpage revenue for every $1 invested, and create more than 15,000 rural jobs.

Please note that additional BIA funding for foresters is essential to increasing the tribal harvest. Even in this era of tribal assumption of forest management functions pursuant to the Indian Self-Determination Act, the BIA remains responsible for a wide range of critical forestry functions in its capacity as trustee. These functions include environmental clearances and approval and oversight for timber sales, and the lack of forestry staff to perform these and other trust functions directly constrains harvest levels.

In addition to significantly increasing harvest, jobs and revenue, increased BIA funding for forestry staff would improve compliance with approved tribal forest management plans, bringing the forest into a better managed state, improving forest health and reducing fire, insect and disease threats and their associated federal costs.

2) Increase BIA Forestry Projects Forest Development by $5 million ($2 for thinning, $3 million for replanting) to reduce BIA backlogs, provide immediate jobs, and strengthen long-term tribal economies.

For decades, insufficient BIA support has allowed significant thinning and replanting backlogs to accrue on tribal trust forest land. In recent years, the thinning backlog has remained around 10% of tribal trust forest acreage, and the replanting backlog has stayed around 4%. With these backlogs, parts of our forests are either underproductive or out of production altogether, depriving our communities of vitally needed jobs and income. The backlogs also contribute to poor forest health, particularly for thinning, where dense stands grow slowly and are especially susceptible to fire, disease and insects.

In FY 2016, Congress initiated an effort to significantly reduce the BIA's thinning backlog. The Committee has maintained this effort with $2 million in FY 2017, which is greatly appreciated. For FY 2018, we request its continuation with a $2 million increase, and that this forest development initiative be extended to replanting with a $3 million increase. Both will immediately provide hundreds of reservation jobs, with replanting offering needed entry-level opportunities. Increased thinning can also produce immediate increases in forest product values and tribal revenues, and over the long term, thinning and replanting both strengthen our forest

economies and improve forest resiliency, in keeping with the federal government's trust obligation. We urge the Congress to make these critical investments for both today and the future.

DoI Office of Wildland Fire Management

3) Provide $49.5 million in OWFM Burned Area Rehabilitation for Indian trust forests burned in 2015.

The Interior Department's Office of Wildland Fire Management has done next to nothing to rehabilitate the nearly 500,000 acres of tribal trust timber burned during the catastrophic 2015 wildfire season. Approximately 1.5 billion board feet of timber was killed, worth more than $200 million in tribal revenue. Nearly 100,000 acres need reforestation. Tribal losses of their forest resource, revenue and jobs are severe and will extend decades into the future. BIA has estimated recovery costs $55 million over five years, including $9 million for FY 2016 and $12.6 million for FY 2017. To date, the Interior Department has only provided $5.5 million toward the recovery of our trust forests burned in 2015, and that includes $2 million provided by Congress in FY 2016 to BIA Forestry Projects – not OWFM.

It is outrageous that federal wildland fire policy essentially sacrifices our trust forest assets to protect private property (see next item), and now, having allowed this important trust asset to be significantly damaged, the federal government is giving only lip service to its rehabilitation. For FY 2018, to try to get us back on track and assure the recovery of this trust asset, we ask that the full balance of the BIA's rehabilitation budget for these 2015 burned lands be provided in the OWFM BAR appropriation, specifically designated for recovery of tribal forests burned in 2015.

4) Direct a reassessment of wildfire suppression priorities to include Indian trust forests as a second priority behind only protection of life as a suppression priority.

In late summer 2015, when a wave of lightning-caused wildfires swept across the Northwest, including on Indian reservations, fire crews attacking reservation fires were diverted to fight off-reservation fires threatening private property, and the fires on our trust forests exploded. Despite the federal trust obligation and liability for the management and protection of tribal trust forests, despite the tribal communities' reliance on our trust forests for jobs, revenue, water, and a broad array of other economic, ecological and cultural benefits, federal wildfire policy basically sacrifices Indian trust property to save private property. That should not be the case. We understand the protection of life needs to be a first priority in wildfire suppression, but we believe our forest property, which the US has a trust obligation to protect, should be considered a priority over private property in federal wildfire suppression priorities. While burned tribal forests and our dependant economies will take decades to recover, burned private structures, often insured, can be rebuilt in months. As the ITC requested last year, we again request the Committee to direct the reevaluation of federal fire suppression priorities to consider the protection of Indian trust resources as second only to protection of life.

5) Increase Fuels Management funding to $206 million; allow RTRL funds on tribal lands.

For FY 2018, ITC urges, as it has for many recent years, that DOI Fuels Management funding be restored to its FY 2010 $206 million level. Proactive reduction of fuels is a proven method to reduce risk to our nation's forests and is a sound investment to reduce the expense of future suppression. Within the FY 2018 Fuels Management budget, ITC also strongly supports

the continuation of $10 million for Reserved Treaty Rights Lands (RTRL) landscape restoration. Currently, tribes can use these funds for proactive fuels and forest health projects on neighboring federal forests to protect tribal treaty assets. To make these RTRL funds more flexible and efficient, we ask that they be authorized for use on both tribal lands and off-reservation lands.

USFS

6) Encourage expanded support for the ITC *Anchor Forest* initiative, and direct USFS to initiate implementation of the Anchor Forest Final Report, including harvest.

ITC requests that the Committee include report language to encourage and expand the Forest Service's continued support of the ITC's *Anchor Forest* initiative, in which tribes and other forest stakeholders pursue long-term collaboration to maintain ecological functions and sustain economically viable infrastructure for management, harvesting, transportation, and processing of forest products as a cost effective management strategy. The final report of the ITC's *Anchor Forest* pilot study of forest lands in central and eastern Washington State, published in March 2016 and available on line at the ITC website, was developed with the participation of tribal, federal and state governments, the conservation community, and local forestland owners and businesses. Tribes in the Lakes States, the Plains States, Alaska, and the Southwest are expressing interest in the *Anchor Forest* concept, and we urge Committee report language supporting expanded application of the *Anchor Forest* concept.

ITC also asks that the Committee direct the USFS to actively initiate implementation of the Anchor Forest Final Report, including harvest. The USFS contributed to and actively participated in that *Anchor Forest* study. The study is now complete and published, but USFS has not thus far undertaken any activities to implement its findings and recommendations. To help bring life to the *Anchor Forest* concept and sustain local forest jobs and infrastructure, please direct USFS to begin implementing its portion of the Anchor Forest Final Report, including harvest.

7) Continue encouraging the USFS to improve implementation of the TFPA.

Finally, ITC requests the Committee express continued support for implementation of the Tribal Forest Protection Act, as it did in FY 2015. The Tribal Forest Protection Act (TFPA, PL 108-278) authorizes tribes to conduct fuels and health projects on USFS and BLM lands to protect tribal trust and cultural resources. The Committee's support helped prompt a series of successful regional TFPA workshops and the initiating of a good number of TFPA agreements. There is strong continuing interest in additional workshops and TFPA projects, and the ITC urges the Committee to express continued support for the TFPA program.

Intertribal Timber Council background.

The ITC is a 41 year old association of forest owning tribes and Alaska Native organizations dedicated to improving the sustainable ecological and economic management of our 18.6 million acres of timberland and woodland held in BIA trust. We invite you to come visit.

That concludes my statement. Thank you.

Mr. CALVERT. I thank the gentleman. Next is Patty Brown-Schwalenberg, executive director of the—how do you pronounce that? Chugach?

Ms. BROWN-SCHWALENBERG. Chugach.

Mr. CALVERT. Chugach Regional Resources Commission. You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

CHUGACH REGIONAL RESOURCES COMMISSION

WITNESS

PATTY BROWN-SCHWALENBERG, EXECUTIVE DIRECTOR

Ms. BROWN-SCHWALENBERG. Thank you, Mr. Chairman. And thank you, committee members, for allowing all the Tribes the opportunity to share our information with you today.

[Speaking native language.]

I am an enrolled member of the Lac du Flambeau Band of Lake Superior Chippewa Indians in northern Wisconsin and the executive director of the Chugach Regional Resources Commission, also known as CRRC. We are located in south central Alaska.

And I wanted to start just by thanking my elders for sharing their knowledge with me over the years both at my own home reservation and in Alaska, and as well as my ancestors, who I know or watching over each and every one of us.

So I am here to ask Congress to sustain the current level of funding for the $410,000 in the BIA budget for our organization. While we recognize the reality of our Federal deficit and the need to reduce Federal spending, we also encourage Congress to continue to fulfill its legal and contractual spending obligations to the Tribes.

CRRC is a nonprofit coalition of Tribes established in 1984. The Tribes are located in Prince William Sound and Lower Cook Inlet, and include Tatitlek, Chenega, Port Graham, Nanwalek, the Native Village of Eyak, the Qutekcak Native Tribe, and the Valdez Native Tribe.

So our mission is to work with the Tribes to collectively address environmental and natural resources issues that affect the subsistence resources upon which they depend. We are also charged with developing culturally sensitive economic projects at the local level to support the sustainable development of the region's natural resources, such as shellfish and salmon.

The action to create a separate entity to address natural resources rather than relying on the regional nonprofit organizations in Alaska is a testament to the level of concern and importance these Tribes hold for the environment and the need to preserve these resources for future generations.

So through our programs, we provide employment for up to 20 native people in our region, and this is an area that faces high levels of unemployment. So support from this committee has allowed us to realize real economic opportunities, savings, and community investments that have had a great impact on our region. So our employees are able to earn a living and reinvest that money back into the community.

So—and we have also been very successful at leveraging this funding into almost $2 million annually to support community-based programs. So we have been able to match this funding with other sources, such as University of Alaska, the State of Alaska, the Bureau of Indian Affairs, Fish and Wildlife Service, Department of Education, and many philanthropic foundations.

So this diverse funding pool has assisted us in funding the development of the Alutiiq Pride Shellfish Hatchery. It is the only shellfish hatchery in the State of Alaska run by our organization, and it is located in Seward. It houses shellfish seed, brood stock, and algae production facilities, and has undertaken 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, and we have already been successful at culturing geoduck oyster, littleneck clam, and razor clam species, and we are currently working on sea cucumbers, which as a potential to dramatically increase commercial opportunities for the region in the future.

And as you have heard from the Squaxin Island Tribe and Mr. Peters mentioned that their populations of shellfish are declining, and we have been experiencing that same phenomenon for the past 20 years, and so we also have an ocean acidification lab in the hatchery, and we are testing the water throughout the region to determine if that is one of the causes of the shellfish decline.

So we are doing some important work at the hatchery and it is also providing some food security opportunities for the villages, as we are planting some of those clams back into the beaches near the communities.

And as I said, it is the only shellfish hatchery in the State, and it is also the only organization in Alaska that can carry out this research and production. So we have many important partners, but it also allows opportunities that we continue to enjoy if our funding remains stable.

So, we have also developed natural resource curriculums with the University of Alaska Fairbanks and NOAA, and that is to encourage students to pursue degrees in the natural sciences. And it is kind of a step down from the, I don't know if you are familiar with the Alaska Native and Engineering and Science Program, and so that is a college based, at the university, this is more of a voc tech type thing.

And then, finally, the Migratory Bird Co-Management Council. The Alaska Migratory Bird Co-Management Council is a partnership between the Fish and Wildlife Service, the State of Alaska, and the Alaska Natives to set regulations for the spring-summer harvest of migratory birds.

And so we were able to after 30 years to offer the harvest of Emperor geese this year, which is exciting. And that also—it is done through a funding agreement. And we would like to ask Congress to encourage the service to more seriously consider 638 contracts with the Tribes for services that the Tribes can provide on their behalf.

So in conclusion, we urge you to sustain the current level of funding of $410,000 in our budget, and we will, again, use these

dollars to leverage more to do more for the Alaska people. So thank you.

[The statement of Ms. Brown-Schwalenberg follows:]

TESTIMONY OF
PATTY BROWN-SCHWALENBERG, EXECUTIVE DIRECTOR
CHUGACH REGIONAL RESOURCES COMMISSION
HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE BIA'S FY 2018 BUDGET
MAY 16, 2017

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 2018 Budget. We are aware of the ongoing concern over the federal deficit and federal spending. Nevertheless, while the federal government is trimming its spending, it 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. 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.

Through its many important programs, CRRC provides 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 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 and 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 $410,000 in 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

We urge Congress to sustain the current level of funding of $410,000 in the BIA's 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.

Mr. CALVERT. Thank you very much for your testimony.
Ms. BROWN-SCHWALENBERG. [speaking native language.]
Mr. CALVERT. Next, Mark Hoover from Cordova, Alaska.

TUESDAY, MAY 16, 2017

NATIVE VILLAGE OF EYAK TRIBAL COUNCIL

WITNESS

MARK HOOVER, MEMBER

Mr. HOOVER. [Speaking native language.]

Mark Hoover. We are located on the eastern shores of Prince William Sound, most notoriously known as the biggest DUI event in the world probably, Exxon Valdez oil spill.

Our big concern is the sequestration, the possibility of that with a proposed budget of $54 million in defense spending, and probably that means cutting out a lot—$54 million, and we are part of what that would be, so we are asking for an exemption like the Veterans Administration, if that would be possible.

Healthcare, we are trying to decide how to go about building a new hospital or a clinic, but we live in a town that has a hospital already, but they are losing 500 to 1 million dollars a year, and that has been going on like that, the city has to subsidize it.

So we don't know how long they are going to last, so we don't know what to go for next, you know. I mean, a hospital would make sense, but we are in a lease situation right now with an old building, it is getting too small. And we are also taking care of the nonnative people in Cordova through a community health center grant.

And then the Tribal courts, funding is really important to us. We are just kind of getting started with that. We are doing referrals from the State court for minors consuming right now, and we are hoping to expand that to other, you know, jurisdictions of law.

And so we also would like to speak in favor of the village-built clinics and the joint venture program also for—especially if that could be opened up for 2018 for new Tribes to be involved in that.

So I had one thing here I wanted to conclude with. We face some of the same problems dealing with mental health and learning to deal with post-traumatic stress disorder that the government faces right now. Soldiers returning from war are experiencing the same symptoms that our indigenous peoples are dealing with, alcohol and drug abuse, loss of identity, high numbers of suicide.

And Native People have been dealing with trauma for generations, such as disease wiping out entire villages, loss of language, loss of land, and the nightmare of boarding school; still trying to deal with those events. And we are hoping that once there is a tool that can be used to deal with it, I don't know if the government has that for their soldiers yet or not, but we would really be interested in knowing anything that we could do to help stop that.

We have done our best to deal with the physical health issues with funding that has not really kept up with rising costs over the years, and little to no funding to deal with trauma-based disorders.

And so those are our main key problems, and we thank you very much.

[The statement of Mr. Hoover follows:]

Native Village of Eyak
P.O. Box 1388
Cordova, Alaska 99574
(907) 424-7738

Mark Hoover, Tribal Council, Native Village of Eyak

Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies
Regarding FY 2018 Indian Programs Appropriations

The Requests of the Native Village of Eyak (Eyak) for the FY 2018 Indian Programs Appropriations and our comments are as follows:

- CSC Funding - Continue to fund Contract Support Costs at 100% and appropriate funding on a permanent and mandatory basis;
- Sequestration - Shield the IHS/BIA from sequestration and provide advance appropriations to Native programs;
- VBC Funding - Direct the IHS to fully fund Village Built Clinic (VBC) leases, make it a line item in the budget and allocate $17 million to IHS for VBC leases;
- Joint Venture Program - Increase funding and reopen the Joint Venture application program in 2018;
- Natural Resource Funding - Increase funding for tribal natural resource management programs; and
- Tribal Court Funding - Increase funding for tribal courts located in PL280 states.

Thank you Chairman Calvert, Ranking Member McCollum and members of the Subcommittee for holding this hearing for public witnesess on Indian programs. Of course, we also thank our own House Natural Resources Committee, Chairman Emeritus Young for his advocacy with this Subcommittee.

My name is Mark Hoover and I am a Council Member on the Eyak Traditional Council, a tribal government located in Cordova, Alaska. We are a federally recognized Tribe on the southeast shores of Prince William Sound in the North Gulf coast of Alaska. We emphasize self-determination as an avenue to improve the lives and health of our tribal citizens by creating opportunities, strengthening partnerships and capacity, promoting our culture, and protecting our traditional land and resources..

Contract Support Costs (CSC). Eyak would first like to thank the Subcommittee for its leadership in understanding the reason for and committing to fully funding the IHS and BIA contract support costs for FY2016, and FY 2017, and making funding indefinite and also a separate account in the IHS and BIA budgets. For too many years, the IHS and the BIA have vastly underpaid contract support costs owed to Tribes and tribal organizations and this transformation makes a tremendous difference in helping to ensure that the Indian Self-Determination and Education Assistance Act (ISDEAA) is fully

funded and implemented as Congress so intended. We thank you for listening and responding to Tribes and our requests.

Eyak requests that Congress continue to fully fund CSC and ensure appropriations are ultimately made permanent and mandatory. Under the ISDEAA, the full payment of CSC is not discretionary; it is a legal obligation affirmed by the United States Supreme Court. Eyak maintains its commitment to working with Congress on how to best achieve that goal.

Sequestration. Eyak requests the support of the Subcommittee in amending the Balanced Budget and Emergency Deficit Control Act to exempt Indian programs, such as the IHS and BIA budgets, from sequestration. While we support Congressional efforts to fully exempt Veterans Health Administration (VA) programs from sequestration and to limit state Medicaid grants and Medicare payments to a 2% reduction, Indian health care, as a federal trust responsibility, should be afforded equal treatment to VA programs. A number of members of this Subcommittee and other members of Congress have voiced support for this position and have stated that it was an oversight that Indian budgets were not also included in the exempt category of the Balanced Budget and Emergency Deficit Control Act.

Eyak is concerned that the current FY 2018 funding cap for non-defense discretionary spending is lower than the FY 2017 spending cap. When put in the context of the President's FY2018 budget proposal to raise defense spending by $54 billion and lower non-defense discretionary spending by a corresponding amount, we are worried that a significant sequestration of funds is likely to occur which would severely impact tribal program budgets. Indian program budgets should be exempt from sequestration.

Village Built Clinics. Eyak would like to thank Congress for its appropriation of $11 million for tribal health clinic leases in the FY 2017 Consolidated Appropriations bill. These small chronically underfunded remote clinics serves as an essential lifeline for rural Alaskan villages where there is no road system to connect villages to urban centers. We sincerely appreciate your support and thank you for your leadership on this issue.

Eyak also appreciates the House Natural Resources Subcommittee on Indian, Insular, and Alaska Native Affairs holding a hearing on Indian infrastructure needs in Indian Country, and the support and participation of Chairman Emeritus Young in the discussion that focused on the considerable unmet needs of Village Built Clinics. Many of the Village Built Clinics are in extreme disrepair and there is a considerable need for a reserve fund for upkeep and expansion of these essential facilities. In 2015, the Alaska Native Health Board estimated that an additional $14 million annual appropriation would be needed to fund a replacement reserve to tackle the clinic crisis. Eyak supports increased funding for Village Built Clinics and requests that funding be a separate line item in the IHS budget, recurring funding, and displayed in the Budget Justification to enable better planning and certainty for Tribes.

The $11 million increase in FY 2017 funding for Village Built Clinics was a major advancement, but that amount does not meet the full need. In 2015, the Alaska Native Health Board estimated that in addition to the existing $4.5 million base, $12.5 million is still needed to fund the Village Built Clinics. The FY 2017 funding served as a supplement to the approximately $4.5 million already being provided to these essential village clinics. Without a separate line item for Village Built Clinics, much of the funding could be distributed to other types of facility leases, leaving the Village Built Clinics falling far short of the necessary funding.

Joint Venture Program. Eyak urges Congress to increase funding for the IHS Joint Venture (JV) program and respectfully requests that the application period reopen in 2018, so that new Tribes can join the program. The JV program leverages both tribal and IHS funding to enable construction and staffing of safe and modern health facilities for Native people. This unique federal-tribal partnership allows the IHS to provide funding for staffing, equipping, and operations, while a participating Tribe covers costs of design and construction. Joint Venture projects have proven to be a successful and vital component of improving access to care and reducing health disparities throughout Indian Country. Eyak would like to invest in a new health facility in the near future and is ready to take this next step in our self-determination efforts as we continue to provide and expand quality and affordable community health care.

Natural Resource Funding. Eyak respectfully asks that Congress increase funding for tribal natural resource management programs to assist Tribes in the management, development, and protection of tribal natural resources. Tribal natural resource programs provide many benefits to a Tribe such as revenue generation, job creation, and the protection of cultural and traditional resources. It is a program that helps fulfill the federal trust responsibility by allowing Tribes to manage their own natural resources in compliance with various regulations and requirements related to land and natural resource management. Increasing funding for these fundamental programs is essential.

Tribal Court Funding. Eyak welcomes the FY 2017 increase for tribal courts located in P 83-280 (PL 83-280) states and asks that this increase continue in FY 2018. We see no greater need across Indian Country than to protect our tribal citizens through public safety and justice initiatives. Eyak has a very active tribal court, but like other Tribes who reside in PL280 states, we consistently struggle with funding. As we work to build, maintain and improve our village infrastructure, a crucial part of that is a well-functioning tribal judicial system.

The BIA has had a long-standing and unjustified policy of not funding tribal courts in PL280 states. The FY 2017, BIA Tribal Justice Support appropriation was $17.2 million, or about $7 million over FY 2016 levels and it would provide increases resources for tribal courts in PL180 states. The BIA FY 2017, explanatory language for the Consolidated Appropriations Act explains: "Funding for Tribal justice support is restored to $17,250,000, of which not less than $10,000,000 is to address the needs of Tribes affected by Public Law 83-280. The Committees remain concerned about Tribal court needs as identified in the Indian Law and Order Commission's November 2013

report, which notes Federal investment in Tribal justice in "P.L. 280" States has been more limited than elsewhere in Indian Country. The Committees expect the Bureau to work with Tribes and Tribal organizations in these states to fund plans that design, promote, sustain, or pilot courts systems subject to jurisdiction under Public Law 83-280. The Bureau is also directed to formally consult and maintain open communication throughout the process with Tribes and Tribal organizations on how this funding supports the technical infrastructure and future Tribal court needs for these jurisdictions."

Eyak sincerely thanks Congress and especially Senator Murkowski, for underscoring the significant financial need of tribal courts in PL280 states. We respectfully request that Congress increase funding for our tribal courts to meet the substantial financial need and we also request that Congress continue to urge the BIA to fund PL280 courts in order to promote safe and healthy tribal communities.

In conclusion, and on behalf of the Native Village of Eyak, we thank you for the opportunity to present testimony on some of the high priority needs regarding funding for Indian related programs. Eyak recommends: continued funding for Contract Support Costs at 100% on an indefinite and mandatory basis; exempt the IHS/BIA from sequestration and provide advance appropriations for Native programs; fully fund Village Built Clinic leases at $17 million and make it a line item in the budget; increase funding and reopen the IHS Joint Venture program; increase funding for tribal natural resource programs; and increase funding for tribal courts located in PL280 states. We appreciate your commitment to Native American people and thank you for your consideration of Eyak's concerns and requests.

Mr. CALVERT. Do you know my good friends John and Barbara Harville up there?

Mr. HOOVER. Oh, yeah.

Mr. CALVERT. I was raised with him, so he is a good guy. So say hi to him the next time——

Mr. HOOVER. I will. I will.

Mr. CALVERT [continuing]. You see him. So you have a direct line to me through John. No. John is a little older than me.

Mr. HOOVER. Yeah.

Mr. CALVERT. He is a great person.

I was curious, why were you terminated in the first place as far as——

Mr. LENO. Well, I guess everybody probably shares their own story—I guess everybody could share their own story. The belief of our people was that we were terminated because they wanted our timber.

Mr. CALVERT. I see.

Mr. LENO. We sat right at the coast range on this side of the mountain and we had prime timber, prime old growth timber, some of the best stands in the state of Oregon, and they wanted it and they took it.

Mr. CALVERT. Okay. Well, I am sorry that occurred, but thank you for your service in the United States Marine Corps. I appreciate that.

Mr. LENO. Thank you.

Mr. CALVERT. God bless you.

On timber, which is obviously an interest to many of the Tribes in the Pacific Northwest and in Alaska, but, I think I know the answer to this question, but I am going to ask it anyway. How is the interaction between the BIA forest management and the United States Forest Service and the State and the, say, other agencies? Do they work well together?

Mr. RIGDON. I don't know if the BIA necessarily. I think the Tribes spend a lot more time trying to coordinate between the States, the Feds and, you know, the BIA and the Forest Service. There is some interaction at times with the Forest Service and the BIA, but usually they are way off on what their missions are also.

Mr. CALVERT. Well, I know we need to work better on that.

One thing I know that we should all work together on, as this committee is, Mr. Simpson is not here right now, but to support his bill to have a better way to fund the forest calamities, the forest fires that we are having throughout the United States, and that way we can use our, you know, disaster accounts rather than having to take money out of the forest accounts and other accounts to fight fire.

It makes it more difficult to manage fire, because we end up taking out money from all these various accounts, and I suspect that happens in the BIA accounts also. So it is something we should look at.

With that, Ms. McCollum, do you have any questions?

Ms. MCCOLLUM. You must have been reading my mind, because I was thinking the same thing.

Mr. CALVERT. Yeah.

Ms. MCCOLLUM. Would Mr. Simpson's bill help, or do we need to look at better integration between what the BIA Division of Forestry is doing and what the U.S. Forest Service is doing.

We would have to do it with the support and with consulting the Tribes, but would there be a way to make this more commonsense? Rather than standing up two separate organizations and all the bureaucracy that goes with that, to have one organization be in charge, but to make sure you got your fair share and to have good oversight on it.

I don't know the answer to that, but it seems duplicative. You are not getting good service because they are not filling the positions, not because people are giving you bad service, you are just not getting any service. Is that correct?

Mr. RIGDON. I think it is a real important concept, because I will use our Yakima Nation as an example. Back in the 1990s, we had a western spruce bloodworm, and we had resources to do this. We harvested 225 million board feet of timber a year, over 25,000 acres a year—you know, salvaging these areas.

As we move into today, you know, we were challenged with the resources that we had to get 106 million board feet following the 2015 fires. And that shouldn't have been as big a problem, but the resources that we have, we have a third of the resources, and so our ability for that. As far as, I think—we are very proud of what we accomplish on our ground, and we look across the boundaries and we see a lot of red tape that holds up activities.

And so if we had the same resources as the Forest Service, I think we could be able to treat a lot more acres in a lot more consistent manner that is actually, I consider, more conducive to what the natural world looked like when my ancestors were here before the nonIndians came, and so——

Mr. CALVERT. Sure. Now, one last comment on the budget. Both Ms. McCollum and I serve on the Defense Appropriations Committee, so we spend a lot of time together between this committee and that committee, and we have our challenges in the Department of Defense, but you shouldn't have to suffer through that. And so we are hopefully going to come up with a budget agreement, I hope, that we can agree on, so that shouldn't devastate the Department of Interior.

So that is what we are working toward, anyway. So we will see how that all works out.

Any other questions?

Ms. MCCOLLUM. No. Thank you.

Mr. CALVERT. Okay. Thank you very much. Appreciate it.

Next panel is Audrey Hudson, Victoria Demmert, Victor Joseph, and Christopher Bolton. We are all here.

First I would like to recognize Audrey Hudson, mayor of the—see if I can pronounce this correct—the Metlakatla Indian Community. How's that?

Ms. HUDSON. How about we sit here until you get it right? It is Metlakatla Tribe.

Mr. CALVERT. Okay. I will take your word for it.

You are recognized for 5 minutes.

TUESDAY, MAY 16, 2017.

METLAKATLA INDIAN COMMUNITY

WITNESS

AUDREY HUDSON, MAYOR AND TRIBAL CHAIR

Ms. HUDSON. Thank you. Good afternoon, Chairman Calvert and Ranking Member Betty McCollum. It is an honor to be here today.

My Tsimshian name is Galksiyaa da mangyepsa tgwa, my English name is Audrey Hudson, and I am the mayor of Metlakatla Indian Community.

I am here today on behalf of the Metlakatla people of southeast Alaska, the federally-recognized tribe that I was elected to represent, and I do so as one sovereign nation to another.

We are an island Nation of people. We have the only reservation in the State of Alaska, which we fought to retain all through the statehood and later as the Alaska Native Claims Settlement Act era.

When you live on an island, you recognize the nature of the resources around you, and like our ancestors, you learn to keep and fight for those resources.

As you will note in our written testimony, we have specific resources we are highlighting this year, which by no means indicates that we have full funding in other areas. I encourage you to hop on a plane and visit the island community of the Metlakatla so that you have a better understanding of our people, our culture, and history, and our need. We need water to drink to survive, and energy to heat our homes, maintain our government, and engage in economic development.

As discussed at greater length in the written testimony, we have two dams on Annette Island, and the BIA has determined this spring in its Safety of Dams Evaluation, that the Chester Lake Dam qualified to have its hazard classification upgraded from low to high hazard. This is significant. And while this determination now requires additional comprehensive evaluation of the dam, its status and steps to take to prevent any kind of an emergency or hazard to the community health and wellness, there is no immediate funding. We determined through this process that $1 million in infrastructure funding is necessary to make safety improvements at Chester Lake Dam as well as carry out necessary planning and studies for expansion of the dam's storage and hydropower production capacity.

We make this request to the subcommittee that it appropriate this additional $1 million in funding. The total cost of this project will be approximately $12 million, but the initial funding will allow for the immediate safety measures to be implemented to protect the drinking water supply while planning for the Phase II improvements that will increase not only the water storage capacity, but also expanded hydro power production for Chester Lake Dam.

In order to maintain order and provide public safety and community justice systems, we maintain law enforcement and Tribal court systems. I strongly urge the subcommittee to move forward with funding in line with the appropriation levels in the fiscal year 2017 act supporting Tribal court systems in states impacted by Public

Law 83–280. Alaska is such a State, and the need for Tribal court funding support in Alaska was underscored in the 2013 bipartisan Indian Law and Order Commission Report.

As the subcommittee is aware, effective governance through the Federal Tribal trust relationship requires full contract support cost funding. I want to personally thank this subcommittee for its continued leadership in the contract support cost funding.

Our objective, though, continues to be the indefinite appropriation of CSC funding as mandatory and permanent full payment of CSC is not discretionary, it is a legal obligation under the ISDEAA affirmed under the U.S. Supreme Court. Funding of CSC on a discretionary basis has in the very recent past placed the House and Senate appropriations committees, in their own words, in the untenable position of appropriating discretionary funds for the payments of any illegally obligated contract support costs.

We remain committed to working with the appropriate congressional committees to determine how best to achieve this objective.

On the health side, our testimony focuses on two key initiatives, village-built clinics funding and his funding protection from sequestration. We thank Congress so much for the $11 million for the Tribal health clinic leases in the fiscal year 2017 Consolidated Appropriations Act and in particular for Senator Murkowski's determination in advocating for these very small clinics, which are the health lifeline in rural Alaska villages.

I ask that you put yourself and your family in the position of living in a tiny, incredibly remote village with limited roads and challenging weather, and needing the healthcare that can be provided by trained community members and the health professionals who rotate in and out of those communities and utilize the small clinics as headquarters.

The $11 million increase in fiscal year 2017 was a major step forward, but still does not cover the full amount of need. In addition, without a separate line item for the village-built clinics, much of the funding could be distributed to other types of facility leases, leaving the village-built clinics coming up short.

Finally, we have requested in our previous years testimony that the his budget be protected from sequestration. We again ask your support in amending the Balanced Budget and Emergency Deficit Control Act to exempt the his from sequestration of funds just as Congress has done for the Veterans Health Administration.

Thank you on behalf of the Metlakatla people for the opportunity to provide this testimony in person. And I am looking forward to seeing all of you this summer when you take me up on my invitation and come to Annette Island in southeast Alaska.

I was here last year before you requesting some funds for our natural resource department, and the hatchery was funded, so thank you very much. That has provided the community with another source of income to become financially independent, and it will definitely help with our economic development plan. So thank you for last year's funding.

[The statement of Ms. Hudson follows:]

Metlakatla Indian Community
P.O. Box 439
Metlakatla, Alaska 99926
907-886-4741

Audrey Hudson, Mayor

Testimony submitted to the House and the Senate Appropriations Subcommittees
on Interior, Environment and Related Agencies
May 16, 2017

The requests of the Metlakatla Indian Community for the FY 2018 Interior, Environment, and Related Agencies budget are as follows:

- Appropriate $1,000,000 through the BIA Safety of Dams (SOD) program to address the hazard mitigation needs and initial planning phases for improvements at Chester Lake Dam.
- Move forward with full and mandatory funding for Contract Support Costs (CSC).
- Funding for tribal courts in PL 83-280 states.
- Shield IHS funding from sequestration.
- Support for additional funding for Village Built Clinics.

* * *

The Metlakatla Indian Community (MIC) 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.

Chester Lake Dam.

Chester Lake is the sole municipal water supply, so maintaining this reservoir is essential to the survival of the Tribe. Measures to secure and improve this water supply are a high priority to Tribal leaders. It is this consideration that led the Emergency Preparedness Task Force to enforce the cessation of hydropower operations from Chester Lake during the extremely low water period from July to September in 2016.

This had the effect of making the Tribe rely more heavily on diesel power generation and the Purple Lake Dam. The Bureau of Indian Affairs (BIA) Safety of Dams Downstream Hazard Classification Study 2016 was performed in summer 2016 to determine if the dam's hazard classification needed to be re-evaluated and to begin potential work to make improvements to this reservoir.

This process is part of the oversight provided by BIA SOD to ensure the safety of dams in Indian Country. *In March 2017, SOD informed MIC that the Chester Lake Dam qualified to have its hazard classification upgraded from low to high hazard*, thereby requiring additional comprehensive evaluation of the Dam, its status and steps to take to prevent any kind of an emergency or hazard to the community health and wellness.

The MIC has determined, through this process, that $1,000,000 in infrastructure funding is necessary to make safety improvements at Chester Lake Dam, as well as carry out necessary planning and studies for expansion of the dam's storage and hydropower production capacity. The total cost of this project will be approximately $12 million, but the initial funding will allow for immediate safety measures to be implemented to protect the drinking water supply while planning for the Phase 2 improvements that will increase not only water storage capacity but also expanded hydropower production from Chester Lake Dam.

Contract Support Costs (CSC).

Our great thanks for this Subcommittee's leadership in making funding of IHS and BIA contract support costs (CSC) for FY 2016, and now FY 2017, an indefinite amount and also having made it a separate account in the IHS and BIA budgets. This shift makes an enormous difference in helping ensure that the Indian Self-Determination and Education Assistance Act (ISDEAA) is fully funded and implemented as Congress intended in these two agencies. It also significantly enhances the federal-tribal government-to-government relationship. For IHS, the FY 2017 estimate for contract support costs is $800 million, and for the BIA it is $278 million.

Thank you also for listening to tribes who explained why the problematic IHS-supported FY 2016 enacted bill proviso which effectively denied the CSC carryover authority granted by the ISDEAA. We appreciate that this proviso is absent from the Consolidated Appropriations Act for FY 2017.

Our objective, though, continues to be the indefinite appropriation of CSC funding as mandatory and permanent. Full payment of CSC is not discretionary; it is a legal obligation under the ISDEAA, affirmed by the U.S. Supreme Court. Funding of CSC on a discretionary basis has in the very recent past placed the House and Senate Appropriations Committees, in their own words, in the "untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs." We remain committed to working with the appropriate Congressional committees to determine how best to achieve this objective.

Tribal Court Assistance for Tribes Subject to PL 83-280.

We appreciate the much-needed support in the FY 2017 appropriations bill for tribes who are affected by Public Law 83-280 and who are striving to serve their communities with competent and appropriate judiciary systems.

The FY 2017 Explanatory Language accompanying the Consolidated Appropriations Act, FY 2017 would increase BIA Tribal Justice Support funding for tribes affected by PL 83-280 (first enacted during the early 1950s termination era) who are working to exercise their rightful jurisdiction on domestic violence and other matters, and to increase available remedies and services for crime victims. It is very important for the future of tribal nations affected by PL 83-280 to continue development of robust criminal jurisdiction systems. We quote below the FY 2017 language:

> "Funding for Tribal justice support is restored to $17,250,000, of which not less than $10,000.000 is to address the needs of Tribes affected by Public Law 83-280. The Committees remain concerned about Tribal court needs as identified in the Indian Law and Order Commission's November 2013 report, which notes Federal investment in Tribal justice in "P.L. 280" States has been more limited than elsewhere in Indian Country. The Committees expect the Bureau to work with Tribes and Tribal organizations in these states to fund plans that design, promote, sustain, or pilot courts systems subject to jurisdiction under Public Law 83-280. The Bureau is also directed to formally consult and maintain open communication throughout the process with Tribes and Tribal organizations on how this funding supports the technical infrastructure and future Tribal court needs for these jurisdictions."

Shield IHS Funding From Sequestration.

We have requested in our previous years' testimony that the IHS budget be protected from sequestration. We again ask this Subcommittee's support of an amendment to the Balanced Budget and Emergency Deficit Control Act to exempt the IHS from sequestration of funds, just as Congress has done for the Veterans Health Administration's health programs. We are very concerned that the current FY 2018 funding cap for non-defense discretionary spending is lower than the FY 2017 spending cap, and when considered along with the President's "skinny" FY 2018 budget outline proposal, which significantly lowers non-defense discretionary spending, we fear a significant sequestration of funds in FY 2018. IHS funding for health care services should be made exempt from sequestration.

Village Built Clinics.

We thank Congress so much for the $11 million for tribal health clinic leases in the FY 2017 Consolidated Appropriations bill, and in particular for Senator Murkowski's determination in advocating for these very small clinics which are the health lifeline in rural Alaska villages. We ask everyone to put yourself and your family in the position of living in a tiny, incredibly remote village with no roads and challenging weather and needing the health care that

can be provided by trained community members and the health professionals who rotate in and out of those communities and utilize the small clinics as headquarters. We are also pleased that the House Natural Resources Subcommittee on Indian, Insular, and Alaska Native Affairs hearing on Indian infrastructure needs in Indian Country, with the support and participation of Representative Don Young, included a discussion of the needs of Village Built Clinics. It was an appropriate subject as many of the Village Built Clinics are in disrepair and there is great need for a reserve fund for their upkeep and expansion. In 2015, the Alaska Native Health Board estimated that $14 million annually was needed to fund a replacement reserve to address the crisis state of the clinics.

We support increased funding for Village Built Clinics and request that the funding be: 1) recurring, 2) a separate line item in the IHS budget, and 3) displayed in the Budget Justification to better enable planning and certainty. The FY 2017 funding is supplemental to the approximately $4.5 million already being provided to those life-saving small clinics and should be so reflected. In 2015, the Alaska Native Health Board estimated that $12.5 million was needed in addition to the existing $4.5 million base. Accordingly, the $11 million increase in FY 2017 was a major step forward but still does not cover the full amount of need. In addition, without a separate line item for Village Built Clinics, much of the funding could be distributed to other types of facility leases, leaving the Village Built Clinics coming up short.

We are glad to provide any additional information you may request. Thank you for your consideration of the concerns and requests of the Metlakatla Indian Community.

Mr. CALVERT. Thanks for the help.
Next is Victoria Demmert, President of the Yakutat——
Ms. DEMMERT. Tlingit.
Mr. CALVERT [continuing]. Tlingit Tribe. Welcome.

TUESDAY, MAY 16, 2017.

YAKUTAT TLINGIT TRIBE

WITNESS

VICTORIA L. DEMMERT, TRIBAL COUNCIL PRESIDENT

Ms. DEMMERT. Good afternoon, Chairman Calvert and Ranking Member McCollum.

My name is Kuddukeit. My English name is Victoria Demmert. I have the privilege and honor of having been elected president of the Yakutat Tlingit Tribe for the past 12 years. We want to thank you for scheduling these hearings to allow us a voice.

Our tribe is located in the community of Yakutat on the eastern shores of the Gulf of Alaska between Juneau and Anchorage and in the northern part of the Tongass Rain Forest. We also have the beautiful mountain range that separates us from Canada.

We are only accessible by air and boat, and our tribe is the only provider of healthcare in the community and surrounding area. We are very pleased to have been selected into the joint venture project with his. We intend to build an 11,000-square-foot health facility and provide equipment, while his will provide the staffing.

When completed, we will complete our primary and dental care services and make space available for our visiting providers and our administrative staff. Our concern is whether the funding will be provided in a timely manner for the staffing packages, because a tribe like us in our very remote location, we must commit far in advance for construction costs and also have sufficient time to get the staffing, which will require advertisement and relocation, et cetera. We think this should be in fiscal year 2019, so we are letting you know at this time that that is when it will be.

Regarding his maintenance and improvement, they have a backlog of maintenance and repair, which is currently $473 million. There hasn't been much progress made on this critical need. We will qualify for this when our facility is completed, so we do have a concern.

We know that you are hearing from many Tribes and Tribal organizations that are appreciative of your leadership in the his for fully funding the his BIA contract support costs, and we join in that appreciation and also concur with the view that contract support costs should be made permanent and mandatory.

We also are asking for your support for Congress to enacting a permanent reauthorization of the special diabetes program for Indians and an increased annual funding level.

EPA Indian Environmental General Assistance Program is of great interest to us, also known as IEGAP. This was recommended for elimination in the administration's quote/unquote "skinny budget," and it includes a focus on solid waste management, water and air quality monitoring, recycling programs, renewable energy,

among others, and it also helps us to recruit and retain professionals to carry out our regulatory programs. It has also helped us with remediation of the World War II cleanup, which there was quite a bit in our area.

For a small little community of 600, and it was about 250 at the time, we had about 10,000 soldiers located all over. So we are busy with cleanup working with DOD regarding that.

We also monitor our water quality, because we have so many salmon streams in the area. We are very rich in resources, and we really want to stay that way.

We also partner with the city and bureau of Yakutat, the forest service, our village ANCSA corporation to increase the dollars that we receive. We have great partnerships with them, and we help each other out, because in a small community, that is what you do.

We have a real concern about the universal service proposal to slash subsidies for the internet service. Apparently the FCC is proposing to prorate by 7.5 percent the subsidies for internet. We currently have a subsidy from Universal Services Administrative Company, USAC, the FCC designated administrator of Universal Service that pays the internet service, which if it was paid in full price would be $20,000 a month. Our portion after subsidy is $500 a month. There is no way we can afford $20,000 a month. So this would definitely sink us. That is $240,000 a year.

Connectivity is a lifeline for the provision of health services in Alaska, and while this is an FCC and USAC matter, we do need to bring this to your attention because of the subcommittee's critical importance to the provision of health care in Indian Country.

And we also ask that the IHS and BIA budget and any of the Federal agencies that tend to give money and help us out with our healthcare and our other programs, we really would like to see that we are not subject to across-the-board cuts or sequestration.

The people of Yakutat thank you, and may our creator truly bless you for hearing our voice and for the work that you do on our behalf.

[Speaking native language.]

[The statement of Ms. Demmert follows:]

Yakutat Tlingit Tribe
Victoria Demmert, President
P.O. Box 416, Yakutat, AK 99689
907-784-3238

Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Concerning the FY 2018 Funding for the Indian Health Service and the Environmental Protection Agency

May 16, 2017

The requests of the Yakutat Tlingit Tribe (hereinafter "YTT" or "Tribe") for the FY 2018 Indian Health Service and Environmental Protection Agency appropriations are as follows:

- Continue funding for the IHS Joint Venture Program and ensure that funds for staffing packages for completed programs is made available in a timely manner.
- Fully Fund Contract Support Costs.
- Increase the IHS services appropriation for Purchased/Referred Care and the IHS facilities appropriation for Maintenance and Improvement funding for health care facilities.
- Permanently reauthorize the Special Diabetes Program for Indians.
- Support the Environmental Protection Agency's Indian Environmental General Assistance Program, which is needed for building capacity and administering tribal environmental programs that directly affect human health.

The Yakutat Tlingit Tribe is a federally recognized Indian Tribe located on the eastern shores of the Gulf of Alaska in the City and Borough of Yakutat, Alaska. It is only accessible by air or boat, is 225 miles northwest of Juneau and 220 miles southeast of Cordova, Alaska. Due to the geographic isolation, it is imperative that the Tribe offer high quality services on site in Yakutat. We thus provide a substantial and growing array of community health care services and counseling and prevention services at the Yakutat Community Health Center (YCHC), through funding from the IHS as a co-signer to the Alaska Tribal Health Compact under the Indian Self-Determination and Education Assistance Act, through a community health center grant from the Health Resources and Services Administration, State of Alaska awards, and third-party collections. While the City and Borough of Yakutat operates a volunteer Emergency Medical Services squad, the YCHC is the only provider of health care in the community. The Yakutat Borough is in a Medically Underserved Area and is designated as a Health Professional Shortage Area for medical, dental and mental health.

Funding The IHS Joint Venture Program

Under Section 818(e) of the Indian Health Care Improvement Act, the IHS is authorized to establish a Joint Venture Construction Program for projects in which tribes and tribal organizations construct, acquire or renovate a tribal health care facility, and the IHS commits to funding the initial equipment and a staffing package for operation and maintenance of the new facility. The program is competitive, and priority is given to tribes and tribal organizations who agree to also fund the equipment portion of the project. Proposals are also evaluated on the need for space at the specific location, among other criteria.

The Yakutat Tlingit Tribe was selected from a competitive pool of tribes and tribal organizations to participate in the IHS Joint Venture program, through which the Tribe commits to building a new health care facility and providing equipment funding, and IHS commits to providing recurring funding for staffing on completion of the construction project. The Tribe will be constructing a new health care facility in Yakutat, Alaska on land owned by the Tribe. The facility is expected to encompass just over 11,000 building gross square feet. The new facility will provide improved and increased health service delivery in our remote area, so that the Tribe can expand primary care services and dental care, as well as make space available for visiting specialty providers, health aides, preventive care, behavioral health, and the Tribe's administration staff.

The Tribe believes that it is critically important for Congress to continue to commit to funding staffing packages and equipment related to the IHS joint venture program. Tribes like YTT must commit far in advance to construction costs and are reliant on the funding for staffing being available to them as quickly as possible on completion of the project (or even as the project is being finished). It can otherwise be impossible to plan for and operate a new health care facility without the security of knowing that the funding for staffing will be made available in a timely manner, to allow for the advertisement for and selection of health care professionals and other staff, and to allow time for people to relocate to Yakutat and begin their work.

The Tribe thus asks this Subcommittee to support the continued funding for the IHS Joint Venture Program and ensure that Joint Venture participants received their staffing funds timely.

Fully Fund Contract Support Costs (CSC)

The YTT wishes to thank Congress for fully funding CSC in FYs 2016 and 2017, and for making it an indefinite amount that is in a separate account in both the IHS and BIA budgets. For IHS, we understand the FY 2017 estimate for CSC is $800 million, and for the BIA it is $278 million. This funding helps us to meet our own responsibilities under the Indian Self-Determination and Education Assistance Act (ISDEAA), and significantly enhances the federal-tribal government-to-government relationship. We also wish to thank the Subcommittee for listening to tribal comments about how the bill proviso in the FY 2016 enacted bill effectively denied the CSC carryover authority authorized by the ISDEAA, and appreciate that the proviso was absent from the Consolidated Appropriations Act for FY 2017.

We ask this Subcommittee to support the continued full funding of CSC in FY 2018. However, our long-term goal is to ensure the indefinite appropriation of CSC funding—that it be made mandatory and permanent. Under the ISDEAA, the full payment of CSC is not discretionary, but is a legal obligation that has been affirmed by the United States Supreme Court.

Increase IHS Services and Facilities Funding

We ask that the Subcommittee support an increase in funding for the IHS's Purchased/Referred Care (PRC) program. The Indian health system relies heavily on PRC funding to pay for specialty or emergency health care from outside providers. This is especially true in Alaska, given the remote locations and the distance required whenever a patient has to travel vast distances to receive care in a facility in Anchorage, for example, to address an emergency or see a specialist. While there have been increases in funding that IHS receives for PRC is not at all keeping up with the medical rate of inflation, and thus PRC funding has to be stretched further and further to provide needed care to patients.

We also request your support for an increase in the IHS's maintenance and improvement funding (M&I) for health care facilities, a need the Tribal Budget Formulation Workgroup deems "critical." The current IHS estimate of the backlog of essential maintenance, alternation and repair is $473 million. M&I funding is important to federally-owned and tribally-owned buildings used to provide health care services, for functions such as routine maintenance, such as emergency repairs, preventive maintenance activities, and maintenance supplies and materials; environmental compliance; and improvements, such as those needed for new patient care equipment or new treatment methodologies. This funding thus greatly supports and enhances the delivery of health care and preventive services.

The Yakutat Tlingit Tribe doesn't qualify for M&I funding today as we do not currently own our facility we are currently in. However in FY 2019, when our new clinic is open for business, we will get a line item budget from the YTT JVCP and we will receive funding for: Maintenance & Improvement (M&I), Facility Support Account (FSA), and Biomedical Equipment. It is a huge undertaking to build our own building but will need M&I funding to properly maintain the building.

Special Diabetes Program for Indians

The Special Diabetes Program for Indians (SDPI) provides crucial funding for diabetes treatment and prevention programs for Alaska Natives and American Indians, among whom diabetes continues to be an epidemic. For YTT, we have seen significant outcomes in terms of dramatically increased access to treatment and prevention services. The SDPI has been funded at $150 million for many years, but oftentimes it is very close to expiring before it is reauthorized for an extended period of time. It is set to expire again on September 30, 2017.

We join with others in Indian Country in recommending the permanent reauthorization and increased funding for the SDPI program. A permanent reauthorization with annual funding of $200 million would provide stability for our diabetes programs, which will greatly help us to plan the programs and to recruit and retain personnel. While we understand the SDPI

reauthorization bill is not under purview of this Subcommittee, the SDPI definitely affects the health care services we provide and for which this Subcommittee appropriates funding. We request and would appreciate any assistance the Subcommittee members could provide with your colleagues on this issue.

Additionally, as a co-signer to the Alaska Tribal Health Compact (ATHC), we request an amendment to the SDPI that would simplify the process for us to receive our diabetes funding. The current process requires that the co-signers receive SDPI awards via the DHHS grants office and then follow Secretarial regulations before the funds are added to our ISDEAA funding agreements. The grant applications, monitoring and reporting requirements are not only burdensome, but also inefficient. Tribal programs should be authorized to administer SDPI funds as part of their ISDEAA funding agreements and have their funds added directly to their funding agreements without having to go through a grants process. The ATHC's letter and paper dated April 27, 2017, which was sent to the Congressional Diabetes Caucus Co-Chairs DeGette and Reed, provide more detail on our request.

USAC

We bring to your attention a potentially devastating development and that is the proposal by the FCC to pro-rate by 7.5 % the subsidies for internet service. We currently have a subsidy from USAC that pays for our internet so we can connect thru satellite. It is at $20k a month. Our portion is $500 after the subsidy. If we don't have that it will sink us. There is no way we can afford an additional $19,500 per month for connectivity. This will affect not only us but all tribal health organizations in the state. Connectivity is the lifeline for the provision of health services in Alaska. This is obviously a case to be made to the FCC, but we would want this Subcommittee and others to be aware of this issue.

-

Support Funding The Environmental Protection Agency IGAP

Any cuts that may be made to EPA program funding will have real-world human costs. For example, the EPA's Indian Environmental General Assistance Program (IGAP) funding helps tribes to build capacity to administer tribal environmental protection programs that relate directly to human health care and safety. The IGAP include a focus on solid waste management, such as solid waste planning, solid waste/recycling collection and disposal services, as well as hazardous waste management. The program also allows us to address other environmental issues, such as water quality monitoring, recycling programs, and renewable energy, to name a few. Having these resources is essential for tribes to be able to address long-standing environmental and human health challenges, and to recruit and retain professionals to develop and carry out our environmental regulatory programs, which can be very difficult in a remote area like Yakutat. Yakutat has been receiving their IGAP funds since FY 1998. The funding has allowed for through assessments to be completed. Along with remediation of WWII clean up. Has provided for Wetland protection. Yakutat is resource rich with the Situk River that has all species of Salmon and Steelhead that run. This funding has allowed for baseline water quality monitoring for the forelands to begin. Our concerns are what is coming from up the River down

to our foreland in Canada and Alsek. More studies need to be completed in this area. Yakutat truly needs a Science Center to study all that is happening at our doorstep.

The Tribe is greatly concerned about the current administration's proposals to cut EPA funding. If EPA tribal programs are not funded, that could result in catastrophic harm to the Tribe and its ability to address environmental concerns, and to the health and well-being of our tribal members. President's Trump's preliminary budget proposal (the "skinny" budget) proposes specifically to eliminate EPA's infrastructure assistance program for Alaska Native Villages. We are facing many vulnerabilities due to the changing climate in Alaska, including rising sea levels and degradation of our lands and food sources. Global warming has produced havoc in all issues. It has brought invasive plant species that choke out the native plants that Yakutat citizens rely on for Subsistence foods. Moreover, the area in which Yakutat is located is pristine and needs to be protected. The Tribe thus requests that the Subcommittee support continued and increased funding for the EPA IGAP program and that it give full and open consideration to the human impacts that any reduction in the EPA budget may cause.

* * *

Thank you for your consideration of the concerns and requests of the Yakutat Tlingit Tribe.

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

Next, Victor Joseph, chief and chairman of the Tanana Chiefs Conference.

Thank you.

TUESDAY, MAY 16, 2017.

TANANA CHIEFS CONFERENCE

WITNESS

VICTOR JOSEPH, PRESIDENT AND CHIEF CHAIRMAN

Mr. JOSEPH. Thank you, Chairman Calvert, Ranking Member Ms. McCollum.

I also want to just thank Mr. Benjamin for all the efforts and the tax credits information you sent us. Much appreciate it.

You know my name is Victor Joseph, and I serve as the chief chairman of the Tanana Chiefs Conference. Thank you for inviting me to testify today. We are grateful for this committee's bipartisanship and the positive results the committee has made in our communities.

TCC is a nonprofit Tribal consortium of 42 communities, 37 of which are federally-recognized Tribes. We serve approximately 16,000 people throughout the interior, and we are strung along about 1,400 miles of the Yukon River and its tributaries. Not only do we serve 16,000 of our Tribal people, but we also serve about 700 nontribal vets, and that is through our agreement with the VA.

And in one of our communities, we have recently taken over a local healthcare center that provided primary care to nontribal members, which was fairly significant for us, as we reach out and expand our healthcare system.

We have major concerns with the America First budget that reduces Federal spending for nondefense programs. Such a budget undermines this committee's diligent work to increase funding in such critical areas as Tribal health, public safety, contract support costs, education, and construction.

With regards to this appropriation, Alaska has the unfortunate distinction of having amongst the highest healthcare costs in the country. In many cases, Alaska Tribal health programs must refer care to outside Alaska. The current level of funding does not meet the needs, and often forces health care programs to delay referral until the disease has progressed beyond the optimal early intervention stages to the costlier, less effective later stages of the illness.

Chronic underfunding is resulting in higher morbidity and mortality with higher cost of care. We rely heavily on PRC funds, and request a substantial increase over last year's funding.

We also appreciate the appropriation of $5 million for small ambulatory programs, also known as SAP, in 2017. We ask the subcommittee to increase this figure in 2018 so additional Tribes can construct small ambulatory clinics in their communities.

I would like you to know that I still have clinics in our area that are not hooked up to water or sewer, and so that makes it really hard to provide quality healthcare in these type of facilities.

We urge the subcommittee to include an additional $10 million in fiscal year 2018 within BIA's public safety and justice count for Tribal courts, or TPA funding, and include report language that increases should be used by BIA and Public Law 280 states like Alaska.

As a Public Law 280 State, the State of Alaska has jurisdiction over crimes in Native American communities. The BIA, with limited law enforcement funds, prioritizes public safety funds in nonPL280 States in the incorrect assumption that Public Law 280 states are investing resources and personnel required to ensure public safety and law enforcement in our communities.

Finally, I want to share a success story that was borne out of Tribal sacrifice. It concerns the Chinook salmon, or also known as the king salmon, management along the Yukon River during the 1990s. The average king run was about 300,000 fish. Runs began to decline in early 2000, and in 2013, the run plummeted to a record low of 60,000.

The Native Alaska villages along the Yukon knew that it would fall to them to make sacrifices, which they did. In 2014 and 2015, these villages, our Tribes imposed a self-moratorium on king salmon. The villages also formed the Yukon River Intertribal Fish Commission, which TCC supports financially. The self-imposed moratorium left Tribal members with little to no traditional king salmon harvest.

Due to this sacrifice in over the first time in over a decade, the United States had met its escapement goal to Canada in 2014, 2015, and 2016. That was a major sacrifice by our people.

I just wanted to add a little to your—you were talking about wildfires. And there are solutions, and part of that solution is working with Tribal entities that could help train firefighters to be ready to take on fires. A few years ago Alaska had a major fire that was early in the season, and it called out over ten crews from outside of Alaska, called out.

And so they had to call in crews from outside, and that is normal, it comes and goes, but the reason why they called it out was simply because our firefighters did not have their permit for tree falling. And if you think about that, to knock down a tree. Our people have been doing that for years, that is how we warm our houses, but we couldn't go out on a fire to cut down a tree, and they had to go to the extreme cost of sending crews to Alaska and not using Alaska crews.

So I just want to share, there are solutions. I am going to reach out to Mr. Simpson and also Ms. McCollum if you would as we look at what we can do to improve our firefighting response.

Thank you, sir, and thank you for the opportunity here.

[Speaking native language.]

[The statement of Mr. Joseph follows:]

Testimony of Victor Joseph, President and Chairman
Tanana Chiefs Conference
Before the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Hearing on the Fiscal Year 2018 Budget
May 16, 2017

Good afternoon Chairman Calvert, Ranking Member McCollum and members of the Subcommittee. My name is Victor Joseph and I serve as the President and Chairman of the Tanana Chiefs Conference (TCC). Thank you for inviting me to present testimony regarding TCC's priorities for Fiscal Year 2018 concerning appropriations for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). We are grateful for this Subcommittee's bipartisanship – reflected as recently as the final FY 2017 appropriations measure – and for the positive results the Subcommittee has made possible in Alaska Native villages and throughout Indian country.

TCC is a non-profit intertribal consortium of 39 federally-recognized Indian tribes and 41 communities located across Alaska's interior. TCC serves approximately 13,000 Alaska Natives in Fairbanks where TCC headquarters is located and in the rural villages in Alaska's vast interior, strung along the 1,400 mile Yukon River and its tributaries. Our service area encompasses 235,000 square miles, about the size of Texas. Our most eastern village is Eagle, about four miles from the Canadian border. Our most western village is Anvik, about 60 miles from the Bering Sea. Our 41 constituent villages are remote and they must overcome many challenges to build and sustain healthy communities. This Subcommittee understands the critical element necessary to promote healthy communities and sustainable economies; community stability. With community stability, good results follow, like reduced crime, healthier families, better educated children, infrastructure and economic opportunity.

Today, I will focus on four areas important to the tribal leadership and the tribal communities TCC serves:

1. Improve tribal health care quality and access;
2. Expand public safety, Tribal court and realty services;
3. Help Alaska Natives carry out sustainable fish management practices;
4. Promote economic development and job creation in rural Alaska villages.

While TCC appreciates President Trump's recognition of the opioid epidemic and the need for public safety in his FY 2018 "America First" Budget Blueprint, we cannot agree with his request to reduce spending for non-defense programs, including a proposed 12% cut of $1.5 billion for the Department of the Interior and a 16% cut of $12.6 billion for the Department of Health and Human Services.

This Subcommittee has worked diligently, year after year, to increase funding in such critical areas as tribal health, public safety, Contract Support Costs, education and construction in recognition of unmet tribal needs and the resulting challenges tribal communities face. We are very concerned that cuts to these programs may be combined with the loss of tens of millions in grants and awards to tribes from HUD, USDA, DOJ and Education; grants that help us carry out our BIA- and IHS-funded programs. For rural interior Alaska Native communities, facing a State budget deficit for FY 2018, federal appropriations often make the difference between the success and failure of our efforts and, in turn, the wellness of our tribal members.

1. Improve Tribal Health Care Quality and Access (IHS)

Increase IHS Services Budget. TCC greatly appreciates the $232 million increase Congress included in the FY 2017 budget for the Indian Health Service, especially the increases of $78 million for Hospitals and Clinics programs, $14 million for Purchased/Referred Care (P/RC), $13 million for Alcohol and Substance Abuse, $12 million for Mental Health, full reimbursement of Contract Support Costs (adding $80 million), and $22 million increase for IHS Facilities needs for a combined appropriation of $5.04 billion for FY 2017. Purchased/Referred Care (P/RC) funds are especially critical to us. We seek an increase for FY 2018 of $34 million. TCC is one of the only tribal health entities in Alaska that does not have a regional hospital. Therefore, we rely heavily on P/RC funds to ensure that our patients receive comprehensive health services when we refer them to third-party service providers paid for with P/RC funds. For FY 2018, we also request increases of $17 million for Mental Health, $15 million for Alcohol and Substance Abuse, and $5 million for Dental Health above the FY 2017 enacted amount.

TCC remains deeply appreciative of the Subcommittee's creative solution to the contract support cost problem to achieve full funding without jeopardizing program funding. We respectfully urge the Subcommittee to continue with its current approach of employing a separate and indefinite appropriation. At the same time, we believe each agency should add two FTEs to manage the CSC account, engage with Tribes and provide robust analysis. IHS's error in estimating 2016 and 2017 CSC requirements must not be repeated. Errors of that magnitude have direct consequences on the Subcommittee's ability to appropriate funds that IHS, tribes and tribal organizations, such as TCC, require for the delivery of health care services.

Increase Budget for the Small Ambulatory Program (SAP) and IHS' 105(l) Leasing Program. We appreciate the appropriation of $5 million for the Small Ambulatory Program (SAP) for FY 2017. We ask the Subcommittee to double this figure for FY 2018 so that an additional 5-8 tribes can construct small ambulatory health clinics in their communities. For our remote Native villages, a hub clinic is sometimes hundreds of miles away from a patient. Too often, patients must be transported by medivac at great cost. Village clinics play an integral role in providing routine health care as well as live saving emergency services. In addition, we request the Subcommittee to direct the IHS, in report language, to explore whether a small clinic should be built in one of our Native villages. Relatedly, a number of Tribes have approached IHS to negotiate leases under section 105(l) of the Act for the use of Tribal buildings where IHS programs are carried out, but IHS correctly points out that there is no budget yet to pay such leases. We appreciate the $11 million provided for tribally leased facilities in FY 2017 (which includes $2 million from Direct Operations), but we understand these funds were intended to bring the Village Built Clinic (VBC) lease amounts closer to the actual cost of operating these facilities. Thus any 105(l) leases funded out of these increases only serve to ensure the VBC lease amounts continue to be deficient. Were therefore believe it is critical that agency 105(l) lease payments not come out of program funds. We request the Subcommittee to create a new account to pay required 105(l) tribal lease payments within the Direct Operations budget.

Increase funding for the IHS Domestic Violence Prevention Program (DVPP). We greatly appreciate Congress including a $4 million increase for the Domestic Violence Prevention Program (DVPP) for FY 2017. This increase will fund an additional 30 IHS, Tribal and urban Indian organizations (averaging $133,000/award). As the CDC has noted, one out of every two AI/AN woman will experience domestic violence and one out of every three AI/AN women will be sexually assaulted in her lifetime. The DVPP provides culturally appropriate domestic violence and sexual assault prevention and intervention resources to tribal communities. It is well documented that women in Alaska's rural villages report rates of domestic violence that are 10 times higher than the rest of the country. We urge the Subcommittee to support and expand this successful and needed program in FY 2018.

2. Expand public safety, Tribal court and realty services in interior Alaska

TCC cannot stress enough the importance our Native village leaders place on providing their communities with the resources they require to supplement limited public safety services. As a Public Law 280 State, the State of Alaska has jurisdiction over crimes in Native American communities. The BIA, with limited law enforcement funds, prioritizes public safety funds in non P.L. 280 States in the incorrect assumption that Pub. L. 280 States are investing the resources and personnel required to ensure public safety and law enforcement in Native and rural communities. This is not the case. The Alaska Department of Public Safety is stretched thin and too few State troopers make routine patrols in Native communities. TCC has limited recurring funds to pay for our Village Public Safety Officer (VPSO) program which works in conjunction with Alaska State Troopers. Our VPSOs are the "First Responders in the Last Frontier" and they respond to emergency calls, fire, EMS and search and rescue.

Due to limited BIA public safety funds, the role of Tribal Courts in Alaska Native villages is critical. It allows our villages to address public safety concerns at the community level – in a culturally appropriate way – that is more responsive to, and respectful of, local tribal concerns. It seeks to heal and end criminal activity through a holistic approach, rather than through arrest, prosecution and incarceration, which perpetuates criminal and anti-social behavior and recidivism among Alaska Natives. We urge the Subcommittee to include an additional $10 million in FY 2018, within BIA's Public Safety and Justice account for Tribal Courts (TPA) funding, and include report language that the increase should be used by BIA in Pub. L. 280 States, like Alaska.

Currently there is a proposed $4.3 million dollar cut in BIA Real Estate and Trust Services Funding. We adamantly oppose any cuts to this funding. The money used to compact real estate services with Tanana Chiefs and other tribal providers of real estate and trust services is administered with an efficiency that could never be matched. We have a realty and probate staff of only five people who manage a land area larger than most of the states in the union. They serve nearly 7,000 landowning clients, many thousands of acres, and oversee a long list of services from federal probate to transactional real estate to trespass investigation. This week we have one staff member more than one hundred miles from the nearest community, traveling a dozen of these miles on foot, investigating the ongoing theft of resources from a 160 acre Native Allotment, another employee supplying landowner information to the Bureau of Land Management as a wildfire spreads, and yet another taking a witness statement from a 96 year old client in the hospital. That is the snapshot of a moment in this department where virtually all services related to land ownership, transfer, development, and protection are overseen by a handful of dedicated professionals with limited funding. We currently have a backlog of over 300 cases and as the original tribal landowners age and pass away, they leave in their wake a rapidly increasing client base adding to the growing pile. Continued fractionation of land ownership means that the number of people dependent on our services increases with each passing year. Meanwhile, the funding stays stagnant. We have responded to growing numbers by taking on incredible workloads. These programs cannot withstand funding cuts, and in fact, funding should reflect the increasing population of clients. Please add $8 million to this account in FY 2018.

3. Help Alaska Natives carry out sustainable fish management practices

It is the priority of every Alaska Native to continue traditional hunting and fishing practices which promote the social, cultural and spiritual wellness of our people. I want to share a success story that was borne out of tribal sacrifice. It concerns Chinook Salmon (King Salmon) management along the Yukon River and tributaries where our Native villages are located. During the 1990s, the average run of King Salmon in the Yukon River was just below 300,000 fish. Runs began to decline in the 2000s. In 2013, the run plummeted to a record low 60,000 fish. The Native Alaska villages along the Yukon knew that it would fall to them to make sacrifices. In 2014, the Native villages of the Yukon River came together in St. Mary's, Alaska and for future generations

imposed a fish moratorium on King Salmon. In 2015, we met again at Tanana and agreed to further conservation efforts and continued the moratorium. The villages also formed the Yukon River Inter-Tribal Fish Commission (YRITFC), which TCC supports.

The self-imposed moratorium left tribal members with little to no traditional King Salmon harvest. Due to their sacrifice, for the first time in over a decade, the United States met its escapement goal to Canada for King Salmon in 2014, and then exceeded their escapement goal in 2015, all to ensure the continued existence of the King Salmon in the Yukon River. In 2015, the run had rebounded to about 150,000 King Salmon. The sacrifice hurt tribal members who depend on King Salmon for their subsistence. Forgoing fish camps in 2014 and 2015 was extremely difficult and a financial hardship on our members. It also harmed us culturally, for it is in fish camps that Alaska Native youth learn math, science, spirituality and how to fish from their elders. I cannot express how difficult a sacrifice this was for our members.

On July 17, 2016, Alaska Lt. Governor Byron Mallott, Alaska Fish & Game Commissioner, Sam Cotton, and Rural Affairs Director, Albert Kookesh, joined TCC officials and myself on a four-day trip to tour interior villages on the Yukon River and listen to community members to get a better understanding of how to improve the management of the Chinook run. I noted to the Alaska State officials who accompanied us on our tour to fish camps and the villages of Tanana, Rampart, Stevens Village, Beaver, Fort Yukon, Circle and Eagle, that the tribal members always fed us fish. Even though they had little to share, they gave us their best. Now, I ask you to do your best; honor the Yukon River Inter-Tribal Fish Commission – and the Alaska Native stakeholders – in their efforts to save Yukon's King Salmon by increasing BIA's Tribal Management/Development Program in FY 2018 to $14.266 million, and direct that half of that increase address subsistence management in Alaska by *tribal entities* like the Yukon River Inter-Tribal Fish Commission. Please sustain this effort for the next few years so that the Commission can ensure the viability of King Salmon in the Yukon River and our traditional subsistence practices. Alaska's interior, like the coast, is under environmental threat from floods, bank erosion and wildfires. The Commission has demonstrated that it stands shoulder to shoulder with State of Alaska and Federal fish management officials as a capable steward.

4. Promote economic development and job creation in rural Alaska villages

In 2016, through various support programs, we assisted nearly 200 tribal members in Fairbanks and in our Native villages with CDL classes, employment training in facility maintenance, flooring and cabinet installation, plumbing, plastic and cooper pipe fitting, wildland firefighting training, and cooking. We provided over 2,000 bus token to nearly 750 interior tribal members in the city of Fairbanks who were searching for work, and gave nearly 2,000 free computer lab sessions to employment seekers. These are small, but helpful measures, and we ask this Subcommittee to increase resources for BIA job training and retraining programs, and adult education programs in FY 2018. There is great dignity in learning a trade and providing for your family. Such investments yield tremendous returns by allowing our members to compete more effectively for jobs. Please increase the budget to help promote job creation in our rural Native villages, where work is seasonal and unemployment remains high. Our current resources are simply inadequate to the task at hand. Ana Basee.

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

Next, Christopher Bolton, the chief operating officer of the Norton Sound Health Corporation.

TUESDAY, MAY 16, 2017.

NORTON SOUND HEALTH CORPORATION

WITNESS

CHRISTOPHER BOLTON, CHIEF OPERATING OFFICER

Mr. BOLTON. Thank you, members of the committee, for allowing us to testify in the 2018 appropriations.

My name is Chris Bolton. I am the chief operating officer of Norton Sound. I have been there about 5 years, I have been working in Alaska about 11 years.

Norton Sound is the only regional hospital serving northwest Alaska, about 44,000 square miles. We are not connected to any large cities by any road. We are over 500 air miles from Anchorage. And we operate a regional hospital, a long-term care facility, and 15 village clinics in remote villages.

I want to talk to you about three needs today. We have more than that in our written testimony, but the three biggest challenges we face are facility needs for substance abuse and behavioral health, the village—the new village clinic funding, and then also water and sewer projects.

So one of the most important issues facing us right now is financing for construction and staffing of a new wellness center. We have a really nice new hospital that was constructed about 5 years ago with our funding, but behavioral health is notoriously underfunded in terms of reimbursement, and we need to deal with the addiction in our region.

We have a crisis, which affects not only our people's overall health, but is also connected to higher suicide rates, school and vocational dropouts, incarceration, Child Protective Services cases, and referrals to women's shelters. People are literally dying from addiction, and we do not treat them well enough.

In response to community surveys, which is part of our personal funding requirements, Norton Sound is developing a new wellness and training center. Services will include detoxification, intensive outpatient services, day treatment, and sober housing. It will allow us to provide a higher level of care for the patients who receive the deep clinical counseling required to combat a lifetime of substance abuse, mainly brought on by enter generational trauma.

The building will also house our health aid training program. It is one of only four health aid training programs in the State of Alaska. I am not sure if you are familiar with health aids, but it is a physician extender model, low cost physician extender model that has been very successful, but it is also been underfunded.

We have already funded the design work for the wellness center and the initial phases of the project through grant funding and donations and $1.9 million of our own funding. We have pledged another $2.5 million towards construction. The total cost is $11.8 million. We were hopeful that the new center would be jointly funded

by Norton Sound and his, but that is not the case. His has denied our participation in the competitive joint venture program because the project includes a behavioral health component.

Behavioral health facilities, like any healthcare facility in Indian Country, are in desperate need of additional funding for staffing and operating their programs, and IHS's position is not supported under the applicable authority in the Indian Health Care Improvement Act. We thus ask this committee—or subcommittee continued support for the his joint venture program, but that program should be expanded to allow behavioral health programs to participate.

We have also recently started construction on two new health clinics in Gambell and Savoonga on St. Lawrence Island, isolated communities of Gambell and Savoonga located close to the Russian border. You literally can see Russia from Gambell.

We had intended to apply for the fiscal year 2017 small ambulatory clinic funding, but have been informed by his that our projects will not be eligible because construction is already in progress. So we basically took our own funding. We were told all along that we would be eligible. Now we are being told that we are not eligible. So we ask you to direct his to accept small ambulatory clinic funding applications for new health clinician even if the construction is already in progress.

And then the final item I want to talk to you about is water and sewer projects, a major concern for Norton Sound. We don't have the funding for adequate water and sewer, especially in the remote villages. To put it in perspective, five villages within our region are still completely unconnected to any water, running water or sewer. In three of the villages, 30 to 50 percent of the homes are also unconnected to running water and sewer, and we have ongoing sewer and water upgrade maintenance backlogs in seven of our communities.

There are multiple Federal programs that help fund these projects, but they cannot all be used for the same thing, and it can be challenging to coordinate the funding in order to plan for and many complete these projects. Establishing a program within his that would allow Tribes to enter into contracts with the private sector, use Federal sewer and water funding from multiple agencies to support the complete construction of running water and sewer in a community would lead to a clear path toward water and sewer development.

We ask for the subcommittee to help make it possible to streamline and align Federal agency authorities for running water and sewer through the his and for expanding the current funding within the his budget that is allocated towards water and sewer.

I started off by telling you that I have been in Alaska for 10 years, at Norton Sound for 5. I am there because I have never been at a place that I could see the pieces coming together for a health system to really deliver preventative care, and we are doing it. We have got a great new facility, we have got a great her, we have the patients at our medical home, but the behavioral health piece missing is a huge problem for it. The village clinics, where 70 percent of our care occurs in rundown, underfunded facilities without water, those are huge, huge problems. Thank you.

[The statement of Mr. Bolton follows:]

Sound Health Corporation
Christopher Bolton, Chief Operating Officer
P.O. Box 966
Nome, Alaska 99762
907-443-3311

Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Regarding FY 2018 Indian Health Service Appropriations
May 16, 2017

The requests of the Norton Sound Health Corporation (NSHC) for the FY 2018 Indian Health Service (IHS) budget are as follows:

- Continue support and funding for the IHS Joint Venture program, which should be expanded to allow behavioral health programs to participate, and provide increased funding for staffing and for the IHS facilities appropriation, as sufficient to help ensure Norton Sound can construct and fully staff a new Wellness and Training Center, which is needed for providing critical substance use disorder and behavioral health services.

- Direct IHS to accept small ambulatory clinic funding applications for new health clinics that are construction-in-progress or consider negotiating staffing funds for new facilities.

- Expand and streamline funding for sewer and water projects.

- Make funding for Village Built Clinics recurring every year, which should be shown as a line item in the IHS budget and displayed in the Budget Justification.

- Ensure full funding of contract support costs.

- Increase funding for behavioral health care services.

- Shield IHS funding from sequestration.

The Norton Sound Health Corporation (NSHC) is the only regional health system serving Northwestern Alaska, along the Bering Strait Region. We are not connected by road to any other part of the State, and are 500 air miles from the city of Anchorage (roughly the distance from Washington, D.C. to Portland, Maine). Our service area encompasses 44,000 square miles. The system includes a regional hospital, which we own and operate under an Indian Self-Determination and Education Assistance Act (ISDEAA) agreement, and 15 village-based clinics[1].

[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.

Remove Restrictions on Joint Venture Construction Projects To Include Behavioral Health Facilities, and Increase Funding For IHS Joint Venture and Facilities Construction Funding. Substance use disorders and the costs associated with substance use in NSHC's region is at a crisis level. Substance abuse is present in 95% of law enforcement calls and incarcerations, in 92% of child protective services cases, and in 95% of referrals to women's shelters. The related health care costs, not only for substance-related treatment, but also connected with school and vocational drop-outs, suicides, and lost productivity continue to skyrocket.

While general outpatient services are a critical tool for addressing these concerns, many times patients need an even higher level of care in order to receive the deep clinical counseling required to combat a lifetime of substance abuse. In response to a community survey, in which NSHC's communities identified a significant need for addressing substance use and treatment options in a culturally sensitive manner, NHSC is developing a new Wellness and Training Center in order to provide a full continuum of treatment locally. The services will include detoxification, intensive outpatient services, day treatment and sober housing. Because people are literally dying in our region from addiction, this project is critical to help NSHC promote healing and to put the brakes on the rampant substance use in our region. This multipurpose building will also house our Health Aide Training Program, one of only four Health Aide Training sites in Alaska. Over seventy Health Aides are employed by Norton Sound Health Corporation and deliver nearly 70% of the health care in the region. Their training needs are comprehensive and must be maintained. This new training space will allow for increased classroom sizes to sustain the quality program.

NSHC has finished designing the new Wellness and Training Center and is ready to begin site work and pad preparation this year, with construction to start in 2018. The Center will be located near the Norton Sound Regional hospital in Nome, Alaska. We have funded the design work and initial phases of the project through grant funding and donations, as well $1.9 M of NSHC's own funding. Although NSHC has pledged another $2.5 M toward construction, the total cost of the construction project remains at $11.8 M. NSHC has also with its own funds started construction of two ancillary health clinics in the villages of Savoonga and Gambell.

It was understood that the Small Ambulatory Clinic Fund, if approved, would support construction funding for both Gambell and Savoonga health clinics. The IHS has now reneged on its funding for these projects, claiming that because construction has already started, the projects are not eligible for funding as small ambulatory clinic projects or joint venture construction projects under the Indian Health Care Improvement Act (IHCIA). IHS has also denied funding for the Wellness and Training Center because it would include a behavioral health component, even though the new Title VII to the IHCIA has emphasized the need for behavioral health components to tribal health programs. There is nothing in the IHCIA that prohibits the IHS from funding these construction projects under applicable IHCIA authorities just because they have already been started, nor is there any limitation in the law that a tribal wellness center may not include a behavioral health component. Behavioral health facilities, like any health care facility in Indian country, are in desperate need of additional funding for staffing and operating their programs.

NSHC thus requests that the Subcommittees take up this issue with IHS regarding their restrictive policies on eligibility for the FY 2017 funds, and include FY 2018 report and/or statutory language requiring the IHS to fund these projects from FY 2018 funds provided to implement these IHCIA authorities. NSHC also asks that the Subcommittees continue to fund and support the IHS Joint Venture program, as it is critically important for helping to address the significant backlog of facilities needs that continues to exist throughout Indian country. We also request that staffing funds be made available for clinics built by tribes and tribal organizations, as recurring money for staffing would go a long way toward supporting tribal efforts to construct and operate new facilities in place of aging ones. We also ask the Subcommittees to support increased funding for the IHS facilities appropriations, as the amount of funding being appropriated for facilities construction and for maintenance and improvement of existing facilities is not currently adequate to cover the very substantial facility requirements that exist in Indian country and throughout the Alaska tribal health system. Without facilities in which to provide health care, we cannot meet our communities' needs for quality and available local treatment.

Funding For Water & Sewer Projects. Five villages within the Bering Strait region are still to this day completely unconnected to any running water and sewer. Those villages are Diomede, Wales, Shishmaref, Stebbins and Teller. In three other of NSHC's communities, 30-50% of the homes still lack such connections, and ongoing sewer and water upgrades and maintenance backlogs remain concerns in seven other of our communities.

Multiple federal programs help to fund water and sewer projects, including grant programs through the U.S. Department of Agriculture and Environmental Protection Agency (EPA), as well as through the IHS. However, federal funding streams must be coordinated in order to complete construction of a system in a community. For example, the EPA's Safe Drinking Water Act funding can only be used for community water facilities and water service lines, but not for interior plumbing. IHS housing support funds can be used for water and sewer facilities to non-HUD "like new" native owned/occupied homes, but regulations currently prevent connection to newer HUD-built homes. The regulatory structure is thus complex and makes for complicated planning and funding challenges.

NSHC believes it would be beneficial to streamline and align federal agency authorities through the IHS. Establishing a program within the IHS that would allow tribes to enter into contracts with the private sector, use federal sewer and water funding from multiple agencies to support the complete construction of running water and sewer in a community would lead to a clear path toward water and sewer development, rather than the piecemeal approach that exists today. We thus request the Subcommittees' support for establishing such a program within the IHS, and for expanding the current funding within the IHS budget that is allocated toward water and sewer projects. In this day and age, we should not have communities, nor homes within communities, that are unconnected to safe water and sewer.

Additionally, we want to bring to the Subcommittees attention that as we consider reforms to regulatory structure for water and sewer projects, we are experiencing in our communities in Alaska the very real problem of climate change. Increasing temperatures are changing Alaska: thawing permafrost and eroding costal and river shorelines are damaging and shortening the

operating life of critical sanitation infrastructure in Native communities. The State of Alaska and the federal General Accounting Office have identified 31 threatened Native communities, 12 of which are looking at relocating their villages. Funding for programs impacted by climate change, such as those related to addressing flooding and erosion, must not be cut, and we ask the Subcommittees to help encourage the federal funding agencies to be more responsive to the need for research and development, in order to address the sewer and water needs in these communities that are threatened by climate change.

Village Built Clinics. NSHC has testified for several years now about the chronic underfunding of our Village Built Clinics (VBCs). We cannot overstate the importance of the VBCs in Alaska. Anyone can try to imagine living in a very remote village with no roads and unpredictable weather, while a need for health care services arises, and can appreciate how the VBCs are necessary to ensure there is an available, local source of health care in such situations. We thus want to thank Congress for funding the $11 million increase for tribal health clinic leases in the FY 2017 Consolidated Appropriations bill. However, we now ask for the Subcommittees' support to make VBC funding recurring every year, and request that additional funding be provided. In 2015, the Alaska Native Health Board estimated that $12.5 million was needed in addition to the existing $4.5 million base. Accordingly, the $11 million increase in FY 2017 was a major step forward, but still does not cover the full amount of need. In addition, without a separate line item for VBCs, much of the funding could be distributed to other types of facility leases, leaving the VBCs even more short on necessary funding. We thus also request that VBC funding be shown as a line item in the IHS budget and displayed in the Budget Justification in order to assist with planning and certainty for our VBCs.

Funding For Contract Support Costs. We wish to express our gratitude for the Subcommittees' leadership in making funding of IHS contract support costs (CSC) for FYs 2016 and 2017 an indefinite amount, and for making CSC a separate account in the IHS budget. This has made a tremendous difference in our ability to implement our health care programs under the Indian Self-Determination and Education Assistance Act (ISDEAA). Our objective, though, continues to be the indefinite appropriation of CSC funding as mandatory and permanent. Full payment of CSC is not discretionary; it is a legal obligation under the ISDEAA, affirmed by the U.S. Supreme Court. NSHC remains committed to working together with the appropriate Congressional committees to determine how best to achieve this objective.

Additional Issues. We have in the past testified in support of the Obama Administration's and the Senate Subcommittee's recommendation for $25 million for an IHS Behavioral Health Integration Initiative. The final bill does not contain that amount, although there is an overall FY 2017 $12 million increase for the Mental Health Account (from $82 million to $94 million). We hope that FY 2018 funding will be provided to build on this Initiative. We have also several times in the past requested that the IHS budget from sequestration. We again ask the Subcommittees' support for this request.

Thank you for your consideration of the concerns and requests of the Norton Sound Health Corporation.

Mr. CALVERT. Thank you.

Thank you all for your testimony.

Ms. Hudson, I was just curious, on the Chester Lake Dam, who built the dam in the first place?

Ms. HUDSON. The Corps of Engineers back in the early 1970s.

Mr. CALVERT. So have you gone back to the Corps and asked them to take another look at that, to the district out there?

Ms. HUDSON. We sure have.

Mr. CALVERT. And they haven't been too responsive to you?

Ms. HUDSON. They told us it belongs to us now and it is our responsibility.

Mr. CALVERT. Ah. Was there a contract signed that turned over the responsibility at that time?

Ms. HUDSON. Yes.

Mr. CALVERT. I see. Well, Don Young is a great friend of ours around here. I am going to talk to him on the authorizing side, but I am also on the Energy and Water Committee. I will take a look at that and see—if the Corps didn't build the dam to its safety provisions, I wonder if they can sign away their obligations to that. We will take a look at that.

Ms. HUDSON. Sir, I was kind of hoping Mr. Young would come busting through the door and save the day.

Mr. CALVERT. I think he was trying to get here. That is what he does. I think he was in Alaska this last week, so he was trying to get back in time.

Ms. MCCOLLUM. There are storms.

Mr. CALVERT. Is that right? So that is probably it, because that is why we have—I suspect that he wanted to be here, but—he usually is.

And I know internet service is a challenge all around these remote areas all around the whole country, so that is not really in our jurisdiction. But since we represent a lot of these rural areas, I will mention that to Lisa Murkowski too, because she has the whole State, and do so the same thing with Don. So we will make sure that that is recognized.

And, Mr. Joseph, as far as commonsense is concerned, sometimes in the Federal Government we don't have much, yet bringing in an outside group because they know how to cut down trees doesn't seem to make a lot of sense. So we will certainly take a look at that. There must be some kind of a waiver program that the BIA or the Forest Service can have that would waive that requirement.

Mr. JOSEPH. Currently, we have a request in to BLM to take over that role of training our local Tribes within the State of Alaska. The problem is is some delays that it takes through the approval process. If we can work on that approval process that it gives us the authority, we could have been providing that training this year.

Mr. CALVERT. Right.

Mr. JOSEPH. As it is now, we have to wait until the next fiscal year, and you only get approval for 2 years at a time, and so we are hoping we can work through that.

Mr. CALVERT. Okay. And, Mr. Bolton, I hear you on this issue with behavioral programs should absolutely be a part of this. I think, you know, we will look into that and find out why they are thinking the way they do. Obviously, addiction in Indian Country

is, unfortunately, more prevalent than most parts of the country, so we have to deal with it.

So with that, Ms. McCollum.

Ms. MCCOLLUM. Thank you.

So, Mr. Bolton, I know different States use different licensing terms, and I just want to understand what your needs are, because there is a big difference. And I was looking this up, a physician extender is usually somebody who has a 4-year degree who goes on to get something else, a PA, or we call them physician's assistants in Minnesota. You kind of said you needed health aides or physician extenders. So do you need both, because the health aide is only a 120-hour program, or what do you need most?

Mr. BOLTON. We do need both, but the health aides are the backbone of our care in the remote villages.

Ms. MCCOLLUM. And is that a problem with offering training or is it just a labor shortage, people aren't interested?

Mr. BOLTON. No. A number of the training facilities around the State have closed, and, again, it has been underfunded. Medicaid in the State of Alaska, fortunately, is actually coming up with a community health aide provider, a CHAP, encounter right now.

So, traditionally, when we would send a physician or a PA, a mid-level, to a village, which is very expensive, we would get an encounter rate of about $600. When a health aide would see the same patient, we would get 85 percent of the physician fee schedule, which would be about $85. So that was underfunded.

And so facilities don't have the incentive to keep working with health aides because we get much more reimbursement for the more expensive provider, which is against the whole idea. The whole idea was to have less expensive providers, but the reimbursement mechanism has made it such that we staff with PAs and physicians.

The training centers also were not funded. They were typically grant funded by the State of Alaska, if we didn't have Federal funding for training centers. And what we are doing is combining the training center with the wellness center with the intent of trying to get enough funding to build a whole building.

Ms. MCCOLLUM. So you have got lots of problems——

Mr. BOLTON. We do.

Ms. MCCOLLUM [continuing]. With staffing, because you have your reimbursement rate, you have struggles with people being trained, and then there are the professionals that are in between a nurse practitioner, a PA, a doc, and then you have got the health aide, but you have R.N.s certified in between. So you have got some challenges.

Mr. BOLTON. We do, but I have got to tell you, we have worked well with the various agencies to try to make the best of it. So, for example, we work with HERSA to get—we are a community health center, so we get grants from HERSA to keep the doors open. We have a close relationship with State of Alaska Medicaid, so we ensure that we enroll as many beneficiaries as possible so we can get the Medicaid as well as the compact funding that comes from his.

So your funds comes from Interior. These other funds come from Health and Human Services, and we have been doing everything we can to make the whole system work, because his, again, tradi-

tionally underfunds not only our hospitals but especially our clinics, haven't recognized the health aides, so we have had to make due with these other programs. And we have been doing it, but we would like to see it all come together better.

Ms. MCCOLLUM. Is Alaska doing Medicaid expansion?

Mr. BOLTON. They are. They have.

Ms. MCCOLLUM. I don't want to get into the middle of the health bills, but you need something that recognizes the importance of the expansion that currently exists or you are going to have another problem.

Mr. BOLTON. We do. And, again, really, behavioral health is what we are trying to promote, because as part of the patient center medical home and in prevention, we can get people on diets, we can get them to get their annual physical, but if they are putting—you know, if they are committing suicide because they have behavioral health issues, or they just won't—you know, they won't work out, they won't see the physician because there is so much depression, and again, a lot of it goes to intergenerational trauma. And that key piece has been notoriously underfunded, and it is still underfunded as evidenced by this joint venture. It doesn't make sense that behavioral health is excluded with joint venture funding.

Ms. MCCOLLUM. Okay.

Mr. BOLTON. That is our biggest ask, by the way.

Ms. MCCOLLUM. Let's turn to the DOD cleanup, because the Chairman and I are both on the Subcommittee that funds the Department of Defense. I have worked with the DOD on cleanups, and you have to stay on top of the Department on the cleanups. Is that going along to plan? Is that way behind? Are there arguments about how the cleanup is going?

Ms. DEMMERT. There is all these arguments about what their responsibility is, and they have different levels and play with words.

Ms. MCCOLLUM. Yeah. How clean is clean, right?

Ms. DEMMERT. Right. And our concern is to be able to clean it up completely, because we actually had to move our culture camp, our children's culture camp because of dioxins in the water and our crab and our clams in the area and berry picking. So we are working on cleaning it up to the point where we can have the culture camp there again. We had to move it. We have moved it to a river, but——

Ms. MCCOLLUM. They typically only want to clean up to industrial standards, and you need residential standards to have children present on the grounds?

Ms. DEMMERT. Right. And then there is argument about where the dioxins are coming from so——

Ms. MCCOLLUM. Oh, really? They just fell from the sky.

Ms. DEMMERT. Also not only the DOD, we have the NALEMP and the brownfields cleanups, but we also had a White Alice site in the same location as a lot of the other Quonset huts and the varied oil drums, and so all of that is getting cleaned up now. It is just going to take a while. They keep saying, well, we have done it to as far as we can, and we then we push them, well, we still have got stuff in the ground.

Ms. MCCOLLUM. In some of our signoffs, the Minnesota Pollution Control Agency also had a voice into certifying all the cleanup. Is

the State of Alaska with you with getting up to residential standards or——

Ms. DEMMERT. You know, they are not really involved with this.

Ms. MCCOLLUM. Okay. Because it kind of depends upon the compacts and all that.

I am going to learn more about that, but I will do it in working with the gentleman from Alaska.

Ms. DEMMERT. Okay.

Ms. MCCOLLUM. I will have a conversation with him.

Ms. DEMMERT. Thank you.

Ms. MCCOLLUM. And August 7th I might be hugging a grandbaby, I don't know, but it is awfully tempting to come to Alaska in August. It is so beautiful.

Thank you, your Honor, for the invite.

Ms. HUDSON. You are welcome.

Mr. CALVERT. Thank you.

Just real quickly, most of this waste, this was all from World War II?

Ms. DEMMERT. The majority of it is. About 99 percent of it, and the other is from the White Alice, but they weren't in just one area. They were all over the place. There are big cannons out on the beaches. We have our own cannon beach because of the cannons themselves as part of, you know, watching for the ships going by. And then all through the peninsulas and on the islands and throughout the mainland, they were everywhere.

Mr. CALVERT. Sure. Thank you.

And thank you. This concludes this afternoon's hearing on American Indian and Alaskan Native Programs.

Thank you all for making the effort to be here today, and I encourage you to meet with as many members and staff while you are in town.

So with that, hearing adjourned. Thank you.

WEDNESDAY, MAY 17, 2017.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

CATAWBA INDIAN NATION

WITNESS

WILLIAM "BILL" HARRIS, CHIEF, CATAWBA INDIAN NATION

Mr. CALVERT [presiding]. Welcome to this public witness hearing specifically 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. 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 to remind them that honoring the Nation's trust obligations is a responsibility shared by all members of Congress, regardless of our State or congressional district.

I can assure you that your voices are heard by this subcommittee. For those new to the process, today's hearings are just the start of a dialogue we have come to depend upon to help us make smart choices in the budget and to earn the votes of our colleagues.

American Indian and Alaska Native programs will continue to be a non-partisan priority for this subcommittee just as they have been in recent years under the chairmanships of both Democrats and Republicans alike.

Before we begin, I have a bit of housekeeping to share. Committee rules prohibit the use of outside cameras and audio equipment during the hearings. The hearing can be viewed in its entirety on the committee's website, and 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 testimony. Your full written testimony will be included in the record, so please do not feel pressured to cover every item in 5 minutes. Finishing in less than 5 minutes would be appreciated if you can.

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 remarks. When the light blinks red, that is when I will ask the witness to stop.

We will hear from every witness on each panel before members will be provided an opportunity to ask questions. Because we do have another full day ahead, I request that we try to keep things

moving in order to stay on schedule and respect each other's time. I am sure many of you have planes to catch.

With that, I thank you again for being here today. And I am happy to yield now to our distinguished ranking member, Betty McCollum, for her opening remarks.

Ms. MCCOLLUM. Thank you, Mr. Chair.

I want to thank all the people who have come to testify today, and I am ready to listen. Thank you, Mr. Chair.

Mr. CALVERT. Great. Thank you. Well, I want to thank our first panel, and I am going to recognize William "Bill" Harris, chief of the—I always pronounce this wrong—Catawba——

Mr. HARRIS. Catawba.

Mr. CALVERT. Okay. Okay. Catawba Indian Nation. You are recognized for 5 minutes. Thank you for coming.

Mr. HARRIS. Okay, mike is on. So, on behalf of the Catawba Nation——

Mr. CALVERT. Move it up a little bit.

Mr. HARRIS. On behalf of the Catawba Nation, thank you for this opportunity to testify before this subcommittee.

My name is William Harris, and I am the chief of the Catawba Nation. This committee has heard me testify before and has been very supportive of the Catawbas. I have had the opportunity to talk to you about our Tribe's long and close relationship with the United States. We stood side by side with the American patriots during the Revolution, and have fought on behalf of the United States in every conflict since.

Today I would like to talk to you about the importance of funding economic development for tribes that do not have substantial revenue from resources like gaming.

Technically, the tribe, the Catawba Tribe, is currently allowed one form of gaming, which is bingo, played according to traditional rules and not on machines. Unfortunately, we just announced last week that we had to shut down our bingo hall. Over the last few years, the bingo operation grossed about $14 million.

However, since we are the only tribe in the country that is required to pay a tax to the State straight off the top, the State gets 10 percent of the gross. So, the State got $1.4 million, and we had to comply with other restrictions involving payouts, so in the end, there was no net revenue. This means that the tribe made nothing, but we lost money, and South Carolina made $1.4 million.

Similarly, we are the only tribe in the country that is required to pay to send our kids, our children, to local public school, in our case, at the county rate. Our local school district, which has done a good job educating our children, has taken the position that with interest, we owe $4.5 million on that debt, which far exceeds our total assets.

So, we want to achieve economic self-sufficiency, but we have been financially crushed by the unexpected restrictions placed in our Settlement Act at the insistence of the State of South Carolina. We have to find another path.

Many tribes are economic engines in such areas as tourism, energy, small business development, and commercial services, among many others. However, limited access to capital and investment fi-

nancing remain substantial barriers to economic development in Indian Country.

We struggle with uniquely burdensome Federal restrictions and regulations, poor infrastructure, and other challenges that limit our economy from flourishing. It is important to create avenues for investment funds, financial resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. We encourage this subcommittee to provide increased support for investment opportunities in Indian Country. Such funding could flow through the Office of Indian Energy and Economic Development at the BIA.

As an artist and traditional potter, I am intimately familiar with the press of cool clay beneath my fingers and the process of creating a new form from the South Carolina earth. Such vessels transmit not only the impressions of the artists who created them, but also the cultural heritage and world views of all those individuals who came before. When these items are removed from native communities through illegal trafficking, theft, or disruptions in the transmission of traditional practices, an irreplaceable aspect of our cultural expression and identity is lost as well.

We would like to take this opportunity to provide a heartfelt thanks for you providing expanded funding for NAGPRA-related law enforcement activities in the 2017 omnibus. With a secure and dedicated funding stream, BIA and tribal officials will have an enhanced capacity to combat and to deter trafficking of tribal cultural patrimony.

When aligned with the Federal protections of the Protect Patrimony Resolution passed by the Congress last year, the Catawba Indian Nation can see a positive path forward in ensuring that the next generation will have access to these important cultural resources. We strongly encourage you to continue to support programs that protect our cultural heritage, including law enforcement funding and funding for the Tribal Historic Preservation offices.

I thank you for this opportunity to talk to you about the needs of the Catawba Nation.

[The statement of Mr. Harris follows:]

Written Testimony of William Harris
Chief, Catawba Indian Nation, South Carolina

"Public Witness Hearing for Fiscal Year 2018: American Indian/Alaska Native Programs"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies

May 17, 2017

Requests:

1. Provide necessary funding to support tribal self-determination and economic development.
2. Establish avenues for increased capital investment in Indian Country.
3. Maintain the $1 million allocation for NAGPRA-related law enforcement in FY 2018 and beyond.
4. Expand funding for effective natural resource management and conservation.
5. Increase funding for tribal historic preservation efforts to protect sacred sites.
6. Support the Johnson O'Malley program at the Bureau of Indian Education for Native student resiliency and long-term success.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on critical funding needs for American Indian and Alaska Native programs in the Department of the Interior. The people of the Catawba Indian Nation thank you for your hard work on behalf of Indian Country and for inviting tribal leaders to speak on their communities' behalf. As you are aware, the programs at issue today are founded on the political relationship that exists between the federal government and tribal nations, which frames our government-to-government relationship and the trust responsibility to protect the interests and well-being of tribal members.[1]

My name is William Harris and I am the Chief of the Catawba Indian Nation, the only federally recognized tribe in the state of South Carolina. Since before recorded history, the Catawba have lived in the Piedmont area of South Carolina, east of the Nantahala National Forest and along the life-giving waters of the river bearing our name. Like our traditional pottery, the Catawba have been created from southern soil, to be shaped and fired over time by unimaginable hardship, and now stand tall as a living testament to our ancestors and to the land we call home. To advance the socioeconomic development and well-being of my Tribe and other Native communities, I offer the following budget recommendations for fiscal year 2018.

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[1] Recently, there have been suggestions that Federal Indian programs and associated funding might somehow be unconstitutional. This is absolutely wrong. The Supreme Court has rejected equal protection challenges against federal Indian laws, holding that the "[T]he Constitution itself provides support for legislation directed specifically at the Indian tribes...[T]he Constitution therefore 'singles Indians out as a proper subject for separate legislation.'" *United States v. Antelope*, 430 U.S. 641, 649 n. 11 (*quoting Morton v. Mancari*, 417 U.S. 535, 552 (1974)). If this were not true, a whole title of the U.S. Code (Title 25) would be in jeopardy in total contradiction to thousands of judicial decisions and dozens if not hundreds of laws passed by both houses of Congress and signed by every president.

I. Sustainable Economic Development for Smaller Tribes

Unique Hardships of the Catawba Indian Nation. As a sovereign nation and industrious people, we are committed to achieving economic self-sufficiency. The ability to provide a safe, vibrant, and fully functioning range of services to one's community is the aspiration of all tribal governments. For the Catawba Indian Nation, this goal is immeasurably complicated by the terms of our 1993 Settlement Act with the state that inhibit meaningful tribal economic development. For example, the Tribe was required to pay an out-of-county rate for tribal students enrolled at public schools within the local Rock Hill School District based on an extremely unfair formula that would effectively impose a $500,000 annual fee on the Tribe. The justification for the fee was that the Tribe would be taking 3,500 acres of land into trust that could no longer be taxed, but in reality the Tribe has only taken about 300 acres into trust. As a result of legal action brought by the local school district following our inability to pay this exorbitant amount, there is a judgment against the Tribe exceeding the amount of our total assets. **We urgently request Congressional support to promote our tribal self-determination and sustainable economic development.**

Increased Support for Non-Gaming Tribes. Our Tribe is currently prohibited from establishing gaming operations on tribal lands under the terms of our Settlement Act. Instead, we are allowed to operate just two bingo halls—neither of which ever turned even a marginal profit for the Tribe due to the mandatory 10% fee on gross bingo revenue that must be first transmitted to the state. It is our hope to come back to the Congress and ask for amendments to our Settlement Act that would restore some of our lost sovereignty and free-up our economic potential. In the interim, we continue to explore innovative avenues for economic development. **We urge Congress to invest in programs that support economic development for non-gaming tribes with limited resources to further the federal government's policy of promoting tribal self-determination and economic self-sufficiency.**

Expanded Access to Investment Opportunities in Indian Country. Given adequate support and the appropriate resources, the majority of tribes would likely become—assuming they are not already—significant contributors to their local and regional economies. Tribes are economic engines of the tourism industry, renewable energies, small business development, commercial services, among many others. However, limited access to capital and investment financing remain substantial barriers to economic development in Indian Country. We struggle with uniquely burdensome federal restrictions and regulations, poor infrastructure, and other challenges that limit their economies from flourishing. It is important to create avenues for investment funds, financial resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. **We encourage Congress to provide increased support for investment opportunities in Indian Country in the FY 2018 budget.**

II. Protection for Tribal Cultural Patrimony

Continued Support for the Protection of Cultural Patrimony; Thank You for Supporting Efforts to Cure Illegal Trafficking in Tribal Cultural Materials. As an artist and traditional potter, I am intimately familiar with the press of cool clay beneath my fingers and the process of creating a new form from the South Carolina earth. Such vessels transmit not only the impressions of the artists who created them, but also the cultural heritage and worldviews of all those individuals who

came before. When these items are removed from Native communities through illegal trafficking, theft, or disruptions in the transmission of traditional practices, an irreplaceable aspect of our cultural expression and identity is lost as well.

We would like to take this opportunity to provide a heartfelt thank you to Congress for providing expanded funding for NAGPRA-related law enforcement activities in the 2017 Omnibus. With a secure and dedicated funding stream, BIA and tribal officials will have an enhanced capacity to combat and deter the trafficking of tribal cultural patrimony. When aligned with the federal protections of the PROTECT Patrimony Resolution, passed by the Congress last year, the Catawba Indian Nation can see a positive path forward in ensuring that the next generation will have access to these important cultural resources. **We strongly encourage Congress to continue to support programs that protect our cultural heritage and work to bring these irreplaceable objects home and to maintain the $1 million NAGPRA-related funding for FY 2018 and beyond.**

Natural Resource Protection to Safeguard Tribal Cultures. We often think of the destruction of cultural heritage in terms of monuments or great works of art. However, it is also possible to conceptualize the destruction of cultural heritage in terms of living natural resources. When natural resources are contaminated or destroyed, such alterations necessarily impact the cultures that depend on those resources for physical, spiritual, and cultural sustenance. Our cultural heritage as the Catawba Indian Nation is intertwined with the natural resources that surround and define us, particularly in regards to our sovereign lands and the currents of the Catawba River. **We urge Congress to safeguard tribal cultures by providing increased funding for natural resource protections in the FY 2018 Interior budget.**

Tribal Historic Preservation Offices (THPOs). The landscapes and features that qualify as tribal sacred sites are as diverse as the 567 tribal nations currently recognized by the federal government. Each individual tribe must decide for itself what does or does not constitute a sacred site. In recent years, an increasing number of tribes have established THPOs equivalent to state programs under the National Historic Preservation Act. Federal funding, however, has not kept up with the expansion of THPO programs and, as a result, it is difficult for tribes to meet their preservation compliance duties and responsibilities. **We request an increase in THPO funding as part of the Interior budget to better protect tribal sacred sites for future generations.**

III. Increased Support for Education

Increased Funding for the Johnson-O'Malley Program (JOM). The JOM Program provides supplementary educational services to meet the unique needs of Native children attending public schools. These services include academic counseling, dropout prevention assistance, Native language incorporation, and culturally based education activities in the classroom. The implementation of culturally and linguistically appropriate instruction and program design has proven to contribute to Native student resiliency and long-term success. To ensure that Native students are receiving appropriate forms of support, the JOM Program authorizes parent committees to design and implement their own programs. Through this critical program we are able to better support our children as they reach for their educational goals. **We urge an increase in funding for per student allocations under the JOM to account for future student growth.**

Thank you for holding this important public witness hearing on federal funding for American Indian and Alaska Native programs. I appreciate the opportunity to testify on behalf of the Catawba People. We look forward to working with you on addressing these complex needs.

Mr. CALVERT. Thank you, and thank you for your testimony.

Next, Kirk Francis, president of the United South and Eastern Tribes Sovereignty Protection Fund. You are recognized for 5 minutes. Thank you.

WEDNESDAY, MAY 17, 2017.

UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND

WITNESS

KIRK FRANCIS, PRESIDENT, UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND

Mr. FRANCIS. Thank you, Chairman Calvert, Ranking Member McCollum, Representative Pingree, and members of the subcommittee. Again, I appreciate the opportunity to share my thoughts with you this morning.

As elected officials, you know all too well the great responsibility that comes with serving the interests of the citizens who elect us to office. We share in common the desire to make a positive difference in our communities and within the lives of our fellow citizens.

As chief of the Penobscot Indian Nation and president of the United South and Eastern Tribes Sovereignty Protection Fund, I come before you today with a great sense of urgency and anticipation. The Penobscot Indian Nation, the 26 federally-recognized nations of USET, and tribal nations across the country continue to evolve, grow, and mature as sovereign governments, just like any other sovereign government, including the United States.

Due to the perseverance of us as a people and through the blessings of our Creator, we are still here today. I know that you are all intimately familiar with our unique and special relationship. However, many in Congress do not have this same level of familiarity and understanding, which is the reason for the existence of organizations such as ours. You know, as Congressman Cole has stated in the past, when you, the members of Congress, swear allegiance to the Constitution, you are swearing an allegiance to Indian sovereignty whether you know it or not.

Ours is a story and relationship between two sovereign government entities that has not been without its fair share of challenges. It is a relationship that includes the exchange, sometimes voluntary, but most often involuntary, of our land and natural resources for promises of our protection and overall well-being. These promises have no expiration date and have been further validated and confirmed by the Constitution, treaties, and numerous laws and court decisions. These lands and natural resources that the United States acquired from Indian Country are at its very foundation and directly attributable to this country becoming the most powerful and influential Nation in the world.

However, despite these facts, I once again come before you asking the United States to honor its commitments, to honor its sacred promises. As I sit here, tribal nations across this country, the first peoples of this land, continue to experience some of the greatest disparities in health and overall wellness and well-being. As you

move forward with this budgetary process, fulfillment of the trust obligations should not be viewed and executed as a yearly discretionary decision as it currently is rendered.

This is not a question about addressing poverty and needs across Indian Country. Our relationship is much more than this. This is ultimately a question about honor, about fulfilling commitments and promises. The Nation's exceptionalism is grounded in these principles.

As leaders who have consistently demonstrated a true understanding of this commitment and obligation, I implore you to lead the change within Congress that is necessary to improve how the United States views, honors, and fulfills its promises to Indian Country. The Federal budget is a reflection of that commitment. I recognize that there are many causes and issues that this body considers. However, I ask you to always remember the Nation's first promise to its first people.

Regarding our specific priorities for Fiscal Year 2018, it appears the Indian Health Service and the Bureau of Indian Affairs are largely protected under President Trump's budget blueprint. However, we have deep concerns with proposed cuts and eliminations of other programs and agencies critical to meeting that trust responsibility. We urge the subcommittee, as some of Indian Country's greatest congressional allies, to ensure the trust responsibility is upheld during the Fiscal Year 2018 budget and appropriations process.

We are also concerned that the across-the-board sequestration of all Federal agencies and programs will return as a real possibility for Fiscal Year 2018. This violation of the Federal trust responsibility must never happen again. And we urge this subcommittee to ensure the permanent exemption of all Federal Indian programs from any sequestration.

The USET is troubled by the President's signing statement for the Fiscal Year 2017 omnibus suggesting that the Native American housing block grant is race based, and, therefore, unconstitutional. As this subcommittee knows, all Federal Indian programs are based on a political government-to-government relationship between the United States and tribal nations. USET SPF seeks the assistance of this subcommittee in educating the White House on this sacred relationship.

We join tribal nations and organizations across the country advocating for greater increases in the Indian Health Service's chronically underfunded budget. For Fiscal Year 2018, the work group recommends a 37 percent increase for a total of $7.1 billion. We totally support this request.

Within the Department of Interior, the BIA historically has received lower percentages increases than any other program. The TIBC representatives that advise on the BIA budget have been asked to spread a projected 8 percent across the 125 separate BIA line items, a very impossible task.

So finally, USET recognizes that a major priority for the President is the full reorganization and reduction in workforce of the executive branch. However, we also note that executive orders and memoranda issued do not, with only very limited exceptions, ex-

empt positions in the agencies to deliver on this trust responsibility.

I again want to thank you for all your time, and attention, and patience with my testimony, and I am happy to answer any questions.

[The statement of Mr. Francis follows:]

Testimony of President Kirk Francis
United South and Eastern Tribes Sovereignty Protection Fund
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
FY 2018 Native American Public Witness Hearings, May 17, 2017

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for allowing me to be here today and for committing to hold Native American Public Witness Hearings in spite of this year's unique circumstances and few details regarding the President's request. My name is Kirk Francis. I serve as the newly-elected President of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF). I am also the Chief of the Penobscot Indian Nation, located at Indian Island, Maine.

USET SPF represents 26 federally-recognized Tribal Nations from Texas to Florida to Maine. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains 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 SPF Tribal Nations have great diversity in cultural traditions, land holdings, and resources. From an economic standpoint, some of our member Tribal Nations have highly developed economies, while others remain dependent upon the federal government to provide essential services to their citizens.

Regardless of Tribal economic status, this Congress, President Trump, and all branches, departments, and agencies of the federal government hold sacred fiduciary trust responsibilities and obligations to all Tribal Nations, which are upheld through treaties, statute, and case law. These responsibilities and obligations should be viewed with a level of honor and respect that reflects the unique status of the diplomatic relations that exist between the U.S. and Tribal Nations. While USET SPF applauds this Subcommittee's strong, long-standing commitment to Indian Country, funding for federal Indian programs continues to fall far short of these fiduciary trust obligations. USET SPF firmly believes that as long as the execution of the fiduciary trust obligation remains on the discretionary side of the budget, and therefore subject to the unpredictability of the current appropriations process, the trust responsibility will go unfulfilled. In addition, though it appears the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) are largely protected under President Trump's Fiscal Year (FY) 2018 Budget Blueprint, we have deep concerns with proposed cuts and eliminations of other programs and agencies critical to meeting the trust responsibility. We urge this Subcommittee, as some of Indian Country's greatest Congressional allies, to ensure the trust responsibility is upheld during the FY 2018 appropriations process and beyond.

Further, we recognize that the across-the-board sequestration of all federal agencies and programs returns as a possibility for FY 2018. As this Subcommittee well knows, the budget sequestration of FY 2013 was devastating to federal Indian programs and the Tribal communities they serve. This violation of the federal trust responsibility must never happen again. USET SPF implores this Subcommittee to ensure the permanent exemption of all federal Indian programs from sequestration.

Finally, USET SPF was troubled by the President's signing statement for the FY 2017 omnibus suggesting that the Native American Housing Block Grant is "race-based" and therefore, unconstitutional. As this Subcommittee knows, all federal Indian programs are based on a political, government-to-government relationship between the U.S. and Tribal Nations. Appropriations that support programs and services such as this are provided in perpetuity in exchange for the millions of acres of land and natural resources ceded, often times by force, to the U.S. Our homelands have become the foundation to this country's strength and prowess, and the U.S. must not allow the expiration of time to diminish the fulfillment of its promises. Time and again, this political relationship has been upheld through the courts. This understanding is the foundation of the diplomatic relationship between our respective sovereigns. USET SPF seeks the assistance of this Subcommittee in educating the White House on this sacred relationship.

Indian Health Service: While we await the President's FY 2018 Budget Request for the Indian Health Service (IHS), we join Tribal Nations and organizations across the country in advocating for greater increases to this chronically underfunded Agency. For FY 2018, the IHS Tribal Budget Formulation Workgroup, in which USET SPF participates, recommends a 37% increase to IHS for a total of $7.1 billion. This would include $169.1 million for the full funding of current services, $171.9 million for binding fiscal obligations, and $1.6 billion to provide necessary program expansion. We also urge the adoption of a plan to phase-in full funding for the IHS over a period of 12 years. Though we understand the Subcommittee is constrained by its 302(b) allocation, we continue to assert that as long as IHS is so dramatically underfunded, the root causes of recent agency failures will not be addressed, and Congress will not live up to its own stated policy and responsibilities.

In addition to providing a robust funding stream for the continued operation of IHS, Nashville Area Tribal Nations identified our top 5 priority line items for increases in FY 2018:

- **Purchased/Referred Care (PRC):** PRC funding is the top-ranked budget priority for the Nashville Area. IHS and the Tribal Nations serve primarily small, rural populations and provide mainly primary care and community health services. Much of the secondary care, and nearly all of the tertiary care needed, must be purchased from non-IHS facilities. These funds are critical to securing the care needed to treat injuries, heart disease, digestive diseases, and cancer, which are among our leading causes of death.
- **Hospitals and 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 Tribal Nations, who are responsible for approximately 58% of the IHS outpatient workload and 50% of the inpatient workload.
- **Alcohol/Substance Abuse:** The abuse and misuse of substances is at epidemic levels within the Nashville Area and the limited dollars available don't provide our citizens with an adequate level of care. The integration of culturally appropriate alcohol/substance abuse programs into comprehensive behavioral health prevention and treatment programs, as well as 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.
- **Dental Health:** AI/AN suffer disproportionately from dental diseases. For example, by the time AI/AN children reach 13-15 years of age, they suffer from five times the tooth decay prevalence as the general U.S. population (53% vs. 11%). Increased funding for dental health will enable the IHS to support three dental health initiatives—the Early Childhood Caries Initiative, the Periodontal Treatment Initiative and the Dental Workforce Efficiency Initiative— by increasing the workforce, improving efficiency of programs, and prioritizing oral health in an effort to reduce the aforementioned disparities in oral health in the AI/AN population.
- **Mental Health:** Behavioral Health, including Mental Health, is also a top Tribal health priority. The high incidence of mental health disorders, suicide, violence, and behavior-related chronic diseases is well documented. Each of these serious behavioral health issues has a profound impact on the health of individuals and community health, both on- and off-reservation.

Additionally, we continue to request that this Subcommittee seek to provide funding for new authorities under the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA). Passed in 2010, IHCIA contained the authorizations for a number of new, but necessary, programs and services for provision by the IHS and Tribal Nations. A majority of these new programs and activities, while authorized, remain unfunded by Congress. Nashville Area Tribal Nations identified Diabetes Prevention, Treatment,

and Control, the Mental Health Technician Program, and the Behavioral Health Program as priority IHCIA provisions for funding in FY 2018.

Bureau of Indian Affairs (BIA): Though the only agency within DOI charged with direct services to people, BIA has, historically, received lower percentage increases than other agencies at DOI. Representatives from USET SPF and USET SPF Member Tribal Nations serve on the Tribal Interior Budget Committee (TIBC), the body that advises BIA on its budget. For FY 2018, regional TIBC representatives were instructed to spread a projected 8% increase to the agency, as well as identify their top 5 priority programs within the BIA budget. Recognizing that there are over 125 separate BIA line items, across a variety of programmatic functions, this is an impossible task and the process must be corrected to allow this Congress to receive a more complete and comprehensive assessment of its fiduciary trust obligation fulfillment within the BIA.

All of the programs contained within the BIA are essential to our Tribal Nation communities. Recognizing the limitations and impossibilities of preparing the FY 2018 Budget Formulation in accordance with the guidance, the Eastern Region expanded its thinking and submitted a more realistic approach to our formulation package by prioritizing 2 programs under each of the 11 funding categories with an 8% increase for each of the individual categories. However, our budget formulation package was returned by Central Office with the instruction to resubmit based on the budget formulation guidance or it would not be included in the final compilation. Having no alternative, the Eastern Region resubmitted the package and divided the 8% between the 2 programs within the Tribal Government funding category – Aid to Tribal Government and Consolidated Tribal Government Programs. These 2 line items encompass the vast majority of Eastern Region's current Tribal funding.

Ultimately, the current TIBC budget formulation process does not produce a product representative of the true unmet obligation to Tribal Nations within the BIA budget, which deprives this Subcommittee of vital information. While we continue to work with BIA and TIBC to reform the budget formulation methodology, we request the assistance of the Subcommittee in encouraging the agency to, in consultation with Tribal Nations, reexamine this process. Although Central Office rejected this list, USET SPF provides the following top priority line items for BIA funding in each of 11 categories:

- **Tribal Government**
  - Aid to Tribal Government
  - Consolidated Tribal Government Programs
- **Human Services**
  - Social Services
  - Indian Child Welfare Act
- **Natural Resources**
  - Forestry Program
  - Wildlife & Parks Program
- **Public Safety & Justice**
  - Tribal Courts
  - Criminal Investigation & Police Services
- **Real Estate Services**
  - Trust Services
  - Land Title & Record Office
  - Water Rights Negotiations/Litigation
  - Rights Protection
- **Community & Economic Development**
  - Job Placement & Training
  - Economic Development
- **Executive Direction and Administrative Services**
  - Executive Direction
  - Administrative Services
- **Construction**
  - Facilities Improvement & Repair
  - Facilities/Quarters Improvement Repair

- **Settlement/Miscellaneous Payments**
  - Settlements
- **Indian Guaranteed Loan Program**
  - Program Management
  - Subsidies

Bureau of Indian Education: USET SPF continues to support BIE's Blueprint for Reform. We believe that increased accountability, better Tribal control, greater funding for early childhood development, enhanced language and culture programs, and improved teacher quality will result in better outcomes for our students. We note that report language in the FY 2017 omnibus appropriations bill conditions future agency funding on necessary reforms. While we wholeheartedly support reform for BIE, we urge the Subcommittee to avoid penalizing BIE students for the actions of the agency. Via the TIBC process, USET SPF has also identified its top priorities for BIE funding:

- **Scholarships & Adult Ed**
- Johnson O'Malley

Contract Support Costs (CSC): USET SPF was thrilled when Congressional appropriators included in the FY 2017 omnibus bill a separate line item and indefinite appropriation for CSC at both IHS and BIA. USET SPF urges the Subcommittee to preserve this designation for CSC in FY 2018 and future appropriations bills. In addition, we thank appropriators for removal of an objectionable proviso appearing in FY 2016's omnibus bill. USET SPF is also aware of issues related to the IHS's estimation of full funding for the CSC line item. We, along with Tribal Nations and organizations across the country, are working with IHS to encourage a more accurate estimate, and urge the Subcommittee to ensure an accurate, indefinite amount is reflected in FY 2018 appropriations. Additionally, USET SPF continues to support proposals that would designate CSC as mandatory funding rather than discretionary.

Executive Branch Reorganization/Hiring Freezes: USET SPF recognizes that a major priority of President Trump is a full reorganization and reduction in the workforce of the executive branch. However, we also note that executive orders and memoranda issued do not, with very limited exceptions, exempt positions and agencies charged with delivering on the trust responsibility. USET SPF requests that the Subcommittee include report language directing the executive branch to protect these agencies and positions as the reorganization moves forward.

Other FY 2018 Budget Blueprint Proposals: While outside of IHS and BIA, USET SPF is deeply concerned with reduction in funding or elimination of the following agencies and programs within the President's FY 2018 Budget Blueprint. As members of the full Committee on Appropriations and advocates for Indian Country, USET SPF is confident that you understand how these radical changes would negatively impact Tribal Nations. With this in mind, we implore the Subcommittee to ensure that these cuts and eliminations are not enacted:

- Deep cuts to the Environmental Protection Agency and National Institutes of Health, and major changes to funding for Centers for Disease Control and Prevention.
- Elimination of the following programs and agencies: Low Income Home Energy Assistance Program, the Community Development Financial Institutions Fund grants, the Community Development Block Grants, Community Services Block Grant, Economic Development Administration, Minority Business Development Agency, USDA Water and Waste Water loan and grant program, Impact Aid Support Payments for Federal Property, and the TIGER discretionary grant programs.

Mr. CALVERT. Thank you. Next, Maulian Smith, Council Member of the—how do you pronounce that, your Indian nation——

Mr. SMITH. Penobscot.

Mr. CALVERT. Penobscot Nation. Great. You are recognized for 5 minutes.

WEDNESDAY, MAY 17, 2017.

PENOBSCOT NATION

WITNESS

MAULIAN SMITH, COUNCIL MEMBER, PENOBSCOT INDIAN NATION, ISLAND, MAINE

Ms. SMITH. Thank you. Good morning. On behalf of the Penobscot Nation, I want to thank the leadership of this subcommittee for continuing to hold these public witness hearings. I also encourage each of you to visit tribal nations so that you can see how these Federal programs are working on the ground. The Penobscot Nation would happy to host you.

Thank you also to Congresswoman Shelly Pingree for being a tireless advocate for tribal nations in Maine.

Many of the issues that the Penobscot Nation faces are a result of what we believe to be unintended consequences of the Maine Indian Claim Settlement Act. This Federal law was supposed to resolve longstanding land claims by tribal nations in Maine, and provide a path forward for productive government-to-government relationships between the tribes and State. Instead, it has resulted in a legal maze whereby we find ourselves in constant litigation with the State, spending vital dollars defending our sovereignty rather than on critical programs.

Since passage of the act in 1980, we have spent 2 decades in litigation defending our rights against attacks by the State. All we want and ask for is to be treated the same as any other federally-recognized tribal nation.

We have over 123,000 acres of land. This includes about 200 islands covering approximately 80 miles of the Penobscot River. Our Natural Resources Department is the largest department within our government, and probably the most important to our hunting and fishing rights. Fowl, moose, and deer hunts, and fishing throughout spring and summer provide food for our people throughout the year.

We are very concerned about the funding cuts being proposed by President Trump for the EPA. The base funding for our Natural Resources Department comes from the BIA, but we rely on grants from the EPA to supplement our programs. The EPA's Brownfields Program, Air Quality Program, and the Wetland Program allow us to monitor any contamination of our land and air.

EPA funding allows us to monitor, sample, and analyze the water quality of the Penobscot River, which is critical to the health of our fish. We have not harvested a salmon since 1984, but with the help of Federal funding last year, more than 1,300 salmon came through the Penobscot River. Any cuts to these vital EPA programs would have a critical impact on our lands, water, and natural resources.

Currently, we are in 2 lawsuits with the State. One involves our right to regulate waters within our territory where our people conduct sustenance fishing. The second lawsuit involves the EPA requiring the State's water quality standards to meet a minimum level that keep the fish happy. Healthy and happy. [Laughter.]

While the State acknowledges our right to fish, it does not believe such a right entitles us to eat healthy fish. In both of these lawsuits, the Federal government has been on our side. In fact, two members of this subcommittee, Ms. McCollum and Mr. Cole, signed onto an amicus brief for one of those cases, and we are very grateful for that support.

I raise this matter because my constituents believe that the Maine Indian Claims Settlement Act is becoming a failed Federal policy that is degrading the health and well-being of our people. The constant conflict between us and the State jeopardizes our ability to adequately implement Federal programs.

For example, we receive Indian Child Welfare funds to help ensure that our children are kept within our community, but we are constantly fighting with the State over which court system has jurisdiction to decide the placement of these children. This conflict results in wasted resources by us and the State.

For this reason, we ask that the subcommittee consider including language in its report directing the Interior Department to work with the tribes in Maine to identify ways to address the impact of the Maine Indian Claims Settlement Act.

Our biggest health problem is the epidemic of opioid abuse. It is creating alarming levels of death, overdoses, crime, juvenile delinquency, and unemployment. One in four deaths in Maine now involve heroin or morphine, and 87 percent of Penobscot child welfare cases involve parental opioid abuse. We are hugely disappointed that we were not invited to the opioid summit attended by Secretary Tom Price last week.

Tribes play a critical role in addressing these issues on a statewide level. Our law enforcement and social services personnel work well with our counterparts at the State and local level. It is the politics of the government that tend to get in the way.

We do a great job cobbling together our various Federal funding to develop a comprehensive strategy for combatting the epidemic we are facing. Within our court system, we have developed a Healing to Wellness Program. It involves collaboration between 10 tribal departments that work together to develop a holistic treatment and wellness plan for each participant, and none of the graduates of this program have re-offended in the years following their program completion. And the cost of this program is substantially less than incarcerating people.

The base funding for our tribal court system comes from the BIA. Funds specifically for our Healing to Wellness Program come from the Department of Justice, but we would not be able to support this program without having a stable tribal court system in place. Thus, any cuts to the BIA's public justice and safety programs would directly impact our ability to help these people.

We could do a lot more if we had a drug investigator assigned to the main tribes. The BIA employs three drug investigators to

cover the 26 tribes from Maine to Texas. Given the crisis in Maine, we need a drug investigator designated for our tribal communities.

I recognize that as appropriators, you constantly have to make hard decisions with too little money to address all the needs, so let me end by saying [Speaking native language], is thank you in our Abenaki language. Thank you for supporting programs that allow us to protect our language, our culture, and our sustenance way of life.

[The statement of Ms. Smith follows:]

TESTIMONY OF MAULIAN DANA SMITH
COUNCIL MEMBER, PENOBSCOT NATION

On behalf of the Penobscot Nation, I want to thank the leadership of the Subcommittee for continuing to hold these public witness hearings. Every tribal nation benefits from federal funding, but we are each unique with different challenges. I believe it is important for the Subcommittee to hear directly from us about how these programs are working. I also want to thank Ms. Chellie Pingree for being a tireless advocate for the tribal nations in Maine. While there are many issues that face the Penobscot Nation, my testimony today will focus on programs within the Bureau of Indian Affairs, Environmental Protection Agency and the Indian Health Service. In addition to receiving testimony, I encourage the Members of the Subcommittee to visit some tribal nations this year so that you can see how these federal programs are working on the ground within our communities. The Penobscot Nation would be happy to host you.

The Penobscot Nation has approximately 2,400 citizens and over 123,000 acres in land holdings, of which nearly 91,000 acres are held in trust by the United States. Within our land holdings are about 200 islands located within approximately 80 miles of the Penobscot River. Indian Island contains our seat of government and our largest housing community.

Combatting the Opioid Crisis: Our most critical health and public safety risk is the epidemic of opioid abuse that is creating alarming levels of death, overdoses, crime, juvenile delinquency, unemployment, and family dependence on public assistance within our community. The Penobscot epidemic is a part of the larger statewide opioid epidemic in Maine; in 2016, Maine's tragic total of 378 overdose deaths (313 attributed to opiates) set a third consecutive annual all-time record. The number of EMS NARCAN administrations has quadrupled every year since 2014. One in four deaths in Maine now involve heroin or morphine. Eighty-seven percent of all Penobscot child welfare cases within the last three years involved parental opioid abuse.

Penobscot has been waging a successful battle against this devastating trend through its medically-assisted Suboxone Treatment Program and the Penobscot Court's Healing to Wellness Court Program, the only such tribal programs in the State of Maine. The Healing to Wellness Court has been our most successful tool to combat this epidemic. It involves collaboration between ten tribal departments that work together to develop a holistic treatment and wellness plan for each participant. Participants are referred to the program through our criminal or juvenile justice system or through our child custody or abuse proceedings. None of the graduates of this program have reoffended in the years following their program completion.

So, the program works. The problem is that we only have the resources to serve a portion of those in need. The costs of this program are substantially less than the cost of incarcerating people; and the long-term impacts of trauma within the family and community are significantly reduced. Much of the funding for our Healing to Wellness Court comes from the Department of Justice and the Substance Abuse and Mental Health Services Administration, but we also rely on funding from the following Bureau of Indian Affairs programs (BIA): Public Justice and Safety Programs, including law enforcement and tribal courts; and Human Services programs, including funding for Indian Child Welfare and Social Services. We do our best to cobble together our various programs so that we can develop a comprehensive, coordinated and balanced strategy for combatting the epidemic we are facing. We appreciate that the Omnibus Appropriations bill for FY2017 did not cut these programs and, in fact, provided some small increases. But, we really need some meaningful increases to these programs if we are going to adequately tackle the

problems and assist these people in becoming productive citizens and contributors to our communities and economy. We encourage the Subcommittee to continue to look to increasing funding for these programs.

I also want to restate a request that was made to the Subcommittee last year: that's the request that the Subcommittee appropriate additional funding for the hiring and assignment of at least one investigator within the Division of Drug Enforcement unit to focus on the tribal communities in Maine. Currently, there are only 47 criminal investigators and 16 school resource officers employed to cover 566 tribal nations throughout the country. The BIA Eastern Region employs 3 drug investigators located in New York and North Carolina to provide drug investigative services for 26 tribes located from Maine to Florida and over to Louisiana. Given the crisis of the situation in Maine, we need a drug investigator specifically designated to our tribal communities and that can work with the State Drug Task Force. The more investigations we can perform, the more people we can get into our Healing to Wellness Court program.

Additionally, the Omnibus Appropriations bill for FY2017 included funding targeted towards tribes affected by Public Law 83-280. We ask that the Subcommittee include tribes, such as the Maine tribes, that are subject to settlements with States in this effort as our tribal courts face similar obstacles of overcoming jurisdictional issues.

Managing Our Natural Resources, Water and Sustenance Rights: The Penobscot Nation is very concerned about the funding cuts being proposed by President Trump for the Environmental Protection Agency (EPA) for FY2018. We rely on funding from the Bureau of Indian Affairs and the EPA to manage our lands and natural resources in an integrated, holistic manner and to develop and protect our natural resources in a sustainable way that protects and enhances the cultural integrity of our community. Our people continue to rely on hunting and fishing as a way of life. Fall moose and deer hunts and fishing throughout the Spring and Summer provide food for our people throughout the year. Thus, we are constantly monitoring for potential contamination of our lands and water, and vigilant about cleaning up any contamination that occurs. The Penobscot Nation is responsible for monitoring the water quality of the 80 miles of the Penobscot River within our jurisdiction. We share the data collected with the State so that they can ensure compliance with the Clean Water Act. We also monitor our lands and water, and animals located on and within, for invasive species and insect and disease problems. We have timber management and harvest programs, which may include clearing areas to enhance browsing for moose and deer.

The base funding for our Natural Resources Department comes from the BIA. This includes funding for general Natural Resources, Forestry, Water Resources, and Fish, Wildlife and Parks. For us, we have two priorities for these BIA programs: that they be increased to cover the costs of inflation and that funding for game wardens be increased. We currently have two full-time game wardens to cover over 120,000 acres of land. We need at least one more.

We supplement our BIA funding with grants from the EPA. We receive funding for a Brownfields Program, which allows us to monitor and clean up slightly contaminated properties for repurposing. One project we are currently working on is cleaning up an old factory site so that it can be turned into a small apartment/condominium building to provide much needed

housing. We also receive funding from a Performance Partnership Grant. This is where we get most of our funding to monitor, sample and analyze water quality and to reduce and prevent non-point source pollution. We use funding from EPA's Air Quality Program to monitor mercury contamination, which is a problem in our waters and impacts the fish. This funding also is used to monitor and asses indoor air quality, particularly as it relates to mold. We use funding from the EPA's Wetland Program to develop our own wetland program. Any cuts to these programs would have a critical impact on us and our ability to manage our lands, water and natural resources that we rely on.

Indian Health Services: I want to thank the Subcommittee for their efforts to protect funding for the Indian Health Service and for the increase for FY2017 to cover contract support costs and medical inflation. Overall, we continue to believe that the Indian Health Service is underfunded, but I want to focus my testimony on two particular line items that are most impacting us right now: Purchased/Referred Care and Alcohol/Substance Abuse. Our health facility mainly provides primary care and we contract with local non-tribal facilities to provide any secondary care. We have had a substantial increase in the need for secondary care services over the past few years. This includes things such as hip, shoulder, knee and back surgeries. It also includes treatment for cancer, which has become a significant problem within our community. Cancer and opioid abuse are becoming the leading causes of death amongst our people. I am not aware of any family that is not being impacted by these two dangers. Our problem is that we have to use non-tribal facilities to diagnose and treat these and other specialty health issues. The limited funds that we have force us to prioritize those matters that are presently considered life or limb, which cancer and opioid abuse may not be when in their initial phases. Often times, this means patients rely on the use of opiates for pain management until we can treat them or their level of injury/disease gets to the point of life or limb status. The cost of medical supplies, especially lab work, has more than doubled in the last few years. When we are unable to timely treat a patient, it usually results in that patient missing work and can lead to issues such as depression. Our current unmet need just for Purchased/Referred Care services is over $120,000. This is a significant amount of funding for our facility.

My previous comments about the epidemic of opioid abuse are why we are advocating for an increase in funding for the Alcohol/Substance Abuse line item. It is reaching crisis levels within our community. Our employees (both Indian and non-Indian), citizens and leadership are doing a great job in coming together to try and combat the issue, but we really need some additional resources. We hope this Subcommittee can help identify some additional funding.

Adult Education & Scholarships: There is an increasing need to help our students with higher education scholarships and adult education. We are maxing out our funding each year and assisting tribal members with purchasing books, paying a portion of tuition expenses or certificate programs. But in order to provide assistance to as many people as possible, we find ourselves only able to currently provide $1,350 per student. This is less than the average amount a student will pay for books in a semester at a four-year institution. We work well with the University of Maine in getting tuition waivers for our students, but are unable to help our students in any meaningful manner with housing costs or tuition at other schools. This leads our students to having to take out large amounts in loans. Loans may be an option for students attending four-year universities, but they are usually not an option for students attending

vocational institutions such as truck driving school. Our goal is to get as many of our citizens educated in some type of vocation or profession so as to minimize their need for government services and increase their ability to contribute to our community's economy. We ask that the Subcommittee provide some type of increase in this program for FY2018.

Impacts of the Maine Indian Claims Settlement Act: It would be very remiss of me if I failed to inform the Subcommittee that many of the issues that the Penobscot Nation faces today are a result of what we believe to be unintended consequences of the Maine Indian Claims Settlement Act. This federal law was supposed to resolve longstanding land claims by tribal nations in Maine and provide a path forward for productive government-to-government relationships between the tribes and State. Instead, it has resulted in a legal maze whereby we find ourselves in constant litigation spending vital dollars defending our sovereignty and sustenance way of life rather than on critical programs to promote the health, welfare and safety of our citizens and others who live on our lands. Since passage of the Act in 1980, we have spent half of those years in litigation defending our rights against attacks by the State of Maine. All we want and ask for is to be treated the same as any other federally-recognized tribal nation.

In 1972, a lawsuit was initiated against the United States for the wrongful taking of tribal lands that covered a significant portion of what is now the State of Maine. After an initial court decision in favor of the tribes, the White House encouraged the State of Maine, the Passamaquoddy Tribe and the Penobscot Nation to negotiate a settlement. These negotiations led to a Memorandum of Understanding, a State-passed law (the Maine Implementing Act), and the U.S. Congress passing the Maine Indian Claims Settlement Act (MICSA) in 1980 with some changes not agreed to by the tribes. At the time, all interested parties seemed satisfied that the relevant laws and documents provided clarity with respect to the rights of all parties. To the extent that any ambiguities arose, the Maine Implementing Act had established the Maine Indian Tribal-State Commission (Commission) as an inter-governmental entity, comprised of 13 tribal and state appointees, who would be responsible for providing recommendations for resolving disputes. Over the decades, the Commission has consistently made recommendations for improving and modernizing the settlement, only to have the State fail to act on any of them.

The impacts on our people are real. In 2012, the Commission wrote to the Special Rapporteur on the Rights of Indigenous Peoples that the State and Federal laws are in serious nonconformance with the United Nations Declaration on the Rights of Indigenous Peoples and have "resulted in conditions that have risen to the level of human rights violations."

I raise this matter to you because my constituents believe that the federal Maine Indian Claims Settlement Act is becoming like many previous well-intended federal laws; a failed federal policy that is resulting in the degradation of the health and well-being of our community. As was the case with many previous failed federal policies, it may take another law by Congress to fix these unintended consequences that prevent the Penobscot Nation from receiving the same benefits and rights as other federally-recognized tribal nations. In the meantime, we ask that the Subcommittee consider including language in its report for the FY2018 appropriations bill directing the Department of the Interior to work with the tribes in Maine to identify ways in which to address the impacts of this federal law.

Mr. CALVERT. Thank you, and thank you for your testimony.

Next is Camille Ferguson, executive director of the American Indian Alaska Native Tourism Association.

WEDNESDAY, MAY 17, 2017.

AMERICAN INDIAN ALASKA NATIVE TOURISM ASSOCIATION

WITNESS

CAMILLE FERGUSON, EXECUTIVE DIRECTOR, AMERICAN INDIAN ALASKA NATIVE TOURISM ASSOCIATION

Ms. FERGUSON. Good morning, Chairman Calvert, Ranking Member McCollum, and members of the House Interior Appropriations Committee. I actually really appreciate and thank you very much from the bottom of my heart to be able to have this opportunity to speak with you.

As you mentioned, I am Camille Ferguson, the executive director of the American Indian Alaska Native Tourism Association. I am here to request funds for the implementation of the Native American Improving Visitors Experience Act, the NATIVE Act as it is referred to, and it became law last fall. I have the honor to lead the Nation's only nonprofit solely devoted to developing and sustaining Indian Country tourism.

Cultural tourism provides sustainable economic development, job creation, and infrastructure development in rural and remote communities across the United States. International visitation to Native American communities contributes $8.6 billion annually to the U.S. economy, according to the U.S. Department of Commerce.

AIANTA has contributed to this success supported by the Bureau of Indian Affairs Transportation Division, and we have been working in the international marketplace since 2007. The good news is as a result from our work from 2007 to 2015, international visitation to Indian Country has increased a whole 180 percent. This huge growth is good for the United States as a whole.

International visitors to Native American communities spend 12 extra days in the United States. Because they spend those extra days, they spend their extra dollars, and because they spend their extra dollars and they are visiting more communities and more cities using rental cars, taking more domestic flights, they visit national parks, small towns, art galleries, museums, and fine restaurants, and cultural heritage sites, dropping their dollars along the way.

Tourism tribes are grateful for each and every one of you who have voted for the NATIVE Act, and endorse the potential for economic development for job creation. AIANTA is ready to facilitate closer tribal and Federal agency collaboration, organize tribal resources, and build capacity to attract and satisfactory travelers to Indian Country destinations.

However, in order to implement the mandate of the NATIVE Act, AIANTA is asking less than $5 million for 3 major or 3 Interior agencies: the Bureau of Indian Affairs, the National Park Service, and the Bureau of Land Management. We believe this investment in Indian Country will attract 3 million new visitors to Indian

Country by 2020. And that was with a minimum of 5 percent based upon, again, the U.S. Department of Commerce. The annual revenue will increase to an estimate of $13 billion annually.

Our goal by 2020 is that tribes and tribal members in many States will have tourism development training, have been consulted by Federal agencies, guided through assessments of their tourism potential and product development. They will be collaborating with nearby public lands, with labor, housing, arts, and humanities, and other agencies to expand the capacity to serve visitors.

Tribes will have increased capacity and become better organized. Their presence on the AIANTA-run destination website, nativemamerica.travel, and other marketing will help attract thousands in additional international and domestic visitors. We will have improved data and analysts, leading to investments and infrastructure.

Indian Country tourism is an opportunity for advancement that reinforces, and does not diminish our native culture, history, and pride. It actually perpetuates and gives pride to Native Americans and adds value and enhances our visitors' industry. This is good for the USA. One billion overseas travelers annually guarantee a long prosperous life for Indian Country tourism if we fund the NATIVE Act implementation.

We are proud to have the appropriations request supported by the U.S. Travel Association, the Affiliated Tribes of the Northwest Indians, the State of Washington Indian Affairs, Nevada Inter-Tribal Council, the All Pueblo Council of Governors, Rocky Mountain Leaders Association, Minnesota travel organizations, and other industry leaders and tribal organizations.

To succeed in tourism, Indian Country needs 3 things: the collaboration of Federal agencies, additional native workforce capacity, and an improved infrastructure. These challenges are doable because AIANTA and BIA have provided technical assistance and training for cultural tourism development, and Congress has given Indian Country the NATIVE Act to encourage economic prosperity.

And, again [Speaking native language], which is thank you in my Tlingit language, and I will be more than happy to answer any questions you may have.

[The statement of Ms. Ferguson follows:]

PREPARED STATEMENT OF CAMILLE L. FERGUSON
EXECUTIVE DIRECTOR
AMERICAN INDIAN ALASKA NATIVE TOURISM ASSOCIATION

BEFORE THE
U.S. HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE

MAY 17, 2017

Introduction

Chairman Calvert, Ranking Member McCollum and Members of the House Interior Appropriations Subcommittee, I very much appreciate the opportunity to speak to you today. I am here to request Fiscal Year 2018 Department of the Interior appropriations to kick start the implementation of the Native American Tourism Improving Visitor Experience Act, the NATIVE Act signed into law last year.

As Executive Director of the American Indian Alaska Native Tourism Association (AIANTA), I have the honor of leading the Nation's only nonprofit solely devoted to developing and sustaining tourism in Indian Country, one of the fastest growing segments of tourism in the world.

Currently, tourism is among the foremost opportunities for economic development in Indian Country. In rural and remote communities, it is one of the only viable opportunities for household income growth.

Indian County tourism's bright future lies in the more than one billion leisure travelers in the world, and the interest of international visitors in American Indians and what their communities offer—memorable experiences, warm hospitality and unusual landscapes.

Several members of this subcommittee co-sponsored the NATIVE Act, and all members voted for it, endorsing its potential to create jobs, encourage business start-ups, collect and analyze vital economic data to attract infrastructure capital, support the protection of cultural and natural resources, reinforce sovereignty and bolster self-reliance in Indian Country.

You designed the NATIVE Act to bring federal resources to bear on Nation's economic goals in tourism, including tribal tourism. We have designed AIANTA to help facilitate tribal and federal agency collaboration, organize tribal resources and build capacity to attract and satisfy travelers to Indian Country destinations.

So together we are prepared and ready to accelerate economic progress in Indian Country, and so are tribes.

More than 200 U.S. tribes are eager to create or improve visitor destinations on their lands. There are also a number of tribes already successful in tourism eager to attract more visitors by working more closely with their public land neighbors and cross-educating travel markets to minimize marketing costs. Tribes eager to get going include villages in Alaska, pueblos in New Mexico, reservations in Montana, Idaho, Wyoming and North and South Dakotas, tribes in the Rocky Mountain and Pacific Northwest, Minnesota and Wisconsin, Louisiana and Oklahoma, just to point out a few.

Indian Country Tourism Contributes Billions to the U.S. Economy

International visitation to Indian Country contributed an estimated **$8.6 billion to the U.S. economy in 2015**, according to U.S. Commerce Department estimates. AIANTA is requesting a relatively small investment given these returns.

Since AIANTA began working on international marketing and outreach, visitation to Native American communities from overseas has grown by from 700,000 in 2007 to 2 million in 2015, an increase of 181%.

That's an amazing increase in eight years, and the data gets better: when overseas travelers visit tribal lands, **they stay longer in the U.S.—an average of 12 additional days**. Which means they spend about twice as much money as the average overseas traveler while they are here. They visit more states and cities, use more rental cars, and take more domestic flights. They visit more National Parks, small towns, art galleries and museums, fine restaurants, and cultural heritage sites compared to all overseas visitors. (See U.S. Department of Commerce National Travel and Tourism Office Inbound International Visitor Survey)

With the targeted assistance and support of the NATIVE Act, AIANTA believes tribes can attract 3 million overseas visitors to Indian Country by 2020. Using the formula developed by the U.S. Travel Association for spending per overseas visitor, that translates into more than $13 billion in revenue.

Foundation of the NATIVE Act

For a decade, through its cooperative agreement with BIA Division of Transportation, AIANTA has nurtured a network of federal agency, university, and tourism industry partners and engaged national Indian and non-Indian nonprofits to leverage those federal resources into an effective tribal tourism network. With our partners, AIANTA and BIA have:

- Delivered technical assistance and created certificate training in cultural tourism
- Established a national tribal destinations web site, NativeAmerica.Travel, for tribes to market their destinations directly to the world's travelers
- Established a presence for tribes and tribal businesses in international travel markets—participating in world travel marketplaces in Europe as well as IPW, run by the U.S. Travel Association, and venturing into the United Kingdom and Chinese markets.
- Expanded into new areas including project partnerships between national parks and tribes, agri-tourism, improved data collection, creating a tribal tourism consultation network, discussing the next steps in collaboration with the federal agencies, and encouraging new partnership projects between national parks and tribes.

AIANTA has provided these services to tribes as well as facilitation in federal agencies and tribal projects through a Bureau of Indian Affairs Division of Transportation cooperative agreement that is paid for with Transportation Administrative turn-back funds. If you take the total revenues from overseas visitors to Indian Country in 2015—$8.6 billion—and divide it by the average of the funds AIANTA has received from BIA since 2011—$800,000—the return on investment to the American economy is more than $10,000 for each dollar spent on BIA tribal tourism programs. This does not take into consideration domestic visitors' spending in Indian Country, for which we do not yet have adequate data.

Accelerating Tribal Tourism Development by Implementing the NATIVE Act

AIANTA is making appropriations requests in four categories in the Department of the Interior for FY2018. Our first priority incorporates cooperative agreement work previously mentioned and provides funds to begin implementing the following NATIVE Act provisions:

- Improving visitor data collection and analysis. Decision-making, business planning, applying for loans, attracting capital, all require data collection and analysis. AIANTA cannot site domestic visitation because there is no adequate data. The data collection and analysis provision of the NATIVE Act will change that.
- Designing and initiating the consultation process that brings federal agencies and tribes into collaboration and cooperation on tribal tourism priorities.
- Identifying federal programs that can be used to support tourism capacity building and tourism infrastructure.
- Increasing integration or alignment of publications and websites maintained by tribes and federal agencies.
- Defining and creating a better user experience for visitors.
- Begin the discussions to create innovative visitor portals between tribes and parks, landmarks, heritage and cultural sites and showcasing diversity of indigenous people on federal lands.
- Improving access to transportation programs that assist tribal community capacity building for tourism and trade including planning for visitor enhancement and safety.

In this first priority, AIANTA is requesting $2.4 million for the Bureau of Indian Affairs (BIA) Division of Transportation to continue its existing cooperative agreement with AIANTA for nation-wide tourism training and technical assistance, build-out of the tribal destination web site, international tour operator outreach, public lands partnership outreach and implementation of key provisions of the NATIVE act listed above.

AIANTA is requesting $1 million be appropriated to the BIA Energy and Economic Development Division for NATIVE Act model projects in destination development.

We also request $1 million for the National Park Service and $1 million for the Bureau of Land Management so those agencies can begin consultations with tribes on revising management plans and collaborating on the specific needs and opportunities of tribes, as outlined in the NATIVE Act. Our total request is $4.9 million.

We are supported in this funding request by the U.S. Travel Association, Affiliated Tribes of Northwest Indians, Alaska Federation of Natives, All Pueblo Council of Governors, Nevada Inter-Tribal Council, Intertribal Transportation Association, Sitka Tribes of Alaska and many other organizations and tribes. The Rocky Mountain Tribal Leaders Association is voting on a support resolution this month.

Within BIA's Division of Energy and Economic Development, we have requested funds to begin or complete nine NATIVE Act tribal tourism model development projects. Some of the regions indicating readiness to participate are in Louisiana, Nevada, Alaska, Montana, North Dakota and the Pacific Northwest.

Each project has three components: 1) working with the tribes of a specified state or region, we will guide a destination assessment of the region that identifies priorities and best strategies for the development of cultural tourism; 2) assist tribes in establishing a sustainable

tourism management organization with a shared vision, action agenda, business plan and training, and 3) develop tourism products and enterprises leading to job creation, convene tour operators to get real-world advice, and supply seed funding for 2-3 entrepreneurs to attract additional funding and additional strategic partners.

In all projects, AIANTA and its partners will supply training and technical assistance to develop and market tourism products and itineraries, facilitate working with state tourism offices, National Parks, other federal lands and non-profits, help find resources for community-based enterprises and connect tribes to regional, national and international tour operators.

Alaska's Far North region has an unemployment rate of 22% and is committed to establishing a unifying strategic tourism initiative, the North Slope Visitor's Bureau, a destination management organization. A project in Alaska's Far North could encompass the North Slope and the Northwest Arctic, two national parks and a national preserve and the Porcupine Caribou Herd migration.

In Nevada, tourism accounts for 13% of GDP and generates $64.4 billion. Yet tribes are not organized to reap the benefits of millions of visitors annually. As an example, if the six reservations or colonies in the Reno-Tahoe area organized into a destination management organization they could take advantage of the 3 million annual visitors to Lake Tahoe. Phase 1 and 2 of this multi-phase model project can be implemented in FY18.

A Pacific Northwest project could include ten tribes in the Columbia River basin who want to create a destination management organization and work together to attract more visitors from Asia. Every project region has yet to be defined but Minnesota, New Mexico, South Dakota, Idaho, Montana, Washington, Oklahoma and Massachusetts are good candidates.

All of the model projects would begin in FY18 except North Dakota, which has already completed the first year of destination development. First year results created a five-reservation non-profit North Dakota Native Tourism Alliance that received the endorsement of all five tribal governments and tribal colleges, established a Tourism Department within Spirit Lake Nation, and gained the support of North Dakota state agencies including North Dakota Tourism. The project also identified products to develop. The next phase will convene private sector partners including tour operators, support new product development and create micro-enterprises and jobs. The model projects mentioned previously will follow a similar pattern in their second year.

Conclusion

The election and transition have delayed federal agency analysis and commitment of resources to NATIVE Act implementation for FY18, but as AIANTA fully engages all of the agencies directed to action in the NATIVE Act, resources within current agency budgets will be identified that can be used to implement the Act's provisions. Through AIANTA's many partnerships, we will also attract foundation and private funds to support tribal/federal agency collaborations, as we have done at the Grand Canyon National Park Desert Watchtower project. In the meantime, to kick start the gains that are possible in the near term, we ask that this Subcommittee to appropriate seed funds.

On behalf of all tribes in tourism, AIANTA thanks Congress for its exceptional, ongoing support of Indian Country tourism and economic development. We look forward to working with this Subcommittee and the Department of Interior agencies this year to bring back impressive results to you and all our Congressional supporters in the first year of NATIVE Act implementation.

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

Chief Harris, I was wondering, your agreement with South Carolina, I guess they have limits on gaming in South Carolina. That is why you are limited to bingo, and you cannot negotiate a compact with the State that would be——

Mr. HARRIS. It is one of those things where the State has actually ruled against us. Under our agreement, it said that, you know, we could have on our reservation that which the State has authorized. Well, the State has authorized gaming, but it goes out 3 miles into Federal territorial waters. Our reservation is Federal territorial land.

So, there is a Supreme Court rule that, you know, we have to go out 3 miles. Well, we are landlocked. They did authorize it. So, it did not say in the agreement that it had to be where their gaming was. It just said if the State authorized it, the Catawba Nation was allowed to have that which was authorized by the State.

Mr. CALVERT. And also in the State, I assume because the schools, do you pay a local property tax within South Carolina?

Mr. HARRIS. Well, that was what led us to this school tax. When we did the settlement agreement in 1993, we were allowed to take 3,600 acres into Federal trust. The beauty of this is the Catawba Nation has only taken 307 acres into Federal trust. So, we did not actually impede the tax base, but yet we were charged an out-of-county rate for our students that was equivalent to, currently right now it is $4,500 per student for public school.

Mr. CALVERT. Thank you. So, your main problem is not with the U.S. government. The problem is in South Carolina.

Mr. HARRIS. Well, I think, you know, it took three of us to come together— the Catawba Nation, the Federal government, and the State of South Carolina—to actually work our way into this fiasco. So, maybe between the Catawba Nation and the Federal government, we can work our way out of it.

Mr. CALVERT. Right. Mr. Francis, I agree with you. We have trust obligations. This committee is very aware of it, and we try to do the best we can under the limits we have financially. But we try to make sure that we fully fund our contract health service, and I know we have some challenges on education and so forth.

As far as the workforce is concerned, you know, I think every agency could be more efficient. I am hoping that every agency looks at ways over time to create more efficiency, just as the private sector does. And so, I do not think the BIA is immune to that. I just wanted to make that point.

Mr. FRANCIS. Well, I appreciate it, and, again, appreciate the opportunity to get some of these things. We realize we are preaching to the choir here a lot of times, and you folks have fought the hardest on behalf of Indian Country and these areas. We are extremely appreciative of all your efforts.

And, on behalf of USET, as the newly-elected president, very proud president of USET and the powerful nations we represent, thank you for having these hearings, and also for your attention. And not only that, but the effort and results we have obtained over the years.

Mr. CALVERT. Thank you. We heard yesterday from 40 tribes, and the opioid abuse seems to be the common theme here, and not

just in Native American country, but throughout the country. I think there are a thousand deaths a day from opioid abuse right now. It is terrible, so we need to do more.

And I am sorry you were not invited to that summit. I think that is probably an oversight that somebody made. I am sure that Tom would want you there, and certainly the Native Americans there to give testimony.

And tourism is a good thing. So, I have been up to Alaska a number of times, and a lot of native tribes up in Alaska, and certainly through Nevada and Arizona. And so, that is a big part of the business I am sure for everybody here. So, we need to encourage that, and we will see what we can do.

Ms. FERGUSON. I appreciate that. Thank you.

Mr. CALVERT. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, with your permission, I would like to yield to the gentlewoman from Maine, Ms. Pingree.

Mr. CALVERT. Sure.

Ms. PINGREE. Now, I have got all the time in the world. [Laughter.]

I understand the chair is trying to keep us on track this morning, so I will not take up too much time, and I thank the ranking member for yielding. Thank you all for being here on the panel today, and in particular I am very proud to have two people from Maine here, and I really appreciate your testimony.

I do not need to reiterate everything you said because I think you were very eloquent, and I appreciate the chair recognizing that the opioid epidemic is particularly challenging in most of our States, but also in even more difficult ways for the tribes. The request on extra enforcement and, the way you laid it out, Councilwoman Smith, about the lack of enforcement up and down the coast. We really would support that request.

Also, in our State we are particularly concerned, as you articulated, about potential cuts at the EPA and the impact they could have on the tribes. Since our State has been at odds at times, and our State is not necessarily partisan. It is just there is a feeling amongst some people who represent State government, and we have been fortunate to have the EPA assisting in keeping the river clean. We are very excited about the return of the salmon, and I am glad that they are happy.

Ms. SMITH. They are happy. [Laughter.]

Ms. PINGREE. Because I just feel that is going to make even more of them want to come, and they will be reproducing even more. But that is really important, and it was wonderful that 2 members of this committee did sign on to the amicus brief because I know that has been beneficial.

The one thing I will let you talk about just a little bit before we get cut off, I do think we have a particularly challenging role with our land claim settlement, and I am sympathetic to South Carolina. I can see that many States have had difficulties in how these have panned out.

But now, Chief Francis, because you are at USET, and congratulations on your new position, you have seen a lot of different settlements. Maybe just make a couple more comments for the benefit

of the Committee about how hard this has been for our tribe, and how it compares to some of the other settlement agreements.

Mr. FRANCIS. Sure. So, just, you know, briefly, you know, at USET, I believe we have 8 tribes that are affected by some form of restrictive settlement act that States have been able to use to, one, assume a delegated responsibility to tribes through exercising what amounts to a plenary authority over Indian tribes, but really having no legal responsibility or fiduciary or trust responsibility to tribes.

So, in Maine, for example, we have a clause in our act that says acts passed for the benefit of Indians generally, and I am paraphrasing, after 1980 will not apply in Maine unless the State of Maine and the tribes agree. Well, for close to 40 years, we have not gotten one agreement from the State of Maine on anything, whether it is TLOA, VAWA, the HEARTH Act, on and on. So, and certainly not the Indian Game Regulatory Act.

We have been hampered in a lot of ways despite the fact that we run over a hundred Federal programs. We have 19 departments, about 300 government employees that provide a comprehensive service, and that is not unlike every tribe affected with this issue. So, the tribes, it is not just an economic issue. It is really a social issue. And as Councilwoman Smith mentioned earlier, you know, our ability to address things like the opioid crisis really requires the tribe. And I think what Congress has very wisely decided in these areas of violence against women and other things is that a local response is going to produce the best results to these things.

And as she also stated, on the ground, the Maine Drug Enforcement Agency, our folks, you know, Maine Department of Environmental Protection and our folks on the ground, they work famously together. We tend to mess those things up at our level in this struggle over power, and nobody is taking responsibility for the conditions.

I think these unique things have to be looked at. Congress is a party to these things. We have had great engagement by Department of Interior over the last couple of years. We have held roundtables in Maine with several Federal agencies, members of the delegation. And we are just looking for a path forward to allow the tribe to simply benefit no more, no less than anyone else from the conditions we are trying to fix here, and make you all understand that there are tribes getting left behind on those issues.

Ms. PINGREE. Thank you, Mr. Chair, and thank you very much for your testimony.

Mr. CALVERT. Thank you, and I thank this panel. I appreciate it, and have a good day, and we hope to help you out here a little bit. Yep.

Next, we have Paul Torres, chairman of the Pueblo Council of Governors, Michael Chavarria, governor of the Pueblo of Santa Clara, and Virgil Siow, governor of the Pueblo of Laguna.

Ms. MCCOLLUM. Mr. Chair, as the distinguished panel is taking their seats, I am wondering if either you or I, or if Mr. Cole and I, as co-chairs of the Native American Caucus, should write to our fellow appropriators about looking at some of the other issues that keep being brought up in testimony, whether it is judiciary, housing, education, CDC, some of the other accounts in which there are

grants made to Native American communities. As they are making their budgetary decisions, we should encourage them to think of how it is going to affect the Native community.

Mr. CALVERT. I have a feeling that most of those accounts are probably in Tom's allocation, but you are right, we should——

Ms. MCCOLLUM. Most of them are, but the judiciary accounts and the housing accounts are not.

Mr. CALVERT. That would probably be helpful.

Ms. MCCOLLUM. Okay. Thank you, Mr. Chair.

Mr. CALVERT. Great. Thank you. Good morning.

VOICES. Good morning.

Mr. CALVERT. Thank you for coming out here today, and I am glad to recognize Paul Torres, chairman of the All Pueblo Council of Governors first. You are recognized for 5 minutes.

WEDNESDAY, MAY 17, 2017.

ALL PUEBLO COUNCIL OF GOVERNORS

WITNESS

E. PAUL TORRES, CHAIRMAN, ALL PUEBLO COUNCIL OF GOVERNORS

Mr. TORRES. Good morning, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. Thank you for this opportunity to testify. My name is Paul Torres, and I am the chairman of the All Pueblo Council of Governors, a tribal consortium comprised of 19 Pueblos in New Mexico, and one Pueblo, Ysleta del Sur, from Texas.

Natural resources protection. The APCG encourages congressional support for effective natural resource management, particularly in regards to the National Forest Service and the Interior Forestry Programs. Our forests play critical roles in economic development, disaster mitigation, recreation, and regional ecology for birds and wildlife. They also play an irreplaceable role in our traditional practices and ceremonies.

Cuts in Federal funding for natural resource management at the Interior, Forest Service, and USDA threaten the delivery of services in each of these areas. We respectfully request additional funding for Interior forestry programs and the funding of the National Forest Service, at least at the Fiscal Year 2016 enacted level to maintain our national forests and their diverse resources for future generations.

NAGPRA funding. I would like to take this opportunity to thank the members of the subcommittee and Congress for providing the $1 million to support NAGPRA-related law enforcement activities under the 2017 omnibus. Dedicated funding for BIA law enforcement advances stronger Federal protections for cultural patrimony put in place under the Protect Patrimony Resolution. We thank you for your support, and encourage continued funding in this important area going forward.

The Bears Ears National Monument. My testimony on the need for greater protections for tribal cultural patrimony would be incomplete without a discussion of the cultural landscapes that define us as Pueblo and native people, including Bears Ears. While

I understand that Bears Ears is not directly an appropriations matter, the designation of Bears Ears cultural landscape as a national monument is of critical importance to tribes. And funding for its protection represents money well spent by the subcommittee.

As Pueblo people, we do not just reside on the beautiful land of the southwestern United States. We are the people of this land. We carry it in the very essence of our being. Our cultural heritage is passed down not only through tangible objects protected by NAGPRA and the Protect Patrimony Resolution, but also in the living landscapes of our tribal and Pueblo communities.

Our ancestral ties to Bears Ears, for example, run deep beneath the soil of the Greater Cedar Mesa area, and are visible in the ancient roads, dwellings, and petroglyphs that enrich the entire region. However, these sites are under constant threat by erosion, human damage, such as vandalism and off-road vehicle use, and the general degradation of the natural landscape. The continuation and very existence of our traditional practices in this area are an immediate and unacceptable risk.

The open 15-day comment period for Bears Ears will close on May the 26th, and it is entirely too short to address our complex concerns. Moreover, only online comments are being accepted. As my written testimony describes in further detail, our Pueblo communities and Indian Country in general face tremendous discrepancies in access to broadband services. How can the Secretary expect meaningful tribal comments and consultation when many of us do not have internet access to have our voice heard? We urge Congress to protect our cultural heritage by providing designated funding for the preservation of Bears Ears National Monument in the Fiscal Year 2018 budget.

Thank you for the opportunity to testimony on the natural resource concerns of the All Pueblo Council of Governors. We look forward to working with you on advancing the critical funding needs of Indian Country programs under the Fiscal Year 2018 budget.

[Speaking native language.]

[The statement of Mr. Torres follows:]

Written Testimony of E. Paul Torres
Chairman, All Pueblo Council of Governors, New Mexico

"Public Witness Hearing for Fiscal Year 2018: American Indian/Alaska Native Programs"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 17, 2017

Requests:

1. Continued support and funding for the Land-into-Trust Program at Interior.
2. Sustainable funding for the National Forest Service and Interior forestry programs.
3. Maintain the $1 million set-aside for NAGPRA-related law enforcement going forward.
4. Provide dedicated funding for Bears Ears National Monument.
5. Increase funding for broadband development to bridge the digital divide in Indian Country.
6. Increase funding to address negative health outcomes associated with inadequate housing.
7. Support vocational and S.T.E.M. programs in tribal schools for increased student success.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on the critically important topic of federal funding for American Indian and Alaska Native programs in the Department of the Interior. The All Pueblo Council of Governors thanks you for your dedicated efforts to advance Indian Country priorities in the U.S. House of Representatives.

My name is Paul Torres and I am the Chairman of the All Pueblo Council of Governors (APCG), which is comprised of the tribal leaders (Governors) of all 19 of the New Mexico Pueblos as well as the Pueblo of Ysleta del Sur in El Paso, Texas. Formed in 1598, the APCG is the oldest consortium of tribal leaders in the United States. Collectively, the leadership of the APCG is respectful of the historic relationship between the Pueblos and the Federal Government. This relationship is political in nature, reflecting the government-to-government relationship between and among our governments. The federal budget for Indian programs is an important aspect of that relationship and is reflective of the federal government's trust responsibility to Indian nations and Indian peoples. As such, federal Indian laws and associated budgets are deeply rooted in the Constitution and represent an enduring promise of friendship and support to the First Americans.[1] In the spirit of cooperation, based on respect and full consideration of the sovereign status of tribes, we offer the following budget recommendations for fiscal year 2018.

I. Land Base and Natural Resources

The sandstone mesas, verdant hills, brush covered flatlands, and steep mountains of the southwestern United States form the landscape in which we exercise our tribal sovereignty and cultural identities as Pueblo People. We are not just people residing on this beautiful land; we are

[1] Suggestions that these laws are somehow not constitutional are made without a deep understanding of this area of law. It has been long settled that federal Indian laws are constitutional; to our knowledge no federal Indian law has ever been struck down as unconstitutional. *See Morton v. Mancari*, 417 U.S. 535, 555 (1974) (upholding an employment preference for Indians in the Bureau of Indian Affairs (BIA) in the face of an equal protection challenge, on the basis that the preference was political in nature and could be "tied rationally to the fulfillment of Congress' unique obligation toward the Indians").

a People *of* this land. We carry it in the very essence of our being. Our connection is etched deep into our collective history and memories. Wise stewardship of land, minerals, water, and other resources is, therefore, key to our cultural survival and socioeconomic well-being as sovereign tribal nations.

Continuation of the Land-into-Trust Program. As sovereign tribal governments, the exercise of our self-determination is strengthened by the ability of the federal government to take land into trust on behalf of tribes. Trust lands enable us to provide a homeland for our people as well as a base from which to offer essential governmental services, such as housing, education, healthcare, and economic development opportunities. Trust lands also facilitate the expression of our identity as Pueblo people by protecting the natural and cultural resources that form the bedrock of our traditional practices and ceremonies. **We urge Congress to provide continued support and funding for the land-into-trust program at the Department of the Interior.**

Funding for the National Forest Service and Interior Forestry Programs. The APCG also encourages support for policy and legislation that provide funding for effective and sustainable natural resource management practices, particularly in regards to the Interior's forestry programs. The trees and shrubs of our southwestern national forests play critical roles in regional economic development, disaster mitigation efforts, recreation, and ecological habitats for many local wildlife and plant species. Cuts in federal funding for forestry management threaten the delivery of services in each of these areas. Our historic attachment to the southwest landscape and geography including the national forests forms the core of our traditional belief systems and cultural worldview. **We respectfully request National Forest Service funding at least at the FY 2016 enacted level to maintain the effective management of our national forests and their diverse resources.**

II. Protection for Tribal Cultural Patrimony

Dedicated NAGPRA Enforcement Funds—Thank you for this Committee's Support! The APCG would like to take this opportunity to thank the Subcommittee and all of Congress for including a one million dollar appropriation in the 2017 Omnibus to strengthen the implementation of the Native American Graves Protection and Repatriation Act (NAGPRA). Dedicated funding for expanded Bureau of Indian Affairs law enforcement activities related to NAGPRA advances stronger federal protections for cultural patrimony put in place under the PROTECT Patrimony Resolution, adopted by both the House and Senate in the last Congress (H. Con. Res. 122 Dec. 2016). **We thank you for your support and encourage continued funding in this important area going forward.**

Bears Ears National Monument. Our cultural heritage resides not only in the tangible objects protected by NAGPRA and the PROTECT Patrimony Resolution, but also in the living landscapes from which our people emerged, long before the arrival of the first Europeans to this continent. Our ancestral ties to the Bears Ears National Monument in Utah can be traced through the ancient roads, dwellings, petroglyphs, and ceremonial features that continue to enrich the region today. However, these sites are under constant threat by erosion, vandalism, looting, and indiscriminate damage through off-road vehicle use, as well as the general degradation of wildlife and plan habitats that are significant to our traditional practices. **We urge Congress to preserve the designation of Bears Ears as a National Monument to support the permanent, long-term**

protection of the land and its irreplaceable resources and to provide appropriate funding for its preservation.

III. Infrastructure Development in Indian Country

Many Pueblos are economically distressed rural communities. Infrastructure development is essential to diversifying and sustaining rural economies. However, most tribal lands are subject to conditions that require intense overhauling – roads are often unimproved, utilities are insufficient, and reliable broadband connections barely exist. In addition, other types of infrastructure critical to creating vibrant tribal communities such as new housing construction are deficient, with severe housing shortages occurring on tribal lands.

Increased Access to Capital for Economic Development. Pueblo governments and Pueblo-owned businesses are collectively among the largest employers in New Mexico, providing thousands of jobs in many rural areas of the state. Most recent statewide figures put the number of jobs provided by tribal employers at nearly 18,000 in various industries. Non-Indians hold nearly 75% of these jobs. Despite such positive contributions, limited access to capital and financing remains one of the most significant barriers to Pueblo economic development. Tribes across the country struggle with uniquely burdensome federal restrictions and regulations, poor infrastructure, and other challenges that limit their economies from flourishing. It is important to create avenues for investment funds, financial resources, and business models that are mutually advantageous to tribes and potential partners for economic advancement, stability, and diversification. The opportunity to provide for a family through a desirable job with a decent income is a shared desire of all Americans.

Broadband Infrastructure for Expanded Community Services. We are living in the digital age. The Internet has the potential to link an individual to the world at the click of a button, yet many Pueblo communities do not have access to the basic technology or reliable broadband systems that make even an initial connection possible. Our tribal members are unable to take advantage of the myriad of benefits that the Internet has to offer, which range from access to online GED and higher education degrees, to telehealth medical services, to expanded economic opportunities for business investment, among many others. For communities that successfully connect to the broadband network, the experience is transformative. **We urge Congress to bridge the digital divide and provide increased funding for broadband development in Indian Country.**

Health Begins at Home – Investing in Housing Development. Access to affordable, safe housing is the foundation for strong families, communities, and economies. Just as the deserts, mountains, and mesas provide a spiritual and cultural home for our Pueblo communities, tribal governments have the responsibility of providing housing for our tribal members. However, we depend on federal appropriations under the Native American Housing and Self-Determination Act (NAHASDA) to meet many of our housing-related needs. A 2014 study conducted by the U.S. Department of Housing and Urban Development reported unacceptable living conditions for American Indians in New Mexico and Arizona counties with high rates of overcrowding and incomplete utility systems for kitchens and bathrooms. **We urge Congress to provide increased funding to the Indian Health Service (IHS) address negative health outcomes associated with critical housing shortages that imperil our tribal communities.**

IV. Educational Opportunities in Our Home Communities

Pueblo leaders wish to create a highly skilled, well-educated, workforce within their respective tribal communities. With a pool of qualified workers, the Pueblos believe they will be able to attract business and economic development possibilities, create well-paying job opportunities, and assure that tribal members enjoy a prosperous future that comes with being well educated.

High Quality Tribal Education Systems. The Pueblos that constitute the APCG have always supported sound educational programs that comply with state and federal accountability standards. We emphasize the importance of high quality instruction, effective professional teacher development and the development of appropriate, culturally sensitive curriculum, including Native language retention and instruction. A number of Pueblos are in the process of or have already assumed the responsibility for operating Bureau of Indian Education (BIE) schools located on their respective tribal lands. Operating and maintaining schools requires considerable resources. **We request adequate funding to develop and maintain high quality tribal education systems that prepare the next generation of Native students for a lifetime meaningful opportunities.**

Vocational Training Programs. The APCG supports comprehensive oversight of the flow of funds and the implementation of policies that effectuate meaningful educational change. It is important to foster the advancement of higher education, but also to consider re-introducing vocational education, which in many school districts has been eliminated or severely limited. Vocational education can provide skills that contribute to employment opportunities and sustainable incomes. In addition, Science, Technology, Engineering and Mathematics (S.T.E.M.) curricula must be incorporated into tribal school systems to enable our students to develop and compete in these pivotal industries. **We request increased funding for the re-introduction and integration of vocational and S.T.E.M. curricula to diversify tribal school systems and lay the foundation for student success.**

Protecting and Preserving Native Languages. The Pueblo worldview is contained in their languages. In addition to maintaining tribal life ways, the Pueblos have established various programs and methods in order to retain and preserve what are considered some of the most ancient and distinct languages in America. Some Pueblo languages are so unique they are not spoken anywhere else in the world. Students in language immersion programs demonstrate substantial improvement in their academic performance and testing. They have also shown greater achievement in S.T.E.M. related subjects that increasingly form the bedrock of our domestic and international economies. **We urge Congress to support programs that promote the value of Native languages and prevent the further loss of our languages and traditions.**

Thank you for the opportunity to testify. The All Pueblo Council of Governors looks forward to working with Congress on advancing meaningful tribal development under the FY 2018 budget.

Mr. CALVERT. Thank you. Next, Michael Chavarria, governor of the Pueblo of Santa Clara.

WEDNESDAY, MAY 17, 2017

SANTA CLARA PUEBLO

WITNESS

J. MICHAEL CHAVARRIA, GOVERNOR, SANTA CLARA PUEBLO

Mr. CHAVARRIA. Good morning. [Speaking native language.] Out of respect for my language of Tiwa, I lay down the respect, and may I speak in front of this committee. Thank you, Chairman, members of the committee.

Well, good morning, Chairman, members of the committee. My name is Michael Chavarria. I serve as governor for Santa Clara Pueblo. They are in New Mexico. I also serve as the secretary for the All Pueblo Council of Governors. Today I am here on behalf of my Pueblo, which is Santa Clara.

As the subcommittee is well aware, the process of appropriating a Federal budget reflects the political nature of the government-to-government relationship, and it's reflected by the Federal government's trust responsibility to Indian tribes and communities. The Federal government's trust responsibility is to be fulfilled by regular, direct, and meaningful tribal consultation, which provides tribal leaders an opportunity to engage in meaningful dialogue that affects Federal issues, but also affects the direct actions on us as tribal communities. And so, that is what is very important.

So, today is also a forum of tribal consultation. This enables us as tribal leaders to voice our concerns for our people, our resources, our land, our water. We still live off the land and utilize the resources that ties into our tradition and our culture, but it comes back down to our native languages. And so, that is very important.

Santa Clara is a self-governance tribe, meaning we assume control over Federal programs. We can now redesign those Federal programs to best meet the needs of our people and our communities in Santa Clara. We provide a full range of governmental services that include education, elder care, public works, law enforcement, tribal courts, to support the personal growth of our people and our communities in Santa Clara.

Our inherent powers of self-governance are rooted in our tribal sovereignty as recognized by the United States Constitution, treaties, Federal law, Supreme Court cases, and other agreements. The Office of Self-Governance in Interior plays a pivotal role in supporting the exercise of our Tribal sovereignty by advocating for implementing tribal self-governance statutes and Federal policies.

However, they are a staff of 16. However, there are 277 tribes, federally-recognized tribes, that now operate self-governance of our programs, a ratio of almost 17 to 1. The Interior, however, currently provides only $1.5 million on a recurring basis for the office; however, the need is almost $2 million. Again, that is to employ full-time staff.

The office is constantly operating in a deficit, which impairs its ability to fully support self-governance tribes in the delivery of es-

sential, timely services to our people. Self-governance is the cornerstone of modern tribal sovereignty. Supporting tribal self-determination is necessary in supporting the mission of the Office of Self-Governance. So, again, we, therefore, urge Congress to support their investment in self-governance tribes by providing full funding for the Office of Self-Governance.

Also for law enforcement. A key expression of our Tribal sovereignty is a provision in public safety and law enforcement services, such as police, firefighters, tribal court systems, rehabilitation services, child protection services, among others, which enable tribal leaders to provide a safe and vibrant environmental community or safe communities for our Pueblo.

However, the Pueblo is deeply alarmed by the overnight shutdown of the Emerald Corporation's Turning Point Incarceration Rehabilitation Program there in Yuma, Arizona on April 7th. Our Pueblo have seen many positive benefits from that program, including a successful rehabilitation rate of 76 percent of substance abusers, and a reduced Pueblo crime rate of almost 50 percent over the past 4 years. Yet, we received no advance notice of that shutdown.

And the closure has resulted in the immediate increase in detention costs, and left our law enforcement officers and tribal courts scrambling to find appropriate placements for those individuals. Tribal members who have been beneficiaries from these essential services are now all left without any adequate aid and assistance in their more pressing time of need, again, within their lives.

So, we are requesting significant funding to implement a similar program at an alternative center. We also request that the Office of Justice Services actively consult with tribes as part of the decision-making process going forward to avoid any crisis in the future. And so, that's very important, and, again, it comes down to tribal consultation.

So, again, members, Chairman and members of the committee, I thank you for the time to testify regarding the Fiscal Year 2018 budget, and I look forward and stand for any questions. Thank you.

[The statement of Mr. Chavarria follows:]

Written Testimony of J. Michael Chavarria
Governor of the Santa Clara Pueblo
"Public Witness Hearing for Fiscal Year 2018: American Indian/Alaska Native Programs"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 17, 2017

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to testify on the critically important topic of federal funding for American Indian and Alaska Native programs in the Department of the Interior, National Forest Service, Indian Health Service, Bureau of Indian Affairs, and the Environmental Protection Agency. Indian country is appreciative of your hard work and the tremendous support you have provided for Native programs. My name is J. Michael Chavarria and I am the Governor of the Pueblo of Santa Clara, located in north-central New Mexico. As a tribal leader, I have developed a deep understanding of our community's pressing needs, as well as of the immense potential of the Santa Clara People to succeed if given the appropriate level of resources and support. To further these twin objectives of progress and achievement, I offer the following FY 2018 budget recommendations for the Subcommittee.

Federal Trust Responsibility and Tribal Consultation. The federal budgeting process plays an essential role in fulfilling the federal government's trust responsibility to Indian tribes by ensuring that critical programs and services receive adequate funding. A critical component of the federal trust responsibility is the mandate to consult with tribes whenever a federal action may impact our communities. Indeed, as you well know, the programs we are gathered to discuss today are premised on the government-to-government relationship that exists between the federal government and tribes, and are not based on the racial status of Indian nations and peoples.[1]

I. Public Safety and Law Enforcement

Closure of the Turning Points Rehabilitation Program in Yuma, Arizona. The Pueblo of Santa Clara is deeply alarmed by the overnight shutdown of the Emerald Corporation's Turning Point Program in Yuma, Arizona, on April 7, 2017. Our Pueblo—as well as other District III and District IV tribes under the BIA Office of Justice Services—has seen many positive benefits from the program, including a rehabilitation rate of 76% for substance abusers participating in the program and a reduced crime rate of approximately 50% over the past four years. Yet, we received no advance notice of the shutdown. The unannounced closure has resulted in an immediate increase in detention costs and left our law enforcement officials and Tribal Court scrambling to find appropriate placements. **Santa Clara requests sufficient funding to implement a similar rehabilitation program at an alternative center so these essential services can continue to be provided to our tribal members. We also request greater tribal involvement in the Office of Justice Services' budgeting process as it relates to incarceration and rehabilitation services.**

[1] As the late Justice Antonin Scalia once wrote in an opinion he authored while serving on the United States Court of Appeals for the District of Columbia: "As the Supreme Court has said in rejecting equal protection challenges to legislation affecting a group which ... might otherwise qualify as a 'suspect class': [T]he Constitution itself provides support for legislation directed specifically at the Indian tribes... **[T]he Constitution therefore 'singles Indians out as a proper subject for separate legislation.'**" *United States v. Antelope*, 430 U.S. 641, 649 n. 11 (*quoting Morton v. Mancari*, 417 U.S. 535, 552 (1974)) (emphasis added).

Dedicated Funding for the DOJ Tribal Access Program. The Tribal Access Program (TAP) administered by the U.S. Department of Justice provides tribes with access to critical information systems and training for law enforcement purposes. Launched in August 2015, the program uses a collaborative partnership approach to enable tribes to identify and share best practices regarding the use of national crime information databases to strengthen public safety. Over 50 tribal governments have submitted letters of interest in joining the TAP; however, due to funding restrictions only *11 tribes* were able to participate in the initial phase of the program. **We request a dedicated funding stream of $6 million in FY 2018 to provide for the wider rollout and long-term viability of the Tribal Access Program to support tribes in their public safety efforts.**

II. Natural Resources Management

Increased Support for the Tribal Forest Protection Act (TFPA). Effective natural resources management is key to both the economic well-being of Pueblo people and to their cultural survival. We are pleased to see that the FY 2017 Omnibus provides increased funding for wildfire suppression and prevention, including full funding of the Interior and Forest Service's 10-year average for wildfire suppression costs. We believe that collaborative and effective forest management techniques are essential in preventing catastrophic fires and floods on Pueblo lands. The Tribal Forest Protection Act (Pub. L. 108-278) empowers tribal governments to act as caretakers of both tribal lands and adjacent federal lands, and it advances tribal and federal interests in the development of land resource and management plans. **We encourage increased federal support for the TFPA to advance efficient and effective natural resources management.**

Self-Governance Compacting 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 the transfer of the Valles Caldera, which is adjacent to our 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 Subcommittee to continue funding for compacting tribal self-governance programs.**

Catastrophic Fire and Flood Mitigation Efforts. The stewardship of land, minerals, water and other natural resources is key to both the economic well-being of Pueblo people and to their cultural survival. As tribal leaders, we strive to balance these interests through beneficial partnerships and the effective management of our natural resources. Nature, however, chooses her own course. In the summer of 2011, the Pueblo of Santa Clara was devastated by the Las Conchas Fire, at that time the largest wildfire in New Mexico history. When combined with the destructive effects of the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, we have lost more than 80% of our forestlands and an immeasurable part of our heritage to the flames. The Bureau of Indian Affairs (along with numerous other federal agencies outside of this Subcommittee's purview) played an essential role in coordinating the Pueblo's disaster mitigation efforts. **We urge Congress to continue to support the Bureau of Indian Affairs programs that work with tribes on disaster prevention and recovery efforts.**

Indian Environmental General Assistance Program at the EPA. EPA funding and grants enable the Pueblo of Santa Clara to administer or support an array of projects that improve the quality of

life in our community and safeguard the natural resources that provide us with physical and spiritual sustenance. Without these funds our Pueblo would face tremendous hurdles in delivering essential services such as clean drinking water and hazardous waste management to our people. Among the most widely utilized EPA sources of funding is the Indian Environmental General Assistance Program (GAP), which assists tribes in developing the capacity to manage their own environmental protection programs. Cuts to the GAP will directly impact front-line environmental staff working for tribal governments and place our natural and cultural resources in unacceptable risk. We support the GAP's spirit of greater local control, cooperative federalism, and exercise of tribal self-determination in allowing tribes to manage their resources. **We strongly urge Congress to provide full-funding for the Indian Environmental GAP to assist tribes in the development and implementation of sustainable environmental protection measures in Indian Country.**

III. Protection for Tribal Cultural Patrimony — Thank You for Your Support for Cultural Property Law Enforcement!

Bureau of Indian Affairs Cultural Items Unit. Items of cultural patrimony are not simple tangible objects or works of art. They are living vessels of our cultural heritage, carrying the ceremonies and traditions of our people down through the generations. Trafficking in sacred cultural items removes those items from our communities and causes irreparable harm to our way of life. Led by the New Mexico Congressional Delegation, Congress adopted the PROTECT Patrimony Resolution on December 1, 2016, supporting efforts to stop the illegal trafficking of our cultural heritage. In the FY 2017 appropriations bill, and again in the FY 2017 omnibus, this Committee successfully supported $1 million for Bureau of Indian Affairs law enforcement to address implementation of the Native American Graves Protection and Repatriation Act (NAGPRA) and halt the illegal trafficking in sensitive cultural materials. This will make a huge difference in tribal efforts to stop the looting and marketing of items of tremendous cultural importance that are not properly for sale, but rather our community property that needs to remain within a tribe. **We urge Congress to continue to support programs that protect our communities and work to bring these sacred items home and to maintain the $1 million funding for FY 2018 and beyond.**

Historic Preservation. As Pueblo People, we are our culture. Tribal sacred sites are important to us as a people and as a nation. In recent years, an increasing number of tribes have chosen to establish Tribal Historic Preservation Offices (THPOs) to protect these sites for future generations. Federal funding for these programs has remained flat and tied to the on-reservation status of sacred sites, meaning that the same amount of funds is now spread thinly across far more recipients. As a result, it is difficult for THPOs to perform key duties and preservation compliance responsibilities. Tribes need funding to establish or expand THPOs equivalent to state programs under the National Historic Preservation Act. **We request an increase in funding for the tribal historic preservation programs and for protection of cultural sites in the Interior budget.**

IV. Healthcare and Related Infrastructure

Like the veins and arteries of a human being that carry life-giving oxygen throughout the body, the healthcare facilities and related municipal infrastructure of a tribe form the core of any vibrant and economically productive community. Yet, despite its major contributions to local and

regional economies and cultures, Indian Country remains plagued by limited access to quality healthcare and antiquated infrastructure systems. Insufficient roads, eroding water supply systems, critical housing shortages, and facilities marred by environmental health hazards inhibit the ability of tribal governments function properly and obstruct the provision of essential services to their people. **We request that specific set-asides and increased support for Indian Country infrastructure development under the FY 2018 budget to strengthen our communities and build towards a more promising future.**

Adverse Health Outcomes Associated with Inadequate Housing. Access to affordable, structurally sound housing provides shelter from the proverbial storm and supports the physical and mental health of individuals and families. Reliable affordable housing reduces certain stressors that have been proven to contribute to negative health outcomes for low-income families by freeing up family resources for essential needs like education, food, and healthcare, as well as alleviating stressors associated with overcrowding—an endemic problem throughout Indian Country. Many of these languishing housing-related issues could be addressed by the reauthorization of the Native American Housing and Self-Determination Act (NAHASDA); however, the legislation has been unjustly obstructed for over five years, despite wide Congressional support. **Santa Clara requests that Congress provide increased funding to the Indian Health Service (IHS) to address the adverse health outcomes associated with critical housing shortages in Indian Country.**

Full Funding for the IHS. Indian health programs have suffered from annual budget cuts due to sequestration under the Budget Control Act of 2011 (Pub. L. 112-25). While other critical healthcare agencies such as the VA were exempt from federal sequestration in 2013, the IHS was not. The disruption in federal funding resulted in a loss of over $219 million from the IHS budget, which translates into immediate and long-lasting negative health impacts through lost resources for primary and preventative health care services, staff recruitment and training, and other programs serving Indian Country. These losses are exacerbated every year due to the lack of full funding for the IHS. **We urge Congress to provide the IHS with full funding and parity with other healthcare agencies through an exemption from sequestration, as well as any other reductions or cuts to the federal budget.**

Increased Support for Preventative Healthcare Services. Our Pueblo's healthcare infrastructure faces an array of challenges that pose significant threats to the safety and well-being our people: facilities are in critical need of maintenance and repair, equipment is outdated, access to telehealth services is severely limited, and professional medical staff are difficult to recruit and retain. We also face disproportionately high rates of chronic illness that are compounded by the limited access to care in our home communities. Concerted efforts are needed to address the root of our tribal health problems by expanding the availability and delivery of preventative services in Indian Country, particularly in the fields of behavioral and mental health. Preventative care reduces future incident rates of chronic illness and promotes the long-term vitality of our people. **We urge Congress to provide additional funding and support for expanded access to preventative care as a wise policy choice for Indian Country and for America.**

Thank you for the opportunity to testify. The Pueblo of Santa Clara looks forward to working with you on addressing these complex, multi-faceted needs going forward.

Mr. CALVERT. Thank you. Thank you for your testimony. Next is Virgil Siow, governor of the Pueblo of Laguna.

WEDNESDAY, MAY 17, 2017.

PUEBLO OF LAGUNA

WITNESS

VIRGIL SIOW, GOVERNOR, PUEBLO OF LAGUNA

Mr. SIOW. Good morning, Chairman Calvert, Ranking Member McCollum, and distinguished members of the committee. On behalf of the Pueblo of Laguna, I thank you very much for the opportunity to provide our testimony today.

Our Pueblo is one of the original 19 Pueblos located in the State of New Mexico. Our existence has been since time immemorial. We are located west of Albuquerque, and currently have approximately 8,700 tribal members. Our reservation is over 550,000-plus acres.

I will speak to four of our priorities in my testimony today, one being litigation and negotiation funding for water rights.

The Pueblo is a party to a general stream adjudication of the Rio San Jose Basin, State of New Mexico versus Kerr-McGee, filed in 1983. The system provides the only water source for our Pueblo. In the years 2014 through 2016, we have received $290,750 from the BIA. During this same period, the Pueblo expended $2.7 million of its own funds protecting our water. We ask that funding be increased through funds provided to the BIA to support the Pueblos' efforts to protect this precious resource.

Bureau of Indian Education. Last year, the Pueblo of Laguna Department of Education was one of 10 applicants selected to have its severely outdated and dilapidated BIA-funded Laguna Elementary School replaced. The 2017 appropriations lacked the funds necessary for new school construction. Instead, there is merely an allocation of $130 million nationwide for operations and maintenance and emergency repairs.

The Pueblo has completed the planning phase, and is ready to begin the design phase, and move to the construction phase. We ask that funding be made available for the construction of the new Laguna Elementary School. The estimate of planning phase construction costs is approximately $24 million. The Pueblo request these funds be made available in its 2018 budget.

Regarding Indian Health Services and the Affordable Care Act. The healthcare services at the Indian Health Center service Acoma, Laguna, Canoncito ACL facility have been inadequate and severely underfunded for decades. Referrals to specialists for services have been non-existent, except for individuals who have critical needs. The 2017 appropriations only includes $14 million nationwide for purchase/referred healthcare. This is inadequate to serve the needs to American Indians across the Nation. The Pueblo requests that funding for this program be increased.

In addition, Laguna has established a community health and wellness department through a Public Law 93–638 contract with IHS, including the Community Health Representative Program. This program is one of the few programs that places people in the

homes of some of our most at-risk tribal members, shut ins, and elders, who cannot easily leave their homes. We believe this funding is critical, and ask that it be increased, not eliminated.

Regarding the Environmental Protection Agency. Our Pueblo had the world's largest open pit mine in operation for approximately 30 years. It was known as the Jackpile Mine. It closed in 1982. On December 12th, 2013, the U.S. EPA listed the site on the National Priorities List, making it a Super Fund site. Since then, we have worked with EPA to address issues related to the site. We ask for continued funding and support for the Jackpile Superfund site cleanup and for the EPA's actions to appropriately pressure the principally responsible parties into compliance and cleanup of the site.

We also need support for the removal of the Homestake Tailings Pile near Milan, New Mexico, and increased efforts on reducing and contaminating the toxic plume spreading south and contaminating both shallow and deep aquafers. In addition, solid waste management on Indian lands is an issue because most Pueblos and tribes do not have a sufficient tax base to support efficient solid waste management, including recycling in current policy, and reducing the ability of the EPA to support those activities on Indian lands.

Regarding the Clean Water Act, Section 106 Funding. This program is critical for the Pueblo to protect its water resources. Any reduction could potentially impact the program's ability to protect the water resources.

I thank you for the opportunity to testify today and to provide our views and priorities for funding. I am happy to respond to any questions you may have.

[The statement of Mr. Siow follows:]

Testimony of Pueblo of Laguna Governor Virgil A. Siow
Before the House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
May 17, 2017

Good afternoon Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Virgil A. Siow, Governor of the Pueblo of Laguna. The Pueblo of Laguna is located in the western part of New Mexico, about 45 miles west of Albuquerque, and both Interstate 40 and the famed Route 66 cross our lands. I represent 8,786 enrolled Pueblo of Laguna members. Thank you for holding this hearing to examine the critical funding needs of Indian Country. The Pueblo currently has the following priorities which are longstanding and must be addressed: 1) Bureau of Indian Affairs (BIA) water rights negotiation and litigation support funding; 2) Bureau of Indian Education school construction funding; 3) Indian Health Service and the Affordable Care Act including Medicaid and funding for tribal health programs; 4) BIA contracted programs - underfunding for critical positions; 5) Environmental Protection Agency cuts and the Pueblo's funding need for oversight of clean water and cleanup of the Jackpile Mine Superfund site on the Pueblo; 6) critical need to ensure the National Park Service Advisory Council on Historic Preservation continues to be funded for its outreach to Tribes; 7) Fish and Wildlife Service Tribal Wildlife Grants; and Bureau of Land Management. I recognize that our list is long but these are the needs for our Pueblo.

Bureau of Indian Affairs Programs

Litigation/Negotiation Funding for Water Rights: A state of New Mexico district court has ordered that we simultaneously pursue both settlement negotiations and trial preparation in the general stream adjudication of the Rio San Jose basin (*State of New Mexico v. Kerr-McGee*, filed in 1983), which will determine the Pueblo's water rights. For the period 2014 – 2016, the United States through BIA has provided $290,750 of the overall funding need of the Pueblo for its attorneys and experts. While the United States, as trustee for the Pueblo, is involved in the case, there are also other Indian tribes involved and the Pueblo has hired its own lawyers and experts to protect and advance its separate claims. The Pueblo competes with numerous other tribes across the nation for these funds. Funding to this office must be increased substantially as this process includes all future water uses of the Pueblo. For the years 2014 – 2016, the Pueblo expended $2.7M of its own funds to protect the water resource that the United States, as trustee, has a responsibility to protect. We ask that the funding for the Pueblo of Laguna be increased through the funds provided to the BIA Southwest Regional Office Water Resources Office by the Deputy Director for Trust.

BIA Contracted Programs
The Pueblo of Laguna has P.L. 93-638 contracts for a number of its programs including: Law Enforcement, Detention, Pueblo Courts, Fire Protection, Realty, Social Services, Road Maintenance, Water/Agriculture, Rangeland and Natural Resources. These programs assist the Pueblo in provision of essential governmental services to Laguna members and the community.

All of these BIA funded programs lack sufficient funding and the Pueblo must provide its own funding to allow for appropriate levels of service. Of particular concern is the funding received for staffing of the Detention facility. In 2015, BIA completed a staffing analysis for the Detention programs task levels and post assignments to ascertain minimum staffing requirements for safe and efficient operations. The BIA analysis disclosed a need for 18 additional FTEs. The cost for hiring 18 FTEs is approximately $637,000, plus $291,000 in added associated costs (equipment, training, medical exams, uniforms, etc.) for a total need of $924,600. Since this assessment, no additional funding has been provided by BIA to hire recommended staff. We ask that BIA provide this funding.

BIA Hazardous Fuels Program

Lack of adequate funding for this program has resulted in an increase on the Pueblo of overstocked timber and woodland resources that are vulnerable to fire. Over the past few years, funding for this program has been declining or shifting off-reservation. With increased funding the Pueblo could address hazardous fuels and protect the community and other valuable resources.

Bureau of Indian Education

Last year, the Pueblo of Laguna, Laguna Department of Education was one of ten applicants selected to have its severely outdated and dilapidated BIE funded Laguna Elementary School replaced. The 2017 appropriations request lacks the funds necessary for new school construction. Instead, there is merely an allocation of $133 million for operation and maintenance and emergency repairs, not new construction. The Appropriations Committee requires the Bureau to submit an allocation plan to the Committees for campus-wide replacement and facilities replacement within 30 days of enactment of the DOI Environment, and Related Agencies Appropriations Act. BIE is directed to reallocate $2 million from 2016 unobligated balances in order to accelerate advance planning and design to replace schools. The Pueblo has completed the planning phase and is ready to begin the design phase and move to the construction phase when the design is complete. There is no funding provided in the 2017 budget allocations for construction. We ask that funding be made available for the construction of the new Laguna Elementary School. The planning phase opinion of probable construction costs is approximately $25,000,000. The Pueblo requests that these funds be made available in the 2018 budget so that construction may begin and our students can move into a facility that provides modern learning environment.

Indian Health Service:

Repealing the Affordable Care Act (ACA) severely impacts the Laguna People. We have recently established the Laguna Healthcare Corporation for the purpose of providing access to quality healthcare services for our members and others qualified to receive services. As you are aware, the United States has a trust responsibility to provide healthcare services to federally recognized Indian tribal members. The healthcare services at the IHS Acoma, Laguna and Canoncito (ACL) facility have been severely underfunded for decades. The Pueblo suffers from a constant changeover in staffing and overall diminishment of services. Referrals to specialists for services have been non-existent, except for individuals who are in critical need. Astonishingly, the 2017

appropriations includes only $14 million for purchased/referred health care, which is woefully inadequate to serve the needs of American Indians across the nation. Through ACA's expansion of Medicaid, our members have been able to access quality healthcare outside of ACL. However, proposed changes to Medicaid directly impact their ability to continue to do so. We urge that any modifications to the ACA adequately address the continuing responsibility of the United States to provide adequate health care to its Indian citizens.

Laguna has established a Community Health and Wellness Department (CHWD) through a P.L. 93-638 contract with IHS. One of the programs administered by the CHWD is the Community Health Representative (CHR) program. Under-funding to the CHR program adversely affects the Pueblo's ability to promote wellness and disease prevention to over 4,000+ tribal members who reside on Pueblo lands. The CHR program places trained staff in the homes of some of our most at-risk tribal members – shut-ins and elders -- who cannot easily leave their homes and live far from clinics. Sufficient funding is critical.

National Park Service:

The Pueblo appreciates that the 2017 appropriations contains $10.4M for grants to Tribes under the Historic Preservation Fund. The Pueblo received funding through NPS and NPS Historic Preservation Grants to have a full time Tribal Historic Preservation Office. This has allowed the Pueblo to have meaningful participation and input to protect and preserve the cultural resources of the Pueblo both off and on the Pueblo's land. However, there is a need for additional staff for this office to address the numerous inquiries and issues presented for review. Additionally, the Pueblo has been an active participant in the National Park Service's Advisory Council on Historic Preservation. The Pueblo would like to see additional funds for staff and to facilitate tribally approved cultural impact studies.

Bureau of Land Management

The Rio Puerco Management Plan is reportedly near completion (and has been for several years now) and identifies a variety of checkerboard lands within the exterior boundaries of the Pueblo of Laguna designated as available for disposal. These lands are within the Land Claim put forth by the Pueblo of Laguna to the Indian Claims Commission. The checkerboard nature of these lands (leased entirely by the Pueblo) create management and jurisdictional challenges for the BLM, State, and Pueblo, and make trespass control a major challenge. The Federal government should transfer the checkerboard lands to the Pueblo to save management costs and improve the Pueblo's authority to address trespass issues.

Fish and Wildlife Service

The Pueblo requests increased funding for Tribal Wildlife Grants. These grants work. They are one of the very few funding opportunities for Pueblos and Tribes to implement on-the-ground conservation of culturally important species and areas without substantial strings attached or cost-share required. The funding for these grants has become smaller and the number of tribes competing for it has become larger. Additional funding for the Tribal Wildlife Grant program is

an efficient way to maintain habitats that support countless other protected species. Additionally, Fisheries funding assists the Pueblo, which receives fish from the U.S. Fish and Wildlife Service for economic development. We urge continued support for this program, as well as for Tribal Fish Hatcheries such as the one at Mescalero.

Environmental Protection Agency:

EPA provides about 85% of the Pueblo's funding for environmental oversight and monitoring. The proposed cuts to the EPA budget are very alarming. Clean air, clean land, and especially clean water are critical to the Pueblo's way of life, and are more often than not adversely affected by off-reservation activities.

Superfund: We need continued funding and support for the Jackpile Uranium Mine Superfund site, and for the EPA's actions to appropriately pressure the Principally Responsible Parties (PRP) for clean-up compliance. The Laguna people want reclamation of land contaminated by the uranium mine and protection of the water flowing through the site for future use. We also want the removal of the Homestake tailings pile near Milan, NM, and increased efforts to mitigate the toxic plume contaminating both the shallow and deeper aquifers. The Nuclear Regulatory Commission has indicated that drinking water aquifers are being impacted by Uranium and Selenium. These groundwater sources are crucial for the continued existence of all people in, and development of, the region. The risk of greater contamination continues to threaten all local inhabitants, including both Acoma and Laguna Pueblos downstream of the site.

Adequate funding for solid waste management on native lands is necessary because most Pueblos and Tribes lack sufficient tax base to support efficient systems (including recycling). Current policy reduces the ability of the EPA to support necessary activities on native lands. Additional support is needed to avoid a return to the open dump sites, or increased landfill use where recycling is not supported, resulting in higher management and cleanup fees.

Clean Water Act: 106 Funding (Clean Water Act Section 106) - Funding for this program is critical for the Pueblo to protect its water resources. Any reduction will negatively impact the Pueblo's ability to protect water resources for itself and downstream users.

Conclusion:

On behalf of the Pueblo of Laguna people, I thank you for the opportunity to testify today and to provide our views and priorities for funding.

Mr. CALVERT. Thank you. Thank you for your testimony, and appreciate you being here.

Mr. Torres, one thing I wanted to let you know on the forest program, because that is important. Mike Simpson, who is a member of this committee, has a bill that would allow us to use the disaster account for these catastrophic fires, which would then allow the U.S. Forest folks to manage their accounts more effectively. They would like to spend more money in managing the forest of the United States, but it difficult when we use up all the money in these catastrophic fires of late.

One percent of the fires burn up literally 70 percent of our forest accounts, you know. So, we need to get support. You might mention that to whoever your member of Congress is to support this bill. It is supported by all the members of this committee, and we are pushing to get this thing done this year, which would be very, very helpful.

As you know, Bears Ears is a little controversial, you know, certainly for the folks in Utah and some other parts of the area, and some other tribes obviously have different opinions. And so, this is a review process that is going on right now. We will see where that ends up.

And certainly, Mr. Chavarria, we believe in self-governance, and we are happy that you are taking on that responsibility and effectively representing your people. And I know this issue of drugs has been consistent with virtually all the tribes that come here. It is a national epidemic, and so we need to all work together to get this under control.

And, Mr. Siow, we certainly are aware of our difficulties with healthcare. We actually have, it is about $1 billion that goes into purchased referred care out of our budget, and it is still not enough. But we are doing the best we can with what we have allocated. But we have a responsibility there. We know that, and we are trying as much as we can to do that, and we will continue to work on making sure we have the resources available for Native Americans nationwide.

These Superfund sites and Brownfield sites around America, we need to push EPA to get these sites cleaned up and get back to economic order again. So, you know, this is all over the country, so these things go on forever, and I am sure you are sharing that frustration since 1984 and, you know, progress is slow probably. And I do not know your situation specifically, but I suspect that is the case.

Mr. SIOW. Yes, thank you, sir. It has been ongoing for quite a while.

Mr. CALVERT. What did they mine there?

Mr. SIOW. They mined uranium.

Mr. CALVERT. Oh yeah, okay. I know exactly where your mine is, yeah. That was the World War II effort. That is where most of our uranium was, that is correct. Yeah, I have been by there.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. To the gentlemen of the panel, I have been conferring with staff behind me based on your comments trying to get a quick answer for you. It appears, Mr. Torres, that written comments related to Bear Ears are being ac-

cepted, but probably not very user friendly because people have to find it on the website, which goes to your point. You have to be on a website to find out if you can submit written testimony.

So, I am going to speak with the House members from New Mexico. We found out Senator Heinrich has a letter going out instructing the Department of Interior to make it more user friendly for comments to be made. We are going to do something similar in the House, and I will work with the New Mexico delegation on that.

But to your point, if you do not have internet and you cannot get on the Department's website because you do not have internet, then how do you know what you can do? And lots of times now, we are not publishing things in newspapers, and we are not buying a radio spot to encourage comments because we are just leaving it all up to the internet. I have been out in your part of the world, and there is very spotty reception and it is very difficult for some people to access the internet.

So, thank you so much for raising that, and we will do what we can. However, for the record, I do want to state that I do not necessarily agree that the President has the right to revoke a national monument. But that does not mean I am not going to make sure that people have an opportunity to comment.

Mr. SIOW. Thank you, Ms. McCollum. I met with Senator Heinrich yesterday, and we talked about that. I have a copy of that letter that he sent to the Secretary. But the governors are having a meeting on Monday, and I am going to make a recommendation that they do a letter to Secretary Zinke requesting an extension of this time period. So, the governors will be addressing that.

Ms. MCCOLLUM. If I could ask you, gentlemen, to comment on something. I have had the, and I do mean this genuinely, the privilege to be in some of the pueblos in some of the areas in which there are sacred sites. They are not marked for a reason, and that reason is because of the looting that takes place and the disrespect that takes place.

So, the fact that these sacred sites have not been marked, lends to sometimes people saying, "Well, these really do not exist", or "People are"—I am just cutting to the chase here—"People are making it up." You have heard all the excuses not to honor sacred sites.

So, if you would take a second to say how important it is that the respect be given, and why you do not go out and identify sacred sites. What happened to the tribes in Standing Rock is an example. When they did start identifying sacred sites, when the pipeline was going through, was looting and harmful activities taking place on the sacred sites.

Mr. CHAVARRIA. Thank you.

Mr. SIOW. Well, if I could respond. You did mention that that is the concern. If we do identify those and plot them on a map, that we will have individuals go in there and actually start digging or looting those particular sites. And, you know, those sites are very sacred to us. They go centuries back, you know. We still make pilgrimages to those sites; however, you know, that is not made public. We still take sacred items there, and ask for help from our ancestors to continue moving forward in this world. So, they are sacred to us. Thank you.

Ms. MCCOLLUM. If I could, just one more question. The Laguna School, is that where the earthquake was? I was out in that area. Is that where the earthquake was?

Mr. SIOW. At one point, there was a minor earthquake, yes, and it did affect the school. It did put little cracks in the building. Right now, the gym for that school is held up by high beams to support the gymnasium. So, it has been condemned several times, and it has been refurbished, but I think it is about time that we get new school to replace it.

Ms. MCCOLLUM. Mr. Chair, at one point, I had been in one of the buildings, and they had put a piece of metal mesh on it because they were measuring whether or not the building was cracking any farther. They had condemned the building. But the Bureau painted the building, and it was magic paint because it went from being condemned to not being condemned. [Laughter.]

So, I think this is a school we should look at, Mr. Chair. Thank you.

Mr. SIOW. Thank you.

Mr. CALVERT. Well, as you know, we are trying to figure out a way to come up with significant funds for the schools around America. We have a big challenge ahead of us on that.

Oh, Ms. Pingree, excuse me.

Thank you. Thanks to this panel. We appreciate it, and have a great day.

VOICE. Come and visit us in New Mexico.

Mr. CALVERT. Well, I love New Mexico. It is a great State.

Ms. PINGREE. I am going to find myself some of their paint.

Mr. CALVERT. There you go. Let us see. Our next panel: Robert Valencia, Edward Manuel, and Walter Phelps. Good morning.

VOICE. Good morning.

Mr. CALVERT. How are you today?

VOICE. Good.

Mr. CALVERT. Good. Okay. Good morning. Take a seat there.

First, we are going to recognize Robert Valencia, chairman of the Pascua Yaqui Tribe. Welcome, and you are recognized for 5 minutes. Turn on your mic. That would be great. Thank you.

WEDNESDAY, MAY 17, 2017.

PASCUA YAQUI TRIBE

WITNESS

ROBERT VALENCIA, CHAIRMAN, PASCUA YAQUI TRIBE, ACCOMPANIED BY ROSA SOTO ALVAREZ, COUNCIL MEMBER

Mr. VALENCIA. [Speaking native language]. Chairman Calvert, Ranking Member McCollum, and members of the subcommittee, my name is Robert Valencia. I am the chairman of the Pascua Yaqui Tribe. With me today is Councilman Rosa Soto Alvarez.

The tribe appreciates the opportunity to testify before the subcommittee today. I would like to speak in support of appropriations within the Department of Interior, Bureau of Indian Affairs, and the Indian Health Service for American Indian/Alaska Native programs. It is important that you hear the voices from across Indian Country today so that you may know the importance of Federal

programs to tribes and tribal peoples. A fully-funded budget for the BIA and IHS are essential to support many important programs that help improve the lives of tribal members.

The Pascua Yaqui Tribe is a sovereign nation located in southern Arizona. The tribe has a reservation southwest of Tucson with a non-reservation population of about 5,000 members. The total population of the Pascua Yaqui Tribe is close to 20,000 members.

In addition to the reservation, which comprises 2,216 acres, the tribe also has several predominantly Pascua Yaqui communities off the reservation throughout southern and central Arizona. These communities predate the tribe's Federal recognition in 1978 and the designation of the reservation at the time. While not trust lands, these Pascua Yaqui communities are home to tribal members for whom the tribe provides services, including housing, healthcare, and various other costly services and programs.

The Pascua Yaqui Tribe is governed by a tribal council comprised of 11 elected members. The tribal council wants to support tribal self-determination for the improvement of the lives for tribal members. While a few of the tribe's programs and direct services program are through the BIA, including BIA detention, many of the tribe's programs are through PL 93–638 self-determination contracts.

Today I would like to provide testimony to let you know the Pascua Yaqui Tribe's views and recommendations on the Fiscal Year 2018 budget for the BIA and Department of Health and Human Services Indian Health Services, IHS.

One concern of the Pascua Yaqui Tribe is that the Tiwahe Initiative remain fully funded and even increased. The tribe is a recent recipient of Tiwahe Initiative funding. Today the tribe has received about $800,000 in funding to improve system coordination and integration of service delivery among Yaqui government agencies to Yaqui families.

A Child and Family Networking Board coordinates the efforts of tribal departments to improve coordination of tribal programs and the use of resources available to the tribe's communities. The goal is to increase department collaboration and, thus, improve outcomes for families.

The funding also supports the tribe's work under the Indian Child Welfare Act, providing funding for programs to keep Indian families together. The tribes specifically ask that Tiwahe Initiative funding remain at Fiscal Year 2017 levels in 2018, if not receive an increase. The need is great, and the tribe is seeking to fully implement the program to maximize its benefit for tribal members. It would leave a tremendously beneficial program unfinished, and the tribe would not be able to sufficiently fund these programs without support through the initiative.

The Pascua Yaqui was one of the pilot project tribes in implementing the Special Domestic Violence Criminal Jurisdiction enacted by VAWA, the Violence Against Women Act. Although the tribe has been pursuing VAWA prosecutions, which call for more qualifications of attorneys and judges, the tribe has also had to expend significant resources to do so. Currently, the Office of the Prosecutor receives only 14.8 percent of its budget from Federal support.

An increase to funding for justice services is essential to help the tribe continue its implementation of VAWA, as well as prosecutions under the Tribal Law and Order Act, TLOA. These laws are helping bring domestic violence perpetrators and offenders committing serious crimes to justice, and have been highly successful on the Pascua Yaqui Tribe's reservation. However, cuts in funding will be a disaster to these programs, which are in their infancy.

The tribe requests funding for VAWA prosecutions and for serious prosecutions under TLOA. The tribe has had longstanding issues with the detention of prisoners incarcerated by order of the tribal courts. Detention services are direct services provided by the BIA, yet the tribe finds that the beds are limited, and often the BIA insists that we pick up prisoners or house them in our short-term facility for longer than is right. BIA detention needs better funding. They often run out of funds for prison contract beds, leaving tribes to deal with inmates that are BIA's responsibility.

We recently learned that our prisoners will be moved further down from the tribe's reservation after the BIA lost its contract with the Emerald Corporation in San Luis. All the vehicles in our police fleet are high mileage vehicles. At least one new vehicle is needed to use for transport to and from the new facility that BIA will contract with. But importantly, the BIA detention services need increased funding to better serve the tribe.

Other important programs that the tribe hopes you will support are social service programs, education, BIA, water programs, housing, and IHS. The tribe hopes you will continue to support full funding of the contract support costs for both BIA and IHS. This is of paramount concern to the tribe. Full funding of the contract support costs makes it possible for the tribe's programs to function properly, and we ask that you continue to support it.

I submitted a full statement with greater detail in writing. I would like to thank you again for the opportunity to present and for your attention to all the critical needs of the Pascua Yaqui Tribe as well as Indian Country.

[Speaking native language.] Thank you.

[The statement of Mr. Valencia follows:]

TESTIMONY OF THE PASCUA YAQUI TRIBE OF ARIZONA
CHAIRMAN ROBERT VALENCIA
BEFORE THE U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS
FISCAL YEAR 2018
May 17, 2017

Chairman Calvert, Ranking Member McCollum and members of the Subcommittee, the Pascua Yaqui Tribe appreciates the opportunity to submit testimony in support of fiscal year 2018 appropriations within the Department of Interior, Bureau of Indian Affairs and the Indian Health Service for American Indian and Alaska Native programs. My name is Robert Valencia, and I am the Chairman of the Pascua Yaqui Tribe. The Tribe is governed by a Tribal Council comprised of eleven elected members. The Pascua Yaqui Tribal Council works to support tribal self-determination for the improvement of life for tribal members.

The Pascua Yaqui Tribe is a sovereign nation located in Arizona. The Tribe has a reservation southwest of Tucson, with an on-reservation population of about five-thousand members. The total population of the Tribe is close to 20,000 enrolled members. In addition to the Reservation, which comprises 2,216 acres, the Tribe also has several predominantly Pascua Yaqui communities off of the reservation throughout southern and central Arizona. These communities predate the Tribe's Federal Recognition in 1978, and the designation of the Reservation at that same time. While not trust lands, these Pascua Yaqui communities are home to tribal members for whom the Tribe provides services, including housing, health care, and various other costly services and programs.

This written testimony, submitted to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies is intended to document the Pascua Yaqui Tribe's views and recommendations on the FY 2018 budget for the BIA, and Department of Health and Human Services Indian Health Service (IHS). Again, thank you for your attention today to the critical needs that the Pascua Yaqui Tribe has, as well as all of Indian Country.

Bureau of Indian Affairs

Tiwahe Initiative:

The Pascua Yaqui Tribe is a recent recipient of Tiwahe Initiative funding. To date the Tribe has received about $800,000 in funding to improve system coordination and integration of service delivery among Yaqui government agencies to Yaqui families. A Child and Family Networking Board coordinates efforts of tribal departments to improve coordination of tribal programs and the use of resources available to the tribe's communities. The goal is to increase department collaboration and thus improve outcomes for families. The funding also supports the Tribe's work under the Indian Child Welfare Act (ICWA), providing funding for programs that keep Indian families together. The Tribe specifically asks that Tiwahe Initiative funding remain at FY2017 levels in FY2018, if not receiving an increase. The need is great, and the Tribe is seeking to fully implement the program to its maximum benefit for Tribal members.

Tribal Justice Systems:
The Pascua Yaqui Tribal Court has criminal jurisdiction over Indians who commit crimes within the exterior boundaries of the reservation. Under the Violence Against Women Act (VAWA), the Tribal Court now also has limited jurisdiction over non-Indians who commit acts of domestic violence on the reservation (Special Domestic Violence Criminal Jurisdiction). The Tribal Court also has jurisdiction over child welfare cases that are transferred from the state pursuant to the Indian Child Welfare Act. Although the Tribe has been pursuing VAWA prosecutions, which call for more qualifications of attorneys and judges, the Tribe has had to expend significant resources to do so. Currently, the Office of the Prosecutor receives only 14.8% of its budget from federal support. An increase to funding for justice services is essential to help the Tribe continue in its implementation of VAWA, as well as prosecutions under the Tribal Law and Order Act (TLOA). These laws are helping bring domestic violence perpetrators and offenders committing serious crimes to justice in Indian Country, and have been highly successful on the Pascua Yaqui Tribe's Reservation. However, cuts in funding would be a disaster to these programs, which are in their infancy.

In addition, the Tribe has a Healing to Wellness Court which is a drug court diversion program that has helped to reduce substance abuse and recidivism. This requires resources from both the Tribal Court and the Prosecutor's Office. The Office of the Prosecutor also offers a Victim Advocate to support victims of crime in navigating the justice system. Continuing funding for Tribal justice systems at current or increased levels is essential to communities that are already plagued with violence.

Public Safety:
The Tribe has had longstanding issues with detention of prisoners incarcerated by order of the Tribal Courts. Detention services are direct services provided by the BIA. We recently learned that our prisoners will be moved further from the Tribe's Reservation after the BIA lost its contract with Emerald Corporation in San Luis. All of the vehicles in our police fleet are high mileage vehicles. One new vehicle is needed to use for transport to and from the new facility that BIA will contract with. An outfitted transport vehicle will cost $64,000. We also request funding for replacement of patrol long rifles in the amount of $25,500. Current weapons are old and in need of maintenance, posing a safety issue for officers. Other funding requests include firing range maintenance funding of $5,000, training funds in the amount of $20,000.

Child Welfare:
The Pascua Yaqui Tribe Social Services Department provides services such as Tribal Child Protective Services, Child Assistance (foster care maintenance, residential care and guardianship subsidies), and General Assistance Work Experience. The Tribe's General Assistance program requests additional funding. There has been an average shortfall over the past several fiscal years over $188,288. This has meant a reduction in the number of families assisted each year. The Tribe requests that it be funded an additional $200,000 for General assistance programs. The ongoing need to support families and children at risk of child neglect and abuse, as well as to provide self-

sufficiency training services through the General Assistance Program will allow for the Tribe to help the most vulnerable and needy families in the community. This assistance will also create secondary impacts such as a reduction in substance abuse, and civil and criminal offenses.

For Child Assistance Funding, the Tribe also requests additional funds. The Tribe has a projected shortfall of $176,003 for provision of foster care assistance, residential treatment and guardianship funding, and requests that this shortfall be covered. BIA funds are used to cover five out of the Tribe's seventeen Child Welfare staff members. The Tribe requests that it be funded an additional $435,000 for existing child welfare staff positions and one additional CPS case manager. This will bring the case load closer to the national standards. With increased funding to cover staff and an additional CPS worker, the Tribe will be able to reach its goals for the child welfare system, which include reducing child abuse and neglect, reducing the amount of children that are removed from their homes, increasing reunification with tribal parents, reducing the length of time children remain in the system, preventing juvenile delinquency and teen pregnancy, and providing a better future for children growing up on the Pascua Yaqui Reservation.

BIA Water Programs:
The Tribe struggles to plan and provide for enough water for its reservation use, both household and business. The Tribe has not settled its water rights claims, and would like to request an increase of funding for BIA Water Rights Negotiation and Litigation Program as well as maintaining funding for BIA Water Management, Planning and Pre-Development Program. Both of these programs support Indian Country's ability to perform technical work and other activities needed to protect and manage tribal water rights, and if necessary, litigate or settle those rights. The Pascua Yaqui Tribe has used these funds to support efforts to secure a permanent water supply for the Reservation. In the face of prolonged drought in the West, the need to resolve Indian water rights and provide water certainty both for Tribes and their non-Indian neighbors has never been higher. Tribes are in the best position to take on these tasks and to find local solutions to their water rights challenges. This funding provides critical support for these efforts. Continued cuts in these programs merely shifts the burden to the United States to eventually defend and resolve these water rights challenges (at a much higher cost to the United States), since ultimately, Tribal water rights are held in trust by the United States. The Tribe requests increased and maintained funding for these important programs.

Housing and Urban Development:
The Pascua Yaqui Tribe has over 600 Yaqui families on a waiting list for affordable housing. The Tribe asks that the budget for Indian Housing under NAHASDA be maintained if not increased. The Tribe's members consistently request assistance on finding decent, affordable housing. The Tribe has successfully used tax credits and tribal funds to build housing for its members, but the full need remains unmet. The Tribe asks that Indian Housing funding be maintained or increased.

Indian Health Service (IHS):
First, the Tribe requests continued support for full funding of Contract Support Costs (CSC) for both the BIA and IHS. The Pascua Yaqui Tribe has operated its healthcare programs through the Indian Self-determination Act, P.L. 93-638 since 2010. The Tribe has responsibility for the entire

Tribal enrollment of over 19,000 members living primarily in Pima and Maricopa Counties, Arizona. The self-determination program relies on the full funding of contract support costs for its success, and CSCs are an essential component of the Government's trust responsibility. The consistently inadequate funding of the IHS is a major problem plaguing Indian Country. Since the Tribe started self-determination in 2010, deferrals for service total $6,672,722. and denials total $10,580,876. Additional funding for IHS self-determination contracts is essential. Additionally, given the serious crisis of behavioral health and substance abuse in Indian Country, funding for behavioral health and substance abuse programs needs to be increased through SAMSHA and IHS.

I would like to extend my thanks on behalf of the Pascua Yaqui Tribe to the Subcommittee for this opportunity to submit testimony on the FY2018 Appropriations.

Mr. CALVERT. Thank you. Next, Edward Manuel, chairman of the Tohono O'odham Nation.

WEDNESDAY, MAY 17, 2017.

TOHONO O'ODHAM NATION

WITNESS

EDWARD MANUEL, CHAIRMAN, TOHONO O'ODHAM NATION

Mr. MANUEL. Good morning, Chairman Calvert, Ranking Member McCollum, and distinguished members of the committee. My name is Edward D. Manuel. I am chairman of Tohono O'odham Nation located in Arizona. It is a federally-recognized tribe, 34,000 members, and it is one of the largest reservations in Arizona and throughout the United States as well.

We also share 62 miles of the international boundary with Mexico. It is one of the longest shared international borders of any Indian tribe in the United States.

Thank you for giving me the opportunity to testify in regard to the Nation's Federal funding priorities. First, I would like to present our water settlement challenges.

Tohono O'odham Nation is facing a serious water crisis due to the Federal government's ongoing failure to fund the nation's historic water settlement. The Southern Arizona Water Rights Settlement Act, known as SAWRSA. SAWRSA authorized up to $32 million for a cooperative fund to pay for the delivery of the nation's water entitlement, and directed the Secretary of the Interior to inform Congress of the amount of money necessary to carry out the settlement. However, the Interior has never requested any of these funds to inform Congress that this settlement will be in jeopardy without the cooperative funding.

The Bureau of Reclamation projects that our settlement may run out of funding for water delivery within 3 years. We do not want to close the tribal farms, lay off employees, default on crop loans, and the breach of related agreements.

Our water settlement is meaningless without water. We respectfully request that the committee direct the Secretary of Interior to provide notice of the Federal funds of the cooperative funding shortfall, and that funding be included in the Fiscal Year 2018 budget, and not jeopardize the Southern Arizona Water Rights Settlement Act.

Next, I will turn to law enforcement. The Tohono O'odham Nation faces significant and unique law enforcement challenges because of our shared border with Mexico and the size of the reservation. Our police patrol remote and isolated areas that are difficult to access. Radio communication among tribal and Federal law enforcement agencies is also unreliable. As a result, officers face increasing, sometimes unnecessary, risks in the field.

Due to our extensive shared border with Mexico, drug trafficking, illegal immigration, and border security divert limited tribal police resources from our communities. While the nation works closely with Border Patrol and other law enforcement agencies, we spend millions of dollars in tribal revenues annually to help meet Federal

border security responsibilities. Additional funding is desperately needed to improve communication, hiring and training officers, vehicles, and addressing the overcrowded jail, and to improve the security of police stations.

Next, I will discuss road funding. The nation has hundreds of miles of damaged and poorly maintained roads: inadequate BIA funding, heavy monsoon rains, flooding, and heavy usage by Border Patrol vehicles. 200 Border Patrol agents utilize these roads 24 hours a day, 7 days a week. All of these contribute to the poor road conditions.

During the monsoon season, flooding washes out bridges, isolate communities, strand children on school buses, and prevents access for emergency vehicles. Sadly, a number of our people have been killed by flooding while traveling on these roads.

Despite years of discussion, BIA and Border Patrol cannot agree on how they can share existing appropriations and authorities to fund the repair of the roads damaged by Border Patrol vehicles. All that is needed is a technical legislative fix. The nation's written testimony contains draft legislation language to make the technical fix. We ask that the subcommittee work with the Homeland Security Subcommittee and consider including that language in the appropriations bill.

Finally, I would like to address healthcare funding. Tohono O'odham Nation hospital that serves the nation in Sells, Arizona is over 50 years old. It is one of the oldest facilities in the IHS. The hospital is completely inadequate to meet the nation's healthcare needs.

Our hospital has been listed for replacement for over 2 decades. However, the backlog is so bad that there still are several projects ahead of us on the IHS priority listing. Even though they requested a budget increase, it is still unlikely that the nation's hospital will be funded.

Additional funding is desperately needed for IHS to address this backlog. We ask the committee to provide a substantial increase in the IHS facilities budget.

In conclusion, the nation appreciates the subcommittee's dedication to provide Indian Country with much-needed resources in a very challenging Fiscal climate. I am happy to answer any questions. Thank you.

[The statement of Mr. Manuel follows:]

THE TOHONO O'ODHAM NATION OF ARIZONA
TESTIMONY OF THE HONORABLE EDWARD D. MANUEL, CHAIRMAN

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

May 17, 2017

Summary of Budget Requests

1. ***Funding for Interior's implementation of SAWRSA/AWSA water rights settlement***
2. ***Increased funding for BIA Law Enforcement***
3. ***Increased funding for BIA Roads Maintenance***
4. ***Increased funding for Indian Health Service Facilities Construction***

Introduction & Background

Good afternoon, Chairman Calvert, Ranking Member McCollum, and distinguished Members of the Subcommittee. My name is Edward Manuel and I am the Chairman of the Tohono O'odham Nation, a federally recognized tribe with more than 34,000 members. The Tohono O'odham Reservation consists of more than 2.8 million acres in southern Arizona (one of the largest Indian reservations in the United States), and shares a 62-mile border with Mexico.

Thank you for the opportunity to testify about the Nation's federal funding priorities. The Nation appreciates the Subcommittee's dedication to providing Indian Country with much-needed resources in a challenging fiscal climate. My testimony focuses on the following priorities: funding to implement the Nation's 1982 water rights settlement, law enforcement, roads, and health care.

I. Funding to Implement the Nation's 1982 Water Rights Settlement

The President's Fiscal Year (FY) 2018 Budget Request contains no funding request to implement the Nation's historic water settlement, the Southern Arizona Water Rights Settlement Act of 1982, Pub. L. 97-293 ("SAWRSA"), as amended in 2004 by the Arizona Water Settlements Act, Pub. L. 108-451 ("AWSA"). As I testified last year before this Subcommittee, the Nation is facing a serious water crisis due to the federal government's ongoing failure, despite statutory fiscal authorization and clear direction, to fund this water settlement.

In SAWRSA, Congress created the Cooperative Fund to pay for water deliveries: Under SAWRSA, as amended by AWSA, the Nation gave up significant superior claims to ground water and surface

water in the Upper Santa Cruz Basin in Arizona. In exchange for releasing these claims, the United States promised that the Nation would receive reliable, affordable, and long-term access to Central Arizona Project (CAP) water. The parties to the settlement recognized there would be costs associated with the delivery of the Nation's CAP water. To address these ongoing delivery charges Congress in 1982 created the Cooperative Fund and authorized $16 million in federal contributions toward the Fund. The settlement provided that the federal government can only use the interest (and not the principal) for the Nation's water delivery costs, making the contributions to Fund principle a critical component of the settlement.

Interior's repeated failure to capitalize the Fund, despite direction from Congress: The United States never made the $16 million contribution to the Fund authorized by SAWRSA, thereby depriving the Nation of access to the interest such a contribution would have generated over the years. In recognition of this fact, in 2004 Congress doubled the promised federal contribution to $32 million, and explicitly identified the Lower Colorado River Basin Development Fund as an additional source for this funding. SAWRSA as amended directs Interior to provide notice to Congress of the funding amounts necessary to carry out the United States' obligations under the Act. Despite repeated efforts to make Interior act, it has never requested any of the $32 million authorized under SAWRSA, nor has Interior ever officially notified Congress of the Fund shortfall.

Failure to make federal contributions leaves the Cooperative Fund severely undercapitalized: Because these key federal contributions were never made, the Cooperative Fund is in jeopardy. Had Interior capitalized the Fund as Congress intended, it would be self-sustaining today; instead it is severely undercapitalized. Delivery costs chargeable to the Fund continue to rise with the increase in the cost of energy needed to deliver the Nation's CAP water, leading to a total depletion in Fund expendable interest in only a few years' time. The Nation continues to work with Interior on short term solutions aimed at shoring up expendable interest. But without the congressionally authorized contributions to Fund principle, the Fund will remain undercapitalized and the Nation will not receive the benefits of the substitute water supply promised to the Nation in the settlements.

If the Cooperative Fund runs out of interest, the consequences will be severe: Unless SAWRSA is funded as Congress has directed, the Nation may lose access to its water entitlements – resulting in closure of long-operating farms in which the Nation has invested millions of tribal dollars, layoffs for dozens of employees, default on crop loans, and the breach of related water settlement agreements.

Interior must act to adequately capitalize the Cooperative Fund: The Nation respectfully requests that the Committee direct Interior to provide formal notice of the Cooperative Fund shortfall and that funding be included in the FY 2018 Budget for the Bureau of Indian Affairs. Without water, water settlements are meaningless, and we ask this Congress to ensure the agreement the United States made with the Nation is fully implemented.

II. Law Enforcement

The FY 2017 Omnibus bill contains $385.7 million for public safety and justice programs in Indian Country, an increase of $8.3 million over the FY 2016 enacted level. Although the Nation appreciates this funding increase, a dramatic increase is needed in FY 2018 to meet the unique and challenging public safety and justice needs in Indian Country.

The Nation faces significant and unique law enforcement challenges, in part because of its shared Mexican border: The location and size of the Nation's reservation presents unique law enforcement and border security issues. The Tohono O'odham Police Department (TOPD) must cover a huge geographic area, including many remote and isolated areas that are difficult to access. Communication among law enforcement agencies is a challenge, as interoperability is extremely

limited. Our reservation includes a 62-mile southern border with Mexico, the longest shared international border of any Indian tribe in the United States. There are fourteen O'odham communities with approximately 2,000 members located across the border. Drug trafficking, illegal immigration and border security also divert tribal police force resources. The Nation has been working with Customs and Border Protection (CBP) and other federal law enforcement agencies to facilitate enhanced border security measures. The Nation spends millions in tribal revenues annually to help meet the United States' border security responsibilities

Current funding is utterly inadequate to meet the public safety and justice needs in Indian Country: In a 2016 report to Congress, the BIA estimated that the need for Public Safety and Justice Programs in Indian Country is $1 billion for Law Enforcement Programs; $222.8 million for existing Detention Centers, and $1 billion for Tribal Courts.[1] The need in these three categories for Arizona alone is nearly $140 million. The Nation's unique law enforcement needs require even greater resources. In 2016 TOPD officers handled 107,691 calls for service – a 15.94% increase over 2015. During the same year, TOPD and CBP seized over 284,000 pounds of marijuana on the Nation. This has led to significant capacity challenges at the Nation's Corrections Center, where a facility with a rated capacity of 107 beds serves an average daily population of 135 inmates. Millions of dollars in additional funding is desperately needed to address improvements at the Corrections Center ($2.1 million). Lastly, the expense to hire, equip, train, and purchase vehicles to support the increase of our sworn Officers (currently at 107), has only been eclipsed by the unfunded need to improve the aging structure and physical security of the primary police station ($5.9 million).

The Nation strongly supports NCAI's funding recommendations: The Nation supports the National Congress of American Indians (NCAI's) request for Congress to fully fund tribal law enforcement and detention within the next five years by incrementally increasing funding each year, starting with a $200 million increase in FY 2018.

III. Roads Funding

The FY 2017 Omnibus bill contains $30.3 million for the BIA Road Maintenance Program, a $3.6 million increase from the FY 2016 enacted level. The BIA Road Maintenance Program is responsible for approximately 29,400 miles of roads in Indian Country, and funding for that program has been woefully inadequate for years. According to NCAI, the current deferred maintenance for BIA roads is in the neighborhood of $300 million.

The Nation has hundreds of miles of damaged, poorly maintained roads: The Nation's reservation encompasses over 4,500 square miles. There are hundreds of miles of roads on the Nation, including approximately 500 miles of arterial and collector roads (roads with significant traffic and higher speed limits), plus many more local and dirt and gravel roads. Maintaining the Reservation's vast road system is a major challenge. Our roads are in very bad condition, due largely to inadequate BIA funding for repair and maintenance and further exacerbated by heavy monsoon rains and flooding. The roads frequently have sink holes, pot holes, broken and cracked pavement, and weakened and washed-out bridges. During monsoon season, flooding often completely inundates the roads and making them impassable, stranding children on school buses, preventing access for emergency vehicles and isolating communities. A number of our people have been killed by flooding while traveling on these roads.

Bureaucratic red tape interferes with the repair of damaged roads: The Nation's deteriorated roads suffer further damage from heavy usage by CBP vehicles, which have increased dramatically in number on the reservation in response to border security concerns. The poor conditions of the

[1] BIA Office of Justice Services, Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country (Aug. 16, 2016).

roads negatively affects CBP's and TOPD's ability to respond to emergencies and support mission critical operations, and tribal members' ability to undertake simple day-to-day activities. Both the Nation and CBP need roads that are accessible and safe to travel, and ensure the safety and security of tribal citizens, TOPD law enforcement, and CBP patrol officers.

The Nation has been working with CBP and BIA for years to reach an agreement to fund repair of the roads, but BIA does not have adequate funding and CBP takes the position that it cannot spend its funds to repair the roads because BIA receives specific appropriations for that purpose. For that reason, we ask the Subcommittee to work with the Homeland Security Subcommittee to include the following language in both Appropriations bills, to make clear that both agencies have authority and responsibility to use their funding to repair and maintain the Nation's BIA roads that have been damaged by CBP vehicles:

> **MAINTENANCE OF CERTAIN INDIAN RESERVATION ROADS.**
>
> The Commissioner of U.S. Customs and Border Protection may use agency funds for construction, improvement, maintenance and repair of reservation roads that are part of the Bureau of Indian Affairs road system within the National Tribal Transportation Facility Inventory, as defined in 25 C.F.R. Part 170, on the condition that: (i) the Commissioner and the Director of the Bureau of Indian Affairs mutually agree that the primary user of the subject road is U.S. Customs and Border Protection, and (ii) U.S. Customs and Border Protection and the Bureau of Indian Affairs consult with the affected tribe regarding the primary user and any road construction, improvement, maintenance or repair prior to commencing any work.

The Nation strongly supports NCAI's funding recommendations: The Nation also strongly supports NCAI's recommendation that Congress provide $40 million for the BIA Road Maintenance Program in FY 2018.

IV. Health Care

The FY 2017 Omnibus bill includes $117.9 million for Indian Health Care Facilities Construction, an increase of $12.9 million over the FY 2016 enacted level, but $14.3 million below the FY 2017 request. According to the House Subcommittee on Indian, Insular, and Alaska Native Affairs, the cost of the remaining health facilities projects in the congressionally mandated Health Facilities Construction Priority System (HFCPS) totaled approximately $2.2 billion as of April 2015.

The Tohono O'odham Nation Hospital that serves the Nation in Sells, Arizona is over fifty years old; one of the oldest IHS facilities: The Nation has taken over administration of the former IHS Sells Hospital under a self-governance compact. This gives the Nation more flexibility and control over services, but does not change the fact that the Sells Hospital can handle only minor medical issues and is completely inadequate to serve the Nation's needs. The Sells Replacement Hospital has been on the IHS facilities construction list for more than twenty years. There are several projects ahead of it on the priority list, totaling hundreds of millions of dollars. Even with the requested budget increase, the Sells Hospital will not likely be funded in the near future. This illustrates the desperate need for additional funding for Health Care Facilities Construction, so that IHS can work its way down the "priority list" and finally begin work on a replacement facility for the Nation.

We ask that the Committee provide substantial increases to the IHS Facilities construction budget. We support the NCAI FY 18 budget request for $172.7 million over the FY 2017 request.

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

Next, Walter Phelps. Good to see you again. You are recognized for 5 minutes.

WEDNESDAY, MAY 17, 2017.

NAVAJO HOPI LAND COMMISSION AND NAVAJO NATION COUNCIL

WITNESS

WALTER PHELPS, CHAIRMAN, NAVAJO HOPI LAND COMMISSION, AND DELEGATE, NAVAJO NATION COUNCIL

Mr. PHELPS. Good morning, Chairman Calvert, Ranking Member McCollum, and honorable member Pingree. My name is Walter Phelps. I chair the Navajo Hopi Land Commission for the 23rd Navajo Nation Council. My colleagues and I on the Navajo Hopi Land Commission are entrusted with addressing ongoing efforts of the relocation and people being relocated off their ancestral lands, as well as dealing with the realities of the nine chapter communities within the former Bennett Freeze Area in Western Navajo Nation.

First, I want to still once more express appreciation for this subcommittee for your efforts in paying special attention to the complex and important matters. Since the visit by this subcommittee to Navajo Nation in January 2015, some very good progress has been made. The increased funding made possible by this subcommittee has dramatically accelerated the delivery of benefits to many who have been on a waiting list for many years.

As you are aware, the Office of Navajo Hopi Indian Relocation was established by Congress to carry out relocation activities, and serve as a trustee and Federal land administrator to the Navajo Nation. Unfortunately, although the Office of Navajo Hopi Indian Relocation carried out its charge, the work was done at a very slow pace. However, as a result of increased funding, OHNIR in its November 14th, 2016 report stated that by the end of September 30th, 2016, there remained a total of 74 eligible qualified applicants ready to receive housing benefits, 199 pending appeals to be addressed in Fiscal Year 2017, and 3 pending cases before Federal district courts.

In OHNIR's report, it further states our goal, and I quote, "Our goal has always been to assure that all relocation activities that are conducted by the office are consistent with the intent of Congress and the executive branch as expressed in the Navajo Hopi Settlement Act of Public Law 93-531, and the Navajo Hopi Indian Relocation Amendments Act, Public Law 96-305."

Let me point out that in 1981, this same office provided a report and plan to Congress by stating, "Congress was greatly concerned that relocation of Indian families to be to areas where community facilities and services exist or will exist. The Commission's plan for relocation shall," ordered Congress, "assure that housing and related community facilities and services, such as water, sewer, roads, schools, and health facilities for such households, shall be available at their relocation sites." That was Public Law 93–531.

"The Commission intends to carry out this mandate with the same vigor as the sympathetic and generous Congress conceived it."

The point is that the Relocation Commission "failed to adequately address the requirements of the original act in ensuring that housing and related community facilities and services, such as water, sewer, roads, schools, and health facilities, for such households shall be available at their relocation sites." In moving forward, my colleagues and I on the Navajo Hopi Land Commission appreciate the need to bring closure to the relocation process. However, we believe that the Federal government has the responsibility to bring closure about in a conscientious and compassionate manner, and live up to the promise of a thorough and generous relocation.

The second portion of my testimony has to do with the urgent need for rehabilitation of the 9 Navajo chapters in the Former Bennett Freeze Area and western agency. The freeze remained in effect from 1966 to 2006, during which development of housing, community facilities, and economic development were restricted. Field hearings conducted by the Senate Interior Appropriations Subcommittee in 1993 concluded that the Former Bennett Freeze Area would require a sustained construction program implemented over a decade or more in order to recover and redevelop.

We ask the subcommittee to support innovative incentives that can encourage private sector partnerships and investments and streamlining of Federal regulations. We request funding for critical needs in the Former Bennett Freeze Area for safe drinking water, electricity, emergency response services, telecommunications, infrastructure, and community facilities. Lastly, we request establishment of a DOI task force for the benefit of the Former Bennett Freeze Rehabilitation.

Thank you for the opportunity to provide this testimony. I am happy to answer questions.

[The statement of Mr. 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

May 17, 2017

Requests:

1. **Continue to provide necessary funding to complete relocation in an effective and timely fashion.**
2. **Provide additional funding to fulfill Congress' mandate to provide adequate infrastructure for relocatees.**
3. **Increase oversight of the relocation and rental payment processes.**
4. **Provide $20 million for critical needs in the Former Bennett Freeze Area.**
5. **Support incentives for private sector investment and the streamlining of regulations in the Former Bennett Freeze Area.**
6. **Expand BIA efforts to mitigate hardship in the Former Bennett Freeze Area, including establishing 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 of the Navajo Nation. The NHLC is entrusted with addressing both the ongoing effects of the Federal relocation of 15,000 Navajo people off their ancestral lands and the realities of 12,000 Navajos living in the former Bennett Freeze area, where a strict 41–year construction freeze has left despair and desperate need for rehabilitation and reconstruction. 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, a significant number 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.

A Special Thank You to this Subcommittee. The Navajo Nation is deeply appreciative of the effort and the energy this Subcommittee has put into addressing how to bring about a humane closure to relocation. Since the visit by Subcommittee members to the Navajo Nation in 2015, much progress has been made. The increased funding that the Subcommittee has provided has dramatically accelerated the provision of benefits to Navajo families who have been waiting for years, if not decades.

NAVAJO RELOCATION

Office of Navajo and Hopi Indian Relocation (ONHIR). After the passage of the relocation Act, ONHIR was established by Congress to carry out relocation activities pursuant to the Act, and operate as trustee and federal land administrator to the Navajo Nation. Unfortunately the work of OHNIR proceeded at a glacial pace. The Department of Interior's (DOI) Office of Inspector General (OIG) published a report on ONHIR that identified two causes for the delay in completing relocation: (1) ONHIR's failure to complete eligibility determinations; and (2) the complicated and lengthy administrative appeals process. ONHIR's routine denials of applications and reliance on the adversarial process have historically diverted funds away from building homes for certified applicants.

Now we look to ONHIR's future. *The core principle that all parties have agreed upon is that every eligible Navajo should receive the benefits they were promised under the law. ONHIR is responsible for the delivery of these benefits and should operate, in some fashion, until its mission is completed.* Nonetheless, the Navajo Nation has engaged in dialogue with the Bureau of Indian Affairs (BIA) and OHNIR on what closure of OHNIR and the transition of remaining functions to the BIA may look like. Many of those functions could be transferred in the relatively near future as a part of phasing out ONHIR. 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. However, we believe that the Federal government has a responsibility to bring this closure about in a conscientious and compassionate manner and live up to the promise of a thorough and generous relocation.

Completion of Promised Infrastructure. The Navajo Hopi Land Settlement Act required the Relocation Commission to prepare a report that includes a plan that shall "assure that housing and related community facilities and services, such as water, sewers, roads, schools, and health facilities, for such households shall be available at their relocation sites...." (Public Law 93-581, Section 13). In 1981 the Relocation Commission released its report and plan to Congress. In the "Report and Plan," the Relocation Commission acknowledged its obligations:

> Congress was greatly concerned that relocation of Indian families be to areas where community facilities and services exist or will exist. The Commission's plan for relocation shall, ordered Congress: Assure that housing and related community facilities and services, such as water, sewer, roads, schools, and health facilities, for such households shall be available at their relocation sites....

(*See* Executive Summary, p. 4). Despite this commitment, the Report and Plan principally focuses on what facilities, services, and infrastructure may already exist (usually Navajo and BIA), without providing much detail about what the Relocation Commission would provide. Indeed, there is language that pushes off such Relocation Commission commitments to a later time. The Relocation Commission did not adequately address the requirements of the original Act in assuring "that housing and related community facilities and services, such as water, sewer, roads, schools, and health facilities, for such households shall be available at their relocation sites...." These unfulfilled obligations are further compounded by the fact that the citizens and residents of the Navajo Nation are the most underserved communities in the United States of America with respect to infrastructure.

Requests:

1. **Continue to provide necessary funding to complete relocation in an effective and timely fashion.**

We recognize and appreciate the increased funding that ONHIR has received in recent years and request that OHNIR's funding is kept intact.

2. **Provide additional funding to fulfill Congress' intent to provide infrastructure for relocatees.**

When Congress passed the relocation act it directed the Commission to "[a]ssure that housing and related community facilities and services, such as water, sewers, roads, schools, and health facilities, for such households shall be available at their relocation sites...." (Public Law 93-581, Section 13). Unfortunately, two generations later many relocatees lack the most basic infrastructure, let alone what that they were promised at their relocation sites. Indeed, many of the relocatees are the most underserved populations in the country with respect to infrastructure. The Navajo Nation is currently reviewing what ONHIR constructed and what ONHIR should have constructed. We ask the Subcommittee to adequately fund the infrastructure list that is being developed by the Nation to ensure that the infrastructure mandate is carried out "with the same vigor as a sympathetic and generous Congress conceived it." (1981 Report and Plan to Congress, Executive Summary, p. 4).

3. **Increase oversight of the relocation and rental payment processes.**

We are requesting 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* formerly 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.

FORMER BENNET FREEZE AREA

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 $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).

2. **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.

3. **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. Specifically, we request that 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 this area (as well as 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. All parties would agree that the relocation has gone on for far too long. Recent discussions regarding the closure of ONHIR and transition of remaining functions have given us the glimpse of an end to this sad and painful history. The NHLC is committed to working with you to find ways to bring about the end of the relocation era in a compassionate manner. Thank you for the opportunity to present this testimony.

Mr. CALVERT. Thank you, and thank you for your testimony. We appreciate that.

I know there are some consistency here on law enforcement, and that is a challenge that we are going to have to deal with, and we are going to do the best we can in this committee. You have a particular challenge because of your border with Mexico. I have been down there.

Is Homeland Security in any way done anything to help improve some of the roads along the border there? And I am also curious, what kind of infrastructure along the border have we put up? Anything at all, or is it just the old fence that used to be there.

Mr. MANUEL. Right now, they are working on the border.

Mr. CALVERT. Yeah.

Mr. MANUEL. Right now, they are working on the border road, and also they put in the, they call it the IFP tower, integrated fixed tower. And there are about 9 of them that are proposed on the main borderline, but also there are also 4 more that they are proposing along the mountain range. And they also have some FOBs, forward upright bases, too, along the border in our land base where the Border Patrol utilize those stations so many days a week, and then they leave them so more can come in.

Mr. CALVERT. Do you still have a significant amount of drugs coming across that border?

Mr. MANUEL. There are still drugs coming through, yes.

Mr. CALVERT. Yeah. We will talk to Homeland Security about this. Obviously they have a responsibility. If they are using your roads, they have a responsibility to help fix that. We need to get an infrastructure bill done here and have Indian Country a part of it. The Navajos have issues on their roads, and I am sure that whole place in the southwest. So, we will certainly look into that and see if we cannot be of some assistance.

Mr. Phelps, we have met a number of times over the years.

Mr. PHELPS. Yes.

Mr. CALVERT. And hopefully we are going to close in on this. As you know, a goal of mine is to, and I think of the committee, is to bring this to an end and have the resources there to bring it to an end.

Mr. PHELPS. Absolutely.

Mr. CALVERT. And hopefully we are closing in on this after 40 years. That is a long time. So, hopefully we can, for everybody, you know, for the Navajo people, for the Hopi people, for the American people, everybody, we can bring this to a positive conclusion.

Mr. PHELPS. Yes, thank you. Thank you, Chairman. We have the same desire and goal, but we know that as a trustee, our people were given, you know, substantial commitments by this Congress. And we just want to remind our members that that is what we still stand on. So, we thank you for that.

Mr. CALVERT. All right. Thank you.

Mr. PHELPS. And by the way, Congressman, the school that you visited is going to have a ribbon cutting on Friday if you want to come down.

Mr. CALVERT. Oh great. I would love to be down there, yeah. I still remember that bus ride over. [Laughter.]

Mr. PHELPS. Right. Right.

Mr. CALVERT. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank you, gentlemen, for your testimony. As the chair said and we mentioned earlier, we need to get some of our other committees more engaged in some of the challenges or opportunities in Indian Country because these are across-the-board cuts. If they are not mindful of how they are going to affect the work that this committee is doing, they can have an unintended consequence in not moving Indian Country forward.

So, thank you for your testimony.

Mr. CALVERT. Ms. Pingree.

Ms. PINGREE. No.

Mr. CALVERT. Well, thank you for your testimony.

VOICE. Thank you very much.

Mr. CALVERT. Next, we are going to call up our next panel. Jamie Henio, vice president of the Ramah Navajo Chapter, Marlene Martinez, president of the Ramah Navajo School Board for Pine Hill School, and Faye BlueEyes, administrative services director. And I am not even going to try to pronounce this. Well, I will try then. [Laughter.]

Dzilth-Na-O-Dith-Hle Community Grant School. That is about as good as I can do. But thank you for attending. We will see if we can get that door closed, and we will move on.

Okay. First, I recognize Robert Valencia, chairman of the Pascua—oh, excuse me—Jamie Henio, vice president of the Ramah Navajo Chapter. Welcome.

WEDNESDAY, MAY 17, 2017.

RAMAH NAVAJO CHAPTER

WITNESS

JAMIE HENIO, VICE PRESIDENT, RAMAH NAVAJO CHAPTER

Mr. HENIO. [Speaking native language.] Honorable Chairman Calvert, Ranking Member McCollum, and Committee Member Pingree, my name is Jamie Henio. I am the vice president of the Ramah Navajo Chapter, Ramah Band of Navajo Indians. I appreciate this opportunity to provide oral testimony regarding the Department of Interior BIA Fiscal Year 2018 budget.

The Ramah Navajo Chapter has four areas of concern in our written testimony: number one, inadequate and untimely distribution of 638 Program funding; and, two, the lack of funding for adequate police officer salaries; three, the lack of funding for equipment and operation of our brand new detention correctional facility; and four, unmet needs for our transportation and road maintenance program.

The chapter appreciates you holding these hearings on an annual basis, and over the years you have listened to us and our concerns, and have moved towards resolution on many of our concerns and issues.

The Ramah Navajo Chapter has operated as a self-government since 1986 using the Public Law 93–638 contracting requirement. So, therefore, number one, my point is that there is inadequate funding for 638 contract programs as compared to BIA programs.

Every year, the BIA, they put tribes through an exercise of prioritizing unmet needs and budget requests.

And the Ramah Chapter, we comply with this exercise, but what happens is we rarely see any type of funding increases. While we operate on the same funding year after year, and BIA, while they operate similar programs, these programs see a substantial increase. This is our issue here, is that the BIA views the Ramah Chapter as a 638 tribe, so when it comes to appropriations and distribution of funds, we are told stand at the end of the line while the BIA central office and administrative programs get a buckle of that money. So, what we are asking is that a lot of these funds be distributed to the front lines where we provide direct services to the people as it was intended.

And then also if these funds are awarded, we need to have BIA distribute these funds in a timely manner. Many times we have to wait months at a time just to see any type of funding from the BIA. So, what we are requesting for is that BIA be expressly directed to distribute the funds to tribal programs immediately upon appropriation.

Number two, a lack of funding for adequate police officer salaries. Pursuant to 25 C.F.R., Subsection 12.34, police officers operating under a 638 contract should be paid the same wages as a BIA police officer. To this point, BIA has not funded this mandate.

The Ramah Navajo Chapter, we have a budget for 10 police officers to provide public service to the citizens of the Ramah Navajo community, but then our officers are severely underpaid. If you look at our written testimony, we have included that in there. That shows the disparity between the Ramah Navajo police officers' annual wage comparing that to a BIA police officer. And then we also included officers from New Mexico State Police, from the nearby sheriff's department, and also the City of Gallup, and you will see that the Ramah Navajo police officer is the lowest paid officer within that geographical area.

And with this, we lose officers to these nearby agencies. We bring in a young police officer. We invest money in the officer, take him to the Federal law enforcement training academy where they get federally certified. Then we also take him to the New Mexico State Police Academy for state certification and other specialized training. And when they come back, they enticed by other agencies with higher pay. We need to keep our officers within our location.

The third area of concern that we have is a lack of funding for equipment and operation of our new detention facility. The Ramah Chapter was awarded TARP Recovery Grant money, and using the grant money, along with other matching funds, we were able to construct a 13,000-square feet detention facility. In November of 2016, the BIA issued a certificate of occupancy, and our detention center is in full operation right now.

And BIA has failed to award funds sufficient, though, to operate the facility in accordance with the BIA standards. They set their stands up here, but they only fund us at this level. So then, we need to have BIA fully fund the operations.

And lastly, what we have also included as a concern is the unmet needs for our transportation and road maintenance program. We have included some data in our written testimony for reference.

And we have contracted the roads program 3 years ago, and BIA has failed to sufficiently fund the program to adequately meet the road needs for our community.

And so, at the end in closing, the Ramah Navajo Chapter has been a successful steward, and we have been diligent in operating the Public Law 93–638 Program for many decades. And from the onset, we have had clean audits.

So, the Ramah Navajo Chapter, we appreciate the continued support of Congress in our effort to build a sustainable community and to be resilient throughout the oncoming years.

I stand for questions. [Speaking native language.]

[The statement of Mr. Henio follows:]

Written and Oral Testimony of Jamie Henio, Vice President of Ramah Navajo Chapter-Ramah Band of Navajos

Submitted to the US Congress:
U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL AND RELATED AGENCIES FY 2018 FEDERAL BUDGET REQUEST, SUPPORT AND CONCERNS FOR: DEPARTMENT OF INTERIOR (DOI)--BUREAU OF INDIAN AFFAIRS (BIA)

May 17, 2017

HONORABLE CHAIRMAN AND COMMITTEE MEMBERS:

I am Jamie Henio, Vice President of the Ramah Navajo Chapter. Thank you for the opportunity to provide oral testimony concerning the DOI-BIA FY 2018 Budget. This testimony focuses on the Ramah Chapter's four priority concerns: **(1) Inadequate and Untimely 638 Funding; (2) Lack of Funding for Adequate Officer Salaries; and (3) Lack of Funding for Equipment and Operation of Detention Facility. (4) Unmet needs for Transportation and Roads Maintenance.**

The Chapter sincerely appreciates you holding these hearings on an annual basis. Over the years, you have listened to us, taken action to resolve our issues and pushed other matters toward resolution. Our past testimony has led to resolution of many important issues, including most recently, a $940 million settlement of the class action suit, *Ramah v. Salazar*. As a result of this litigation, 699 tribes and organizations will receive funding to address historic wrongs. In addition, contract support costs are now being properly funded at 100% each contract year. We are very grateful for the assistance of our Congressional Delegation and this committee in addressing our past needs and look forward to similar support now and in the future. We have identified four priority issues for this year. We respectfully request your sincere consideration and advocacy with appropriate Agencies to resolve the following issues:

1. Inadequate Funding of 638 Contract Programs as Compared to BIA Programs:

Every year, the BIA puts tribes through an "exercise" to prioritize unmet needs and budget requests. The Chapter complies with these requests, and even if our local priority makes it to the national priorities list, the funding increase very rarely received.

The Chapter's programs continue to be funded at the same levels, year after year. Similar programs operated directly by the BIA, however, repeatedly see substantial increases. The BIA programs enjoy the newest vehicles, equipment, and technology while the Chapter's programs work to meet the needs of the community using old equipment, working in antiquated buildings, and with limited technology. Chapter program employees have not had a cost of living increase since 2009.

Continued failure of the federal government to fully fund the Chapter's 638 contracts has resulted in a substantial deficiency. At this time, the Chapter's P. L. 93-638 funds need to be increased 25% across the board to even begin to adequately meet the needs of the community. But for the remainder of FY 17, funds allocated to support 638 programs have been reduced across the board. ***We are already operating at a 25% deficiency and will be dramatically crippled if these cuts are implemented.***

The table below shows over the past five (5) years what Ramah Navajo Chapter has received;

Contracts	Year-2011	Year-2012	Year-2013	Year-2014	Year-2015	Yr-2016
Master-CTGP	$ 786,209	$ 784,103	$ 764,290	$ 764,290	$ 764,290	$ 776,038

Fac. O&M	$ 135,978	$ 135,978	$ 106,259	$ 99,138	$ 108,968	$ 93,259
Law Enforcement	$ 667,377	$ 674,906	$ 650,868	$ 673,323	$ 650,868	$ 685,672
Correction	$ 369,882	$ 377,500	$ 361,295	$ 363,903	$ 361,295	$ 369,242
Total:	**$1,959,446**	**$1,972,487**	**$1,882,712**	**$1,900,654**	**$1,885,421**	**$1,924,211**

In addition, even after inadequate funds have been awarded, they are not timely distributed to the programs. Tribally run programs often wait months after an award has been made to receive the promised funding from BIA. During this wait time, it is very difficult for such programs to effectively operate. ***We request that BIA be expressly directed to distribute funds to tribal programs immediately upon appropriation.***

2. **Lack of Funding for Adequate Officer Salaries:**

Pursuant to 25 CFR §12.34, police officers operating under a 638 contract should be paid the same wages as a BIA police officer. However, BIA does not fund this mandate. The Chapter has lost many officers to other jurisdictions that offer better wages. This is a significant cost to the Chapter. The Chapter spends approximately $75,000 to train and certify each new officer. We lose that much every time an officer leaves on account of poor pay. There is currently a "feeding frenzy" from larger agencies that are able to offer generous compensation packages and benefits to personal from smaller agencies, like the Ramah Navajo Police Department, after those officers have been certified and trained. The Chapter simply does not have the funds to compete with these larger agencies. ***BIA should be directed to fund 638 program officer salaries at the same rate as it funds the salaries of its own officers.***

The lack of funds is due in large part to BIA's Law Enforcement Program Management. The Indian Affairs FY 2017 Budget Justification displays a FY 2015 appropriation of $6,250,000 for "Law Enforcement Program Management." However, the real OJS administration budget for FY 2015 was $30,716,000, because the OJS kept $24,451,567 (12.4%) of the Criminal Investigation and Police Services budget for administration. The budget should be restructured to reflect the true administrative cost of the BIA OJS. In addition, the BIA OJS keeps $6,264,496 (6.5%) of the Detention and Corrections budget for Administration. Those funds are badly needed to meet the staffing and operating costs of tribal and BIA detention facilities. Our Officers should be salaried at the same rate as Federal/Bureau Police Officers. The chart below reflects the pay disparity between our officers and officers serving other area agencies.

Police Agency Name	Recruit	New Commissioned	Mid Point	Maximum	% RNPD Under Paid
Ramah Navajo Police	$19,344.00	$26,000.00	$29,993.00	$37,440.00	
BIA OJS Police	$32,598.00	$32,598.00	$44,437.00	$50,253.00	31%
New Mexico State Police	$33,280.00	$44,408.00	$48,859.00	$53,830.00	42%
Laguna Tribal Police	$25,334.00	$32,260.00	$40,310.00	$48,380.00	20%
Zuni Tribal Police	$23,233.00	$34,673.00	-	$43,326.00	23%
Gallup Municipal Police	$36,566.00	$39,624.00	$52,000.00	$55,286.00	34%
McKinley Sheriffs Dept	$36,400.00	$39,624.00	$52,000.00	$55,286.00	34%

Funds for Criminal Investigation and Police Services, and funds for Detention and Correction, should be used only for the identified purposes, and not for administration. We are requesting an ongoing appropriation of additional $190,000.00 per year to comply with applicable regulations and to keep good, hard-working officers in our Police Department. $1,900,000.00 over 10 years period.

3. **Lack of Funding for Equipment and Operation of Detention Facility**

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 complete and BIA issued the Certificate of Occupancy on November 10, 2016. The Detention Center is in full operation but BIA has failed to award funds sufficient to equip and operate the facility in accordance with the operating Standards for BIA Correction Centers. We have submitted numerous requests to the BIA-Office of Justice Services for funding to equip and operate the new detention center without success. Our recurring budget is $600,100. There is still a need for additional $252,620. With the newly constructed detention facility, we are still in need of an additional 10 officers just to provide minimal coverage at the detention center. The new facility will require a total staff of 25.5 full time certified staff to operate the facility per BIA standards and requirements. ***Additional Recurring Operational Costs for FY 2017 and Thereafter- $852,720.00.***

We need to properly equip the facility with furniture, fixtures, computer equipment, and advanced security and communications systems. Finally, we will need ongoing funding to operate and maintain the facility. We have submitted numerous requests with the BIA-Office of Justice Services for additional funds that are needed: ***We will also require additional ongoing funds for maintenance of the new facility $379,638.00.***

(4) Unmet needs for Transportation and Roads Maintenance.

Roads Maintenance: We operate a roads maintenance contract through the BIA. Our recurring budget for staff operations is $255,000. The agreement identifies basic road maintenance functions required to maintain a safe, sustainable roadway without capacity increase. Funding barely supports 3 staff members. Currently we have four permanent staff members in Roads Maintenance. We need additional staff of two highway maintenance workers. Our Road Inventory Field Data System (RIFDS) transportation network is comprised of 496 miles of varying driving surface type. The unmet needs shown below for paved and base course are a result of deferred maintenance. The earth road surface modifications to base course are a result of LRTP data and Chapter growth or need. ***We are requesting an increase in this funding source to increase to $585,000.***

TTP(Tribal Transportation Program): The TTP funds are program based. Current allocations are $1.25 million dollars. The FAST act lists reasonably expected allocations during the life of the FAST Act bill. The expectations from our Federal partners is that we operate like a small Department of Transportation. Basic functions to operate like a small DOT are: Programming, Planning, Design, Construction, and Construction Management, and Fleet Management Services. We spend a significant portion of this program (TTP funds) in support of our Roads Maintenance Contract. Our supporting of Roads Maintenance further impacts our basic ability to function in the Planning, Design, and Construction TTP program responsibility areas. Our general responsibility for this effort includes the following road network breakdown:

Surface Type or need	Miles	Reconstruction	Rejuvenation	New Surface (improved)	Unmet funding need
Paved	47.5	18			$32,400,000
Base Course	60.5		24.5		$2,500,000
Earth	388			50	$30,600,000
Trails	9				
Equipment					$850,000
Summary	505	18	24.5	50	$66,350,000

We are requesting an annual increase in our TTP Program allocation to equal $6.5 million dollars a year. This request represents a 20 year plan to improve our community roads programs.

General Staff Positions required to operate like a small DOT:

Position	Classification	Codes/grades	Underfunded (based on BIA Equivalent)
Civil Engineer/Program Director	0810	92,93,94	35%
Roads Foreman/Supervisor	5716	11	35%
Transportation Specialist	2101	7	35%
Office Manager/Administrator	0344	7	35%
Heavy Equipment Operator	5716	10, 9, 8	35%
Highway Maintenance Worker	5716	4	35%

General GS Pay Rate Tables for the Albuquerque area are readily available at DOI.gov. We make note that we are 35% below the corresponding rate per job classification.

In closing, the Ramah Navajo Chapter has been a successful and diligent steward in operating programs under P.L. 93-638 for many decades and has had "clean" audits from the outset. The funds that have been appropriated by Congress for the Ramah Navajo Chapter have made a positive difference in the lives of our people. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding available for Indian Nations and their organizations to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Thank you.

Jamie Henio, Vice President
Ramah Navajo Chapter

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

Next, Marlene Martinez, president of the Ramah Navajo School Board for the Pine Hill School. You are recognized for 5 minutes.

WEDNESDAY, MAY 17, 2017.

RAMAH NAVAJO SCHOOL BOARD FOR THE PINE HILL SCHOOL

WITNESS

MARLENE MARTINEZ, PRESIDENT, RAMAH NAVAJO SCHOOL BOARD FOR THE PINE HILL SCHOOL

Ms. MARTINEZ. Good morning, Honorable Chair and committee members. My name is Marlene Martinez. I am the president of the Ramah Navajo School Board, Pine Hill Schools, and I appreciate the opportunity to allow us to provide oral testimony to Congress on behalf of our schools.

Today I am providing testimony on our school buildings that are showing signs of drastic aging and nearing the end of its useful life. After nearly a half century, our school buildings are showing significant wear and tear. These buildings have deteriorated almost beyond repair, have inoperable heating systems, have unsafe water systems, and are unusable due to serious mold issues.

In recent years, it has gotten to a point where the students have had to be sent home early due to cold classrooms or a water line break on campus that causes no water or low water pressure. The water lines on campus are corroded with rust.

Our students are also exposed to the dangerous environment due to leaking roofs in certain classrooms, or playing on the wet basketball court in the gymnasium, and walking on crumbling sidewalks. The biggest concern is the presence of mold in our library in our kindergarten building. These buildings have been closed due to the health and safety of our students. This caused our students to be shuffled around, to be housed in other areas of the facility.

We are alarmed that due to the leaking roof in our gymnasium, the water caused the inside ceiling insulation to be exposed, and the presence of mold has been detected. The insulation fiberglass particles may become airborne and cause a serious health issue to our students.

The heating system in the high school building has been inoperable and outdated. The BIA committed to designing and installing a heating system in our high school since December 2016. The BIA is still in the bidding stage to repair the heating system. Our students have been subjected to the cold and it has created a negative learning environment. It has been almost 7 years since the heating system has been inoperable.

Our school facilities were built in the '70s, and most do not meet the ADA requirements, therefore, causing a challenge for our disabled students. Our students' academic performance has been negatively impacted by the substandard school facilities. If our students were not exposed to this type of learning environment, we believe they would be more successful academically.

We fully support the committee and BIE to begin the effort towards replacing all BIE schools. Then our students would not have to be housed in aging, unsafe, and dilapidated buildings.

We appreciate the commitment of Congress to continue funding school facilities so that the BIA funded schools will begin planning design and construction of new school facilities. In the meantime, we request that Congress increase funding for emergency and minor improvement and repair projects so that schools, such as Pine Hill, can address the current deficiencies in our school buildings.

And on behalf of the Ramah Navajo School Board, I would like to thank you for your time and the consideration of Congress to help schools out in Indian Country. Thank you.

[The statement of Ms. Martinez follows:]

WRITTEN TESTIMONY of the RAMAH NAVAJO SCHOOL BOARD, INC.

Submitted to the
United States House and Senate Appropriations
Subcommittees on Interior, Environment, and Related Agencies
Regarding the FY 2018 Indian Affairs Budget
Date Submitted: May 15, 2017

Honorable Chairman and Committee members. I am Marlene Martinez, the President of the Ramah Navajo School Board, Inc. (RNSB). Ahé hee'. Thank you for the opportunity to provide oral testimony for the consideration of the Congress. We have a relationship that extends back to 1970 (over 47 years) when the Founders of Ramah Navajo School Board, Inc. ("RNSB") came before you to request your help to establish the first tribally controlled and operated school in the Nation. We are proud to inform you this day that the RNSB still operates and manages the Pine Hill Schools under the Indian Self-Determination and Education Assistance Act.

Our purpose here today is to report to you the dire condition of our school buildings that is nearing the end of its useful life. After nearly half a century, the BIA School facilities at the Pine Hill Schools (1) are aging and showing significant wear and tear; (2) have deteriorated beyond repair; (3) have inoperable and failed heating systems; (4) have dilapidated and unsafe water systems; and (5) are unusable because of dangerous mold conditions due to leaking roofs.

In just the past five years, it has gotten to the point where the students have been sent home early during schools hours due to cold classrooms or a water line break on campus that causes no water or low water pressure situations. The lack of water or low water pressure is due to a dilapidated water system; it is corroded and near a total collapse. All the while the students are also exposed to a dangerous environment due to mold, cold classrooms, and leaking roofs in certain classrooms, or playing on a wet basketball court in the gymnasium, and walking on crumbling sidewalks. ***See Tab-1 "Office of Inspector General Report of Findings".*** The conditions at the Pine Hill Schools have been detrimental to student learning, scholastic achievement, and environmental safety. Valuable time for student instruction has been interrupted and lost, and those conditions are directly attributable to the underachievement for many of the students.

An investigative report conducted in 2014 by an Albuquerque news channel, through Larry Barker, labeled the Pine Hill Schools as ***See Tab-2 "The most dangerous school in America?"*** This is absolutely unacceptable and contrary to congressional intent. That labeling came as result of an investigative report by the Office of the Inspector General (OIG) that cited the Pine Hill Schools with numerous facility violations, which if not corrected could have resulted in penalties against the RNSB or even the shutdown of the school. ***See Tab-1A"Corrective Action to OIG Findings Report".*** Of the approximately 30 findings RNSB has corrected and resolved 24 of them. Those that remain unresolved are the Library, Kindergarten, and Gymnasium buildings; and they require major work.

RNSB established a priority projects list with a set timeline of one year to resolve the leaking roofs and mold in the ***Library, Kindergarten, and Gymnasium*** buildings. This includes the installation of a ***new heating system*** in the High School building and an upgrade of the dilapidated water system.

The estimated cost of conducting the improvements and repairs ***SeeTab-3 MAXIMO Priority Listing***:

	Priority Projects	**Estimated Cost**
1)	Library Building Repair Mold abatement and Leaking Roof	$823,478
2)	Kindergarten Building Repair Mold Remediation, Leaking Roof, Replacements of Windows Bathrooms, Carpets, HVAC	$298,407
3)	Gymnasium Building Mold Remediation, Repair of Leaking Roof, Replacement of Old Insulation, Floor, Showers, and Lockers	$1,230,901
4)	Heating System in the High School Building	$450,000
	In September 2016 BIA committed to designing and installing a heating system at the Pine Hill High School by mid-December 2016 so that the students could enjoy warm classrooms for once. But that did not happen, and that makes it six (6) years in a row the heating system has been inoperable. Instead, the project was still in the design stage as of April 2017; so very likely the construction may not be completed until late summer of 2017.	
	Total Buildings and Heating System	**$2,802,786**
5)	Water System Upgrade (Wells, Pumps, Waterlines, Tanks, Water Treatment) ***See Tab-4 "Existing water system layout-blue line"***	
	Pre-Engineering Report . . . . . $ 150,000	
	Design and Engineering 500,000	
	Construction - Upgrade of Water System . . . 3,500,000	
	Total Water System Upgrade	**$4,150,000**
	Total Medium Term Funding Requested	**$6,952,786**
6)	**New School 186,500 SF**	**$40,012,500**
	Tab-5 "Conceptual Site Plan-New Building Layout & Cost"	

There is also the question of maintaining obsolete facilities that have surpassed its useful life. Therefore the reason and justification to build a new school is to re-invest in the long-term future of the children and youth of the Ramah Navajo Community.

Long Term Solution

The above first five (5) items are considered medium-term solutions. Whereas, the long-term solution (Item No. 6) that RNSB seeks is Congressional appropriation for a whole new replacement school. A modern up to date new educational facility that meets the standards that permits a high-quality educational and living environment where RNSB students can thrive and prepare themselves for a promising future. Considering all costs for planning, designing and engineering the cost for a whole new replacement school is estimated at $40,012,500.

It is obvious and evident that RNSB cannot rely on BIA to perform any required repair and maintenance, nor live up to its Trust responsibility. Therefore, RNSB requests the commitment of the Congress once again through the BIA and BIE: (1) to correct the above mentioned deficiencies; and (2) initiate new congressional appropriations for the planning, design, and construction of new educational facilities as soon as possible.

Summary

RNSB request the US Congress to direct the BIA and BIE to complete repairs and mold remediation to the Library, Kindergarten, and Gymnasium buildings, the installation of a heating system for the High School, and the upgrade of the water delivery system at the Pine Hill Schools. Furthermore, RNSB request the Congress to appropriate sufficient funds for planning, design and construction of a new school at Ramah Navajo. Thank you for your time and RNSB looks forward to the Congress favorable consideration.

Ahé hee'

We look forward to working with the Subcommittee on furthering the important work of our school and enriching our students. Thank you for the opportunity to submit testimony. Please contact me at marlene@rnsb.k12.nm.us if you have any questions.

Mr. CALVERT. Thank you, and thank you for your testimony.

Next, Faye BlueEyes, administrative services director. And you can pronounce the name of the school.

WEDNESDAY, MAY 17, 2017.

DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL

WITNESS

FAYE BLUEEYES, ADMINISTRATIVE SERVICES DIRECTOR, DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL

Ms. BLUEEYES. Good morning. Thank you for the opportunity to be here on behalf of Dzilth-Na-O-Dith-Hle Community School.

Local controlled schools such as ours educate our students to be contributing members of our community and to come back and help our people. This focus has helped improve our students' performance. Our students' assessment for the last 2 years has looked very promising. In some areas, our students have even outscored the National Test Assessment. If we were able to operate our schools without funding shortfalls and constant worries, we think, wow, we could do a lot more better. Our students could even reach amazing heights.

At the onset, we do want to recognize the testimony of Dine Bi'Olta School organization and fully support their recommendations, such as fully fund new school construction, provide $109 million for facilities operation and $76 million for facilities maintenance, protect BIE and Indian education programs from sequestration or shut down.

Our school is proud to say that we have been one of the successful applicants for new school construction, and we are in the first round of the planning phase as our school facilities were outdated and insufficient for our needs. We are looking forward to being able to offer a safe and improved school for our students.

We will be completing the planning phase for our new school by July. We have worked closely with the BIA facilities staff in moving this project along, and have made great success. We are on schedule, and we are in line with our budget. If necessary, we hope the subcommittee will recognize that there must be flexibility in timelines for funding availability in these projects, and work with us and the BIE on these matters.

Our school is fortunate to be selected for new school construction. However, we feel for other Bureau-funded schools who also need school replacements. Their students and staff have to endure the same problems we have, such as water lines breaking that we have to divert students to another part of the building for a restroom, and that causes them to lose valuable instruction time, or sewer lines breaking and our staff and students having to smell the awful sewer causing headaches.

And, again, inefficient heating and cooling, and it is too cold in the winter because the outdated aged boiler is down, or too hot because we do not have any air conditioners in our school. And we have obsolete utilities systems where parts are no longer available, and it costs extra money to have parts actually be built again for some of our systems. That is another loss of funds for schools.

At least for the Dzilth-Na-O-Dith-Hle School, we see a light at the end of the tunnel. How many more years will the rest of the Bureau-funded schools have to wait to get their new schools?

According to the Department of Interior's 2013 figure, the backlog of construction projects is now estimated to be as high as $1.3 billion. But we are encouraged by the substantial increase that this subcommittee provided for education construction in Fiscal Year 2016 and maintained it for Fiscal Year 2017. We believe BIE schools are due for full school replacement efforts like that provided for the Department of Defense schools where 134 of their schools were rebuilt over 5 years beginning in 2011.

Our schools support the call for full funding for school construction funds to immediately address this need. We urge the committee and the BIE to engage in consultation with tribal schools and tribes to begin the efforts towards modernization of all BIE schools.

Lastly, we ask that Indian related programs be protected from budget fights that result in sequestration or government shutdown. We join those in urging this subcommittee to include language in the budget and appropriation bill that continue funding for native and related programs through these challenges. Funding for our programs is scarce enough. Reductions for sequestration and shutdowns hit reservations extremely hard, and the students do feel the same stresses that affect their parents and neighbors.

We look forward to working with the subcommittee on furthering the important work of our schools and enriching our students. Thank you very much for the opportunity to provide testimony.

[The statement of Ms. BlueEyes follows:]

Written Testimony of Ervin Chavez, School Board President &
Faye BlueEyes, Administrative Services Director

DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)

Before the

United States House and Senate Appropriations
Subcommittees on Interior, Environment, and Related Agencies

Regarding the FY 2018 Indian Affairs Budget

Date Submitted: May 10, 2017

Thank you for the opportunity to submit testimony on behalf of the Dzilth-Na-O-Dith-Hle Community Grant 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 260 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 Bureau of Indian Education (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. Yet, we suffer from underfunding of practically every one of our educational and related programs that affects our ability to fully meet our school goals and our ability to successfully operate our programs under the Indian Self-Determination policy.

Locally controlled schools like DCGS educate our students to be contributing members of our community and to help our people. This focus has helped improve our students' performance. If we were able to operate our school without funding shortfalls and constant worries, we think our students would reach even more amazing heights. Funding increases are desperately needed and are having a significant impact.

At the outset, we would like to associate ourselves with the testimony of the Diné Bi Olta School Board Association, and fully support their recommendations. We ask the Subcommittee to pay particular attention to their suggestions regarding the BIE budget model, and BIE program management. Thank you.

Our recommendations can be summarized as follows:

- Ensure local control of schools and education resources through the transition.
- Fully fund school construction.
- Provide $109 million for facilities operation and $76 million for facilities maintenance (full funding).
- Fund Student Transportation at $73 million, and BIA Road Maintenance at $40 million.
- Continue to fully fund Tribal Grant Support Costs.
- Protect BIE and Indian programs from sequestration or shutdown.

1. Ensure Local Control of Schools and Education Resources

We have told this Subcommittee before about DCGS's concern about the BIE's "Blueprint for Reform," which aims to reorganize the BIE's administrative structure. We have been concerned that reform would centralize decisionmaking in the Headquarters office—rather than looking to schools and local communities. While we do not doubt the BIE's commitment to a high-quality education for Indian students, we firmly believe that our parents and our elected school board are best-suited to make decisions affecting our students—a belief reflected by Congress in the passage of the Tribally Controlled Schools Act. We believe the new Administration will continue to implement the Blueprint, but we ask that this Subcommittee and your colleagues work with the BIE and tribal schools to ensure BIE decisions are best for students and schools.

2. Full Funding for School Construction

DCGS is proud to have been a successful applicant for the current round of school construction funding at BIE. As our school facilities were outdated and insufficient for our needs, we are looking forward to being able to offer an improved school for our students. This funding will enable us to replace our buildings that seven years ago had a backlog of maintenance projects that would have cost $7.7 million to complete; a new school is transformative for our community.

DCGS is nearing completion of its planning phase for the new school and, while there is work to do still, we believe that we can be a model of success in planning. We have worked closely with BIA facilities on moving this project along, and have made great progress. We have hired a project manager for the construction of the school, secured an engineering firm for design, are in the middle of our planning with staff and have conducted several interviews to make sure our staff has input on the design needs and planning process. The assessment of necessary prerequisites for construction is complete, including all field work for the facility condition assessment. The remaining hurdle is that we are waiting for completion of the Historic Preservation Assessment by the Navajo Nation. We have requested that the BIE assist the Nation in completing this step, as the project is otherwise on time and on-budget. If necessary, we hope this Subcommittee will recognize that there must be flexibility in timelines for funding availability in these projects, and work with us and the BIE on these matters.

According to the Department of Interior's 2013 figures, the backlog of construction projects for schools was estimated to be as high as $1.3 billion. That figure has grown with further backlog and the shift of more schools onto the necessary construction list. We were encouraged by the substantial increase that this Subcommittee provided for Education Construction in FY 2016 and then maintained in FY 2017. We believe BIE schools are due for a wholesale school replacement effort like that provided for Department of Defense schools where 134 of their schools were rebuilt over five years, beginning in 2011. **DCGS supports the call for full funding for school construction funds to immediately address this need.** We urge the Committee and the BIE to engage in consultation with tribal schools and tribes to begin the effort towards modernization of all BIE schools.

3. Full Funding for Facilities Operation and Maintenance

To enable tribal schools to keep their buildings in working order (and so they last as long as possible), we must receive adequate operation and maintenance funding. As we have said in years past, we are forced to sacrifice instruction and other funds to keep ancient heaters working or to keep water and sewer systems functional. We owe it to our students and to our communities to make sure our buildings are safe and sanitary, and full operations and maintenance funding allow us to do so. Schools still only receive partial funding for these purposes. **DCGS requests that Congress fund BIE facilities operations at $109 million and BIE facilities maintenance at $76 million.**

4. Increase Funding for Indian School Equalization Programs

The most critical stream of funding for community grant schools like ours is 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 operating student programs. In years past, our ISEP funds were put under pressure by unfunded needs elsewhere in our schools, which might have involved paying utilities or repairing one of our school buses with ISEP funds. **The National Congress of American Indians has recommended that Congress appropriate $431 million for ISEP funding, which we think should be this Subcommittee's baseline for funding this budget year.** We have repeated this in past years, but we want you to know that we really do mean it: ISEP is our schools' lifeblood, and we are still struggling to make up for losses over time.

5. Increase funding for Student Transportation

As a rural school, one of our most challenging tasks is getting our children to school and back home—we must battle poor roads, increasing costs of maintenance, and high fuel costs as part of this, but we must keep the buses running. **We request at least $73 million for student transportation in the BIE system.** We also request that this Subcommittee fund BIA Road Maintenance at a sustainable level. **We echo NCAI's recommendation that the Subcommittee appropriate at least $40 million for road maintenance in FY 2018.** Such funding will enable us to maintain our six school buses, and will protect other funds that would otherwise be used for this purpose.

6. We support full funding for 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 has been fully funded for the last two years, and we are very grateful to this Subcommittee for that. In years past 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

Subcommittee's decision to treat schools' support costs the same as contractors with the BIA and the Indian Health Service. We are able to better serve our students with these funds.

Like all our funding, TGSC is critical, and we appreciate very much the Subcommittee's support in full funding. **This year, we request continued full funding of TGSC**, which enables DCGS and other schools to realize self-determination in education. We believe last year's funding of $80 million must be increased to meet the need as additional BIE-operated schools convert to tribal operation under the Tribally Controlled Schools Act.

7. Protect BIE and other Indian Programs from Sequestration or Shutdown

You will likely hear from several other witnesses today that Indian-related programs must be protected from budget fights that result in sequestration, rescission, or government shutdown. We join those in urging this Subcommittee to include language in budget and appropriations bills that continued funding for Native-related programs through these challenges. Schools receive advance year funding—and thus are a bit shielded from shutdowns or short term continuing resolutions—but our communities feel the reverberations from these incidents directly. Funding for our programs is scarce already–reductions for sequestration and stop-work orders from shutdowns hit reservation communities especially hard, and our students feel the same stress that is affecting their parents and neighbors.

Since tribal programs are part of treaty and trust rights—programs that were paid for with land and lives—we think it appropriate that Congress make Native-related appropriations mandatory. Upholding the trust responsibility is a solemn duty of the U.S., and exempting Native-related programs and funding from budget challenges would be a good step in fulfilling that charge.

Lastly, we would like to raise our concern to this Subcommittee with language in the President's signing statement for the FY 2017 Omnibus Appropriations bill. In that signing statement, he singled out School Improvement Programs serving the BIE, tribal technical assistance and contracting programs with the Department of Defense, and Native American and Alaska Native Housing Block Grants as an example of programs that "allocate benefits on the basis of race, ethnicity, and gender," and ones that the Administration will treat "in a manner consistent with the requirement to afford equal protection of the laws." This Subcommittee is well aware that Native American programs—like all of those at the BIE and BIA—are not provided on the basis of race or ethnicity. These programs grow from the political relationship between Tribal governments and the United States, and embody the trust and treaty duties we mentioned earlier. We worry that miscategorization of programs serving Indians and Alaska Natives as based on race or ethnicity undermines the responsibility shared by all branches of the federal government to live up to the United States' promises. We hope this Subcommittee plays an important oversight role to ensure the Administration fulfills its trust and treaty obligations as well.

We look forward to working with the Subcommittee on furthering the important work of our school and enriching our students. Thank you for the opportunity to submit testimony. Please contact me at 505-960-6681 if you have any questions.

Mr. CALVERT. Thank you. Thank you for your testimony. Let me just go back to my notes here. First, I want to talk about roads a little bit since that has been brought up. We recognize we have a problem throughout the United States on roads in Indian Country. And I have been on the, at least on the Arizona side, the Navajo reservation in Arizona. I suspect they are very similar to what you have in your part of the country in New Mexico, but they are in bad shape.

So, if we ever get around to an infrastructure bill, that we have a section in the bill for road construction throughout the United States on Indian reservations to rebuild those roads. So, we can work together on doing that.

On school construction, which both of you obviously are mentioning that, you are right. We have over a billion-dollar need, and we need to come up with, like you mentioned, a DOD kind of program. Now, that was a public/private partnership that did that, and not just for schools, but also for housing for the military, and it was very successful. The Department of Defense was able to generate by moving off excess property that they had. We do not have that luxury in Native American country, so we have to come up with a financial mechanism which hopefully we can do, and figure out a way to finance this. And I would like to see all the schools around the United States rebuilt. And I know that that is shared by this entire committee. We hate to see kids going to schools that are in a difficult situation.

We have directed the BIE to do the analysis. It is the same thing the Department of Defense did, which is a necessary step. And we are going to try to find a way to do this just like we did with the DOD schools.

With that, Ms. McCollum.

Ms. MCCOLLUM. Well, thank you, Mr. Chair. I think one of the frustrations, besides what the chairman mentioned, is that we are trying to figure out different financing mechanisms, loans, repayments, grants, and such. We are leaving no stone unturned to figure out how to do a school renovation rebuild or remodel, as well as figure out a way to have a maintenance account so that we keep up on maintenance.

When you first notice your roof is leaking, you do not want to walk away from it. You should be able to pick up the phone and figure out what is causing the leak, and get it repaired so it does not spread any further.

But I think one of the frustrations that is coming across in your testimony is when you, sir, pointed out the fact that the Bureau of Indian Affairs is not getting the contracts and the bids out in a timely fashion. In part, we own that as a Congress when we are doing continuing resolutions and we do not get our bills closed and our homework done on time.

We are talking schools here, so we need to hand our homework in on time. We need to complete the assignment because when we do continuing resolutions, the agencies are out there not sure at the end of the day what they are going to have for resources. I know that the Appropriations Committee stands ready to get our work done on time. We just have to convince our other colleagues on both sides of the aisle that we want to complete the appropria-

tions bills on time. I know that is the goal of our chair and our ranking at large and our goals when we get our bills done.

Some of this is that we need to push the agencies to do a better job. But some of this is not necessarily the agencies' fault. It has been the inability of the entire Congress, both House and Senate, to get their jobs completed in a timely fashion. So, we need to do better by you as well.

So, thank you, Mr. Chair.

Mr. CALVERT. Thank you, and I want to thank the panel for coming today and testifying.

Thank you to this panel, and we appreciate your attendance.

SPEAKERS. Thank you.

Mr. CALVERT. Okay. All right. The next panel is Genevieve Jackson, president, and I will let her pronounce it, and Jerry Chavez, president of the Dine Grant School Program, and Royd Lee, president of the Native American Grant School Association School Board member for the Shonto Preparatory School.

At least we have two out of three. Okay. So, Royd? Okay. Here we go. Welcome.

Ms. MCCOLLUM. Mr. Chairman, these are many different languages, languages that we do not hear every day for many of these tribes. And I appreciate your willingness to boldly go with pronunciations because most Americans have never heard these languages spoken until today. So, Mr. Chair——

Mr. CALVERT. Well, as a former teacher, I hope you do not grade me on this. [Laughter.]

Ms. MCCOLLUM. Mr. Chair, I appreciate your willingness to try. And I can see the look on the faces of the tribal members as they come up. They are appreciating it, too.

Mr. CALVERT. Okay. All right.

Ms. JACKSON. We will give you an "A" for effort.

Mr. CALVERT. Okay. There you go. [Laughter.]

WEDNESDAY, MAY 17, 2017.

DINE BI'OLTA SCHOOL BOARD ASSOCIATION

WITNESS

GENEVIEVE JACKSON, PRESIDENT, DINE BI'OLTA SCHOOL BOARD ASSOCIATION

Mr. CALVERT. Okay. You are recognized.

Ms. JACKSON. I am Genevieve Jackson, president of the Dine Bi'Olta School Board Association, also known as [Speaking native language]. And I would like to thank Mr. Honorable Calvert, and Darren Benjamin, Ms. McCollum, and Ms. Pingree for giving us this time.

We submit our position on Fiscal Year 2018 budget request, and provide recommendations on the overall direction of the BIA education system. For the Fiscal Year 2018 proposed commitment to self-determination, we support continued funding 100 percent of the administrative cost grants. On the Indian School Equalization Program, also known as ISEP, we supported increasing the amount of $6.5 million. We would also like to see an estimate of the fund-

ing needed to meet the DOD teacher pay requirements compared to the overall increase for Indian Country and education.

Facilities O&M, we support the increase of $6 million. This will reduce the problem of schools having to divert instructional dollars to keep the lights on. The failure through the years to adequately fund these line items results in minor repairs evolving into major repairs. For education program enhancements, the BIE requested an increase of $2 million. It is not clear how this funding is to be used.

The justifications for the program have been rather vague and the results seem minimal. There needs to be a fair and transparent process established by which the tribes can apply for such funding. We have questioned the funding of 26 FTEs with education program enhancement funds, and the proposed increase of 8 more FTEs in the Fiscal Year 2017 budget. The Bureau should consider transferring this line item to education program management budget to more accurately account for personnel.

For school transportation, we support the retention of the Fiscal Year 2016 level of $4 million increase in transportation. Historically, the funding in this line item has been inadequate to cover the full cost of the transportation program. The shortfall means that the school must take funding out of instructional programs just to get the students to school.

On the broadband and IT enhancement, BIA received only a $2 million increase for information technology, far less than the $34 million actually needed. A great many innovative teaching techniques and materials, including testing materials, are based on digital platforms and cannot be used without such access.

For the BIE school construction, we support the Fiscal Year 2016 school construction funding level in the budget of $138 million, but with an increase of $7.5 million for employee housing. The lack of adequate housing for staff is a significant factor in teacher turnover in our schools. The current backlog of repair costs for employee housing is $107.8 million on Navajo Nation schools alone.

We agree with the House report that reads, "A more comprehensive long-term planning approach is needed for every campus and component facility in the BIA system modeled after the Department of Defense education activity."

On early childhood and family development, we support the increase of $4 million for the FACE Program. We also support the release of the 2013–2014 study and internal review of the program.

On BIA education program management, we ask that the true implementation of the statute in 25 U.S.C. 2006(a) and (b) would involve a transfer of functions, personnel, and funding from BIA to BIE, as well as provide new funding. These statutory provisions are consistent with the GAO recommendations and with language in House Report 114–632 and Senate Report 114–281. And these are our recommendations for the BIE education system and the reorganization.

On the budget analysis division for the 25 U.S.C. 2001(h) requires the comptroller general to conduct a study to determine the adequacy of funding and formulas used by the Bureau to determine funding for programs operated by Bureau-operated schools. We believe these statutory mandates should be implemented.

The GAO Report 13–774, states its intention clearly, citing problems related to the organizational structure, accountability, finance, health, and safety, and student performance. The Department's reorganization plan does not address the GAO's recommendation, and it is not in compliance with applicable statutes. The Department of Defense education system receives its total funding through its own DOD appropriation. It is, therefore, free to develop its own educational programs to meet the special needs of the students it serves.

We recommend that the BIA set aside funding from the Department of Education and ESSA be transferred to the Interior budget for BIE. The BIE then should be required to have substantial consultations with the tribes' school staff and BIA funded school boards to further develop a unique education system based on self-determination and deemed most beneficial and effective for Indian youth.

And I thank you for your time. I know it is going to be a long day for you, so thank you.

[The statement of Ms. Jackson follows:]

EXHIBIT "A" DBOSBA-17-02-001

DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.
Position Statement on the FY 2018 Federal Budget
May 17, 2017

My name is Genevieve Jackson, I am the President of the Dine BiOlta School Board Association, Inc. (DBOSBA). Pursuant to Navajo Nation Code 10§301 et.seq. the Navajo Nation established the Diné Bi Olta School Board Association, Inc. (**DBOSBA**). The DBOSBA organization is 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.

The FY 2017 budget by the Department of the Interior for BIE Education was reasonably good when viewed in conjunction with the FY 2016 final appropriations. DBOSBA hereby submits its position on the FY 2018 Budget Request and also provides input and guidance on the overall direction of the BIE Education System going forward.

The FY 2018 Proposed

- **Commitment to Self-determination** - DBOSBA strongly supports the Administration's commitment to self-determination, particularly the proposal to continue funding 100% of the Administrative Cost Grants ($2.1 million increase). We also support continuation of full funding for the Tribal Education Departments in 2017, but would point out that the authorized level should be increased beyond the current $2 million level. In addition, the BIE should base the amount of awards on the size of the tribe being awarded. Due to the number of BIE funded schools on Navajo, the planning effort is much greater than tribes with only a handful of schools. On Navajo, in spite of tribal authorization to establish a true educational system, a lack of funding continues to hamper the development activity.
- **Indian School Equalization Program (ISEP)** - DBOSBA supports an increase in this line item for the basic instructional program of BIE funded schools. However, the amount of $6.5 million is a very minimal amount, particularly since there was only a minimal increase for ISEP in the FY 2016 budget. The ISEP formula funding is now getting back to the FY 2010 level. We would like to see an estimate of the funding needed to meet the DOD teacher pay requirement compared to the proposed overall increase. After the DOD pay requirement is met, we expect the increase is very small.
- **Facilities O & M** - DBOSBA strongly supports the increase in Facilities O & M of $6 million. Combined with the significant increase in FY 2016, this is greatly appreciated and will reduce the problem of schools having to divert instructional dollars to "keep the lights on." The failure through the years to adequately fund these line items results in minor problems evolving into major repairs.
- **Education Program Enhancements** – The BIE has requested an increase of $2 million in this program. It is unfortunately not always clear how this funding is used and whether it has

been effective. In the past, it appears that large contracts were given to education assistance companies that were springing up in response to the unrealistic demands of NCLBA. The FY2016 budget justification states that the funding would be used for *"capacity building"* for tribal departments of education as well as a discretionary fund to *"drive reforms and spur innovations in the 126 tribally controlled schools operating on 64 reservations."* Since FY 2008, more than $100 million has been appropriated for this program. The justifications for the program have been rather vague and the results seem minimal. If indeed this funding is requested for capacity building for tribal education departments, there should be a fair and transparent process established by which the tribes can apply for such funding. Consistent with the opportunity to waive the current accountability plan of the BIE under the new ESSA, and develop its own accountability standards; the Navajo Nation has been developing its own unique option and will need additional funding for implementation of the various functions involved.

We questioned the funding of 26 FTE with Education Program Enhancement funds, and the proposed increase of 8 more FTE in the FY 2017 budget. We agreed with language in the conference report on the FY 2016 Interior Appropriations Act, which read: "Education program enhancements are funded at the fiscal year 2015 enacted level. The Bureau should consider transferring this line item to education program management in the fiscal year 2017 budget request to more accurately account for personnel." The account should be transferred to the Program Management account.

- **School Transportation** – DBOSBA strongly supports the retention of the FY 2016 level of $4 million increase in transportation. Most schools agree that the funding provided historically via this line item has been inadequate to cover the full cost of the transportation program. This shortfall means that the schools must take funding out of their instructional programs just to get the students to school. More actual data seems to be needed to identify the extent of the shortfall.
- **Broadband and IT enhancement** - DBOSBA strongly supports the $16.8 million for bringing Broadband and digital access to all Bureau schools. BIE received only a $2.0 million increase for information technology in the FY 2016 appropriations, far less than the $34 million increase proposed. While the FY 2017 funding level is not as substantial as the request made in FY 2016, the funding would have a very significant impact on the access and use of technology in the Navajo classrooms. A great many innovative teaching techniques and materials, now including testing materials; are based on digital platforms and cannot be used without such access.
- **BIE school construction** – DBOSBA supports the continuation of the FY 2016 school construction funding level in the FY 2018 budget ($138 million) but with an increase of $7.5 million for Employee Housing. We wish to underscore the growing problem of inadequate teacher/staff housing at many school sites and believe that Employee Housing Repair needs special attention. The lack of adequate housing for staff is a significant factor in teacher turnover in our schools. The current backlog of repair costs for Employee Housing is $107.8 million, much of that on the Navajo Nation schools. DBOSBA strongly supports the appropriation committees' suggestion that the Bureau *"model its efforts on the process used by the Department of Defense (DOD)..."* We agree with the House Report 114-632 that read: "A more comprehensive, long-term planning approach is needed for every campus and component facility in the BIE system, modeled after the Department of Defense Education Activity."

- **Early Childhood and Family Development** – DBOSBA supports a continued increase of $4 million for the FACE program. We believe that this program is successful in strengthening Navajo families and student readiness for school. Along with the appropriations committees, we support the release of the 2013-2014 Study and internal review of the program.
- **BIE Education Program Management** – In the FY 2017 budget, the funding level was $8.0 million "to further establish a School Operations Division..." DBOSBA supports this n FY 2018 request **IF** this funding will be used to finally implement 25 USC 2006 (a) and (b) that vests all education functions in the AS –IA and then states that the AS - IA will "*carry out such functions through the Director of the Office of Indian Education Programs.*" (Now known as BIE) In paragraph (b)(1), it states that "*The Director shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education program services by the Bureau, including school or institution custodial or maintenance personnel, and personnel responsible for contracting, procurement and finance connected with school operation programs.*" True implementation of this statute would almost certainly involve a transfer of functions, personnel, and funding, from the BIA to the BIE as well as provide new funding for BIE. Paragraph (b) (2) requires the AS –IA "*to coordinate the transfer of functions relating to procurements for, contracts of, operation of, and maintenance of schools and other support functions to the Director.*" DBOSBA believes there is absolutely no confusion about the meaning of these provisions of the statute! Furthermore, these statutory provisions are consistent with the GAO recommendations, and with language in House Report 114-632 and Senate Report 114-281."

FY 2018 Recommendations for BIE Education System

- **Budget Analysis Division** – 25 USC 2009 requires that BIE establish a Division of Budget Analysis no later than one year after enactment of NCLBA. It would have been a tremendous help through the years if such a division were in existence and providing the type of information called for in the statute. In addition, 25 USC 2001 (h) requires the Comptroller General to conduct a study "*to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau-funded schools...*" The long standing failure of the Bureau to implement these provisions has created a void of information where it has become increasingly difficult to justify funding based upon objective data. As part of the reform measures called for by the appropriation committees, DBOSBA believes these two statutory mandates should be specifically mentioned for implementation in FY 2018.

- **BIE Reorganization** - DBOSBA has actively opposed portions of the BIE reorganization. The problem has been that the Department has treated the existing statute as though it is somehow optional and proceeded to ignore the structure of the system mandated in the statute. The Department has received a conditional approval of its reorganization contingent on its consistency with the GAO Report 13-774. The Committee Report states: "*As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13-774, the Secretary is urged to reorganize Indian affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the fiscal year 2017 budget request...*" Specifically named are problems related to the "*organizational structure,*

accountability, finance, health and safety, and ultimately student performance." The Department's original reorganization plan ignored the GAO report, as well as the applicable statute (25 USC 2006). DBOSBA believes that going forward with the Department's original reorganization plan does not address the GAO's recommendations, is not in compliance with applicable statutes, and would make matters worse in the field. Our reading of the FY 2017 budget justification leaves questions concerning the BIE's compliance with the appropriation committees' determination. (See comments on Education Program management above) We have submitted written testimony/correspondence on numerous occasions to no avail. We now urge the appropriations committees to review this matter carefully in FY 2018.

- **Relationship with U.S. Department of Education**

Shift to Department of Defense (DOD) budget model

The Department of the Interior has been involved with developing a major initiative for BIE Education. One of the suggested 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 from the Department of Education. Currently the BIE receives about $200 million from the Department of Education via a set aside in the authorizing legislation (now ESSA). Conversely, the Department of Defense Education System, receives its total funding *through its own DOD appropriation.* It is therefore free to develop its educational program to meet the special 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 comply with Department of Education rules devised for the states.

We believe that it is time in FY 2018 for a major change in the structure. We recommend that the BIE set aside funding from the Department of Education in ESSA be transferred to the Interior Budget for BIE. The BIE should then be required to have substantive consultations with the tribes, school staff and BIE funded school boards to further develop a unique education system, based on self-determination and deemed to be the most beneficial and effective for Indian youth. We believe that this change would require a statutory change and were disappointed that the new ESSA did not deal in any substantial way with Indian Education. We believe the statutory change to be minor but believe the benefits could be significant.

Thank You.

Mr. CALVERT. Thank you. Thank you, Ms. Jackson.

Ms. JACKSON. [Speaking native language.]

Mr. CALVERT. Next, Jerry Chavez, president of the Dine Grant School Association. Welcome.

WEDNESDAY, MAY 17, 2017.

DINE GRANT SCHOOL ASSOCIATION

WITNESS

JERRY CHAVEZ, PRESIDENT, DINE GRANT SCHOOL ASSOCIATION

Mr. CHAVEZ. Good morning, honorable chairman and committee members. My name is Jerry Chavez, president of the Dine Grant School Association. We are comprised by six Navajo BIE funded schools. As local school boards, we have both the greater freedom and the tremendous responsibility to ensure that our students receive high-quality, culturally-relevant education that will help them to reach the fullest potential.

We take this responsibility seriously, and we would like to thank this subcommittee for playing an important role in our students' success. Thank you.

Our highest funding priorities are travel grant support costs, facility operations and maintenance, ISEP formula funds, and BIE budget, as well as education construction and repair in the BIA budget. Today I am here to give our testimony of why Federal funding is important to our local schools in Navajo land.

We need continued funding to maintain our facilities so we can provide a safe environment for our students to provide a high-quality education that will help our students achieve success. We want our principals, teachers, educational assistants, and all other key staff members to be up to date with training, and it costs money to provide them the tools to be effective in each role.

Since 1988, tribally-operated schools have received funding for administrative expense incurred for the operations of our school through our administrative cost grant, now called tribal grant support costs. These funds are used for essential services, such as contract grant administration, program planning and development, human resources, insurance, physical procurement, and property management, and require annual audits, record keeping, legal and other overhead services.

In Fiscal Year 2016, tribal grant support costs were fully funded for the first time in Fiscal Year 2017. Congress increased this amount at the BIE's recommendation to $80 million. On behalf of Dine Grant School, we thank you for such an increase. The increase we received prevents from redirecting ISEP funds to funds to cover essential administrative costs that our school has done in the past.

Consistent full funding of tribal grant support costs is a primary necessity for tribes to continue to operate schools, and for more tribes to decide to take on this responsibility. We are grateful for Congress' commitment to fully and willingness to work with tribal school boards and BIE to arrive at an amount that fulfills this obli-

gation. Particularly, more schools convert from BIE operated to tribally controlled.

The Indian School Equalization Program formula is a core budget account for educational and residential programs on the BIE elementary and secondary schools and dormitories. These funds are used for instructional programs at the BIE-funded schools, and include salaries for teachers, educational assistance, and principals. I want to share the importance of these funds and highlight where these funds are used.

Professional development. Funds allow us to provide professional development for our staff so they can be better equipped to provide teaching strategies and align with Common Core. Student support services. Counseling, which are needed at our schools to address social needs of our students. College and career readiness are necessary to prepare our students to excel and be successful in higher education, or prepare them for potential career opportunities.

Language and culture. These programs are developed based on our students' desire to learn our Navajo language and culture for self-identify and self-esteem. We can include you on the language immersion. [Laughter.]

Mr. CALVERT. I need it.

Mr. CHAVEZ. The $6.5 million program increase for a total of $400 million that Congress provided in Fiscal Year 2017 will be very helpful. However, it does not acknowledge the shortfalls that have been building for years. We respectfully request a total of $431 million for the critical budget category.

Thank you for the opportunity to provide testimony on these critical matters. As we work to provide high-quality education for our students, we consider members of Congress to be partners in this endeavor. Thank you very much.

[The statement of Mr. Chavez follows:]

Written Testimony of Dine Grant Schools Association President Jerry Chavez

Submitted to the

United States House and Senate Committees on Appropriations
Subcommittees on Interior, Environment, and Related Agencies

Regarding the FY 2018 Indian Affairs Budget

Date Submitted: May 10, 2017

The Dine Grant Schools Association (DGSA) is comprised of the school boards of six Bureau of Indian Education (BIE)-funded schools which are operated pursuant to the Tribally Controlled Schools Act (PL 100-297) and located on the Navajo Nation in Arizona and New Mexico. These schools are: Dzilth-Na-O-Dith-Hle Community Grant School; Kinteel Residential Campus, Inc.; To'hajiilee Day School; Na' Neelzhiin Ji'Olta (Torreon Day School); Hunters Point Boarding School; and Chilchinbeto Community School.

As tribal school boards, we have both the greater freedom and the tremendous responsibility to ensure that our students receive the kind of world-class, culturally relevant education that will help them reach their fullest potential. We take this responsibility seriously and we would like to thank this Subcommittee for playing an important role in our students' success. Further, as the BIE seeks to transition from running schools to supporting the tribal school boards who take on this critical responsibility, the perspective of school boards who are already doing this successfully is more important than ever. This testimony highlights the needs and the best practices of Dine Grant Schools Association member school boards. **Our highest funding priorities are: Tribal Grant Support Costs; Facilities Operations and Maintenance; and ISEP formula funds** in the BIE budget as well as **Education Construction and Repair** in the Bureau of Indian Affairs budget.

Success through language, culture, community involvement, and high standards. Successful students know who they are, that they are valued, and that great things are expected of them. Our schools incorporate Navajo language and culture into our curricula. We set rigorous standards that our students must strive to meet and that give them a sense of accomplishment at their achievements.

Why federal funding matters. It is difficult to concentrate on lessons if you are too cold or the roof is leaking or the water pipes don't work. It is difficult to take Partnership for Assessment of Readiness for College and Careers (PARCC) online practice tests or take distance learning Advanced Placement classes on dial up speed internet connections. It is difficult to ride the bus, sometimes on unimproved roads, to a crumbling school whose replacement has been identified as a priority, yet no improvements are made because the extensive waiting list for construction puts it on hold for years. These challenges to learning are prevalent throughout Indian Country. What has been different these past several years is Congress's sea change in understanding the extent of these challenges and bipartisan resolve to address them. For this, we are deeply grateful. As we work to provide a world-class education and bright future for our students, we consider Members of Congress to be our partners in this endeavor. Below is a description of the programs that make the greatest difference in our ability to educate our students.

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). *Tribal Grant Support Costs are the Contract Support Costs for tribally controlled schools.* These funds are used for 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. In FY 2016, Tribal Grant Support Costs were fully funded for the first time and in FY 2017, Congress increased this amount at the BIE's recommendation to $80 million. In previous fiscal years when TGSC appropriations had been insufficient to meet the level of need without other sources of funding, we had been forced to re-direct more and more funds from our education program budgets to cover essential administrative costs. Our schools were forced to 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 were 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.

Request. Consistent, full funding of Tribal Grant Support Costs is a primary prerequisite for tribes to continue to operate schools and for more tribes to decide to take on this responsibility. As proponents of this model, we hope to be joined by even more schools in the coming years. We are grateful for Congress's commitment to full funding and willingness to work with tribal school boards and the BIE to arrive at an amount that fulfills this obligation, particularly as more schools convert from BIE-operated to tribally-controlled schools.

Facilities Operations and Maintenance

Facilities Operations funding is for the ongoing operational necessities such as electricity, heating fuels, custodial services, communications, refuse collection and water and sewer service. This budget category saw a $7 million increase in FY 2016 followed by a $3 million increase in FY 2017.

Facilities Maintenance funds are intended to provide for the preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. This budget category saw a $7 million increase in FY 2016 followed by a $3 million increase in FY 2017.

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 FY 2017 budget justification, 55 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 FY 2017 budget justification elaborates that there is $388.9 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 aging, deteriorated schools, but federal resources for maintenance are needed to preserve that investment and to ensure our schools' facilities remain fully functional learning environments throughout the length of their design life.

Impact. Our schools are making every effort to make do with very modest 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—just like what happened when Tribal Grant Support Costs were not fully funded. We caution that insufficient funding to for Facilities Operations and Maintenance means 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 cost-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. The recent increases for these two budget categories are important improvements; however, the FY 2017 budget justification states that the $66.2 million requested (and provided in the FY 2017 Omnibus appropriations) for Facilities Operations and the $59 million requested (and provided in the FY 2017 Omnibus appropriations) for Facilities Maintenance would fund 78 percent of calculated Facilities Operations and Maintenance need across BIE-funded schools. We respectfully ask that the Subcommittee consider providing full funding.

Indian School Equalization Program (ISEP) Formula Funds

The Indian School Equalization Program (ISEP) Formula 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 include salaries of teachers, educational technicians, and principals. The amount provided to each school is determined by a statutorily-mandated formula established by regulation.

During the eight-year period of FY 2003 to FY 2010, the ISEP Formula account increased by almost $45.5 million; but in only two of those years – FY 2009 and FY 2010 – was the increase 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 ISEP began to fall in FY 2011, and the FY 2015 level was actually $5 million less than in FY 2010. In FY 2016, Congress provided an increase for fixed costs followed by a $ 6.5 million *program* increase in FY 2017.

Impact. For most BIE-funded schools, the chronic shortfall in the other key school accounts has a negative impact on ISEP Formula funding, because ISEP Formula funds are often diverted to make up the shortfalls in other accounts, such as Tribal Grant Support Costs and

Facilities Operations and Maintenance, when a tribe or tribal school board has no other source of funding to satisfy those shortfalls. This means fewer funds are available for instructional activities. We are tremendously grateful that Congress has increased funding for these critical accounts so ISEP Formula funds can be used for their intended purpose.

Request. The $6.5 million program increase for a total of $400.2 million that Congress provided in FY 2017 will be very helpful; however, it still does not acknowledge the shortfalls that have been building for years. We respectfully request a total of $431 million for this critical budget category.

Education Construction and Repair

This funding category within the BIA Construction budget includes Replacement School Construction; Facilities Component Replacement; Facilities Improvement and Repair; and Employee Housing Repair. According to the Department of the Interior, the current backlog of construction projects is estimated to be as high as $1.3 billion. The BIE has stated that its "next-step" is to "develop a long-term school construction funding plan that will address the needs of all BIE funded schools determined to be in poor condition." We were encouraged by the substantial increase that this Subcommittee provided for Education Construction in FY 2016 and then maintained in FY 2017. We were encouraged to see the language in the FY 2017 Omnibus joint explanatory statement directing the BIE to "submit an allocation plan to the Committees for campus-wide replacement and facilities replacement within 30 days" of the Omnibus's enactment. Finally, we were overjoyed to see that the National Review Committee identified one of our member schools, Dzilth-Na-O-Dith-Hle Community Grant School, for school replacement planning, design and construction funding.

Impact. Facilities within the BIE system are woefully outdated and, in some cases, dangerous for students and staff. The lack of an appropriate learning environment in many BIE system schools puts Native students at an unfair disadvantage.

Request. We ask that Congress and the BIE consult with tribes and tribal school boards when developing this long-term school replacement and repair plan. Further, we ask that once developed, Congress implement this plan by providing consistent funding for Education Construction and Repair each fiscal year. Adequate and predictable funding will mean that aging schools can finally be replaced in an orderly, scheduled fashion and our students can focus on their most important job: learning.

Conclusion

Thank you for the opportunity to provide testimony on these critical matters. As we work to provide a world-class education and bright future for our students, we greatly appreciate that the Members of this Subcommittee and your colleagues in the Congress have joined as our partners in this endeavor.

Questions regarding this document may be directed to: Jerry Chavez, President, Dine Grant Schools Association: chavez.jerry45@yahoo.com

Mr. CALVERT. Thank you. Thank you for your testimony.
Next, Royd Lee. You are recognized for 5 minutes.

WEDNESDAY, MAY 17, 2017.

NATIVE AMERICAN GRANT SCHOOL ASSOCIATION

WITNESS

ROYD LEE, PRESIDENT, NATIVE AMERICAN GRANT SCHOOL ASSOCIATION

Mr. LEE. Good morning. Thank you, Mr. Chair. To start off, I would like to introduce myself in my Navajo language. [Speaking native language.] Thank you. Good morning.

My name is Royd Lee, and I am the current president of the Native American Grant School Association, also known as NAGSA. I would like to take this time to write this testimony on behalf of our schools that work with Native American children from both the Navajo Nation and Hopi Tribe within the two States of Arizona and New Mexico.

I am an enrolled member of the Navajo Nation. I am only 26 years old. I come from a small community in northeast Arizona from a place called Shonto. I am a product of Shonto Boarding School before it converted into Shonto Preparatory School, a 100297 school. I am currently serving as an elected school board member for Shonto Preparatory School.

At age 26, I have seen the issues, and I feel for our Native American children that many still live in Third World conditions. I grew up with no running water, lack of electricity, and unpaved bus routes. And yet to this day, there is no excuse why our children live in these same conditions.

Becoming the objectives of NAGSA testifying before you today is to advocate for our schools. Each of our schools face independent challenges. Overall, our schools still lack the resources to ensure that our students receive the best educational needs. Our school truly depends on funding for our school. Without the education community, it will vanish.

Currently, NAGSA represents 16 schools with two residential halls, a second home for our Native American students, a total of seven schools on the Hopi side, and 9 schools on the Navajo side. Today I am here to represent both tribes. I am here to speak for those who cannot speak for themselves, primarily our students, because it is an ethical duty that I did to take the oath of office.

Our students have the obligation to reach the potential, but yet with President Donald Trump's proposed plans and budget cuts, I positively protest in a positive manner that our funding should adequately stay the same. One percent can make a drastic difference. Our resources can deplenish. I am here for those because our students deserve equal education as those in the multicultural areas.

And so, with that, with all of the promises and the credentials that our students need, it is crucial that we stand together as the Native American community that the budget cuts is not for us, and it will never be for us, because the EPA needs to do a vital role. We have 2 schools on the Hopi reservation that have high-level ar-

senic, and that needs to be looked into. With any budget cuts, everything that we look forward to is diminishing.

We all share a common interest in the common issues that we have, teacher shortage. The teacher shortage is that we have a lack of housing. We need funding to increase better housing. The Navajo Nation is nearly the size of West Virginia, but yet we only have 13 grocery stores. And so, that is hard to recruit and retain our teachers.

NAGSA is working hard with our member schools. As the president, I visit schools. I have attended school board meetings. I have looked at the conditions. I took the time and effort to make sure that our students are there for whatever purposes it is to receive the best education.

On behalf of that, I am also an educator. I teach the Navajo language. I am a Navajo language teacher. So, with all these adequate resources, the ESSA needs to be left alone because the Federal level, we mandate so many requirements that it takes the time away from our school administrators to actually ensure that our students are ready for the Common Core and all endeavors that are replayed at the State and tribal level.

Again, thank you very much that we keep everything the same it is, and I thank you, congressional leaders. Thank you.

[The statement of Mr. Lee follows:]

NAGSA Testimony Statement

Mr. Royd R. Lee

President

Native American Grant School Association

Thank you, Mr. Chair,

I am Royd Lee, the current President of Native American Grant School Association (NAGSA). I would like to take this time to write this written testimony on behalf of the schools that work with our Native American children from both the Navajo Nation and Hopi Tribe from two states in Arizona and New Mexico.

I'm a enrolled member of the Navajo Nation, I am twenty-six years old. I come from a small community in Northeastern Arizona called Shonto, Arizona. I'm product of Shonto Boarding School before the school converted to a Grant School under Public Law 100-297. I'm currently serving as an elected school board member for Shonto Preparatory School, I am currently started by the second term of office. I got elected to this position at age twenty-one, making me the youngest elected official in such office. I am born and continue to live on the Navajo Nation, growing up was a great challenge, in fact, I still feel for our students that lived in a third world condition. Many families still have no electricity, running water, lack of paving bus routes; the factors do play a role in student success.

The key objective of NAGSA testifying before you today is to advocate for our schools. Each of our schools faces independent of challenges, overall our schools still lack the necessary recourses to ensure that our students receive the best educational needs. Our schools truly depend on the funding for our schools, without it the education community with vanish.

Currently, NAGSA represents sixteen schools also with two residential halls that provide a secondary home for our Native American students. There is a total of eleven schools on the Navajo Nation and for the record that the schools are: Pinon Community School, Shiprock Associated School, Inc. Wide Ruins Community School, Tiisyaakin Residential Hall, Naasts'aan Community School, Hanaadli Community School/Dormitory, Inc., Winslow Residential Hall, Dilcon Community School, Black Mesa Community School, Little Singer Community School, and lastly my school Shonto Preparatory School. NAGSA has seven schools located on the Hopi Tribe, just like the Navajo schools, for the record the schools are: Hotevilla-Bacavi Community

School, Hopi Junior/Senior High School, Monecopi Day School, Hopi Day School, Keams Canyon Elementary School, First Mesa Elementary School, and lastly Second Mesa Day School. All the schools that were mention are "Tribally Control Schools that are locally controlled by elected school board members, under the provisions under Public Law 100-297".

NAGSA is very obliged to have me as their president, I try to be active among my schools by attending school board meetings, parent meetings, attending Hopi Board of Education meetings, be present at our NAGSA events, visiting schools, just to name a new. However, since becoming president, I haven't all schools, especially in New Mexico. However during my visits, I look at the key issues that our schools face, I listen to school's concerns at the school board meetings. Yet I've haven't seen or heard any top tribal official visit the schools to actually look as well as to eavesdrop the issues our school face. I'm glad under NAGSA's leadership we were able to hold a legislative session to hear school's concerns. I compare the issues that I see at the schools I visit. Overall NAGSA's position would like to support to keep the funding the same for all schools, avoid budget cuts. President Trump's budget to congress is a recommendation in a form of a proposal. Keeping the funding at the current level will ensure that our Native American students have a place to go to school, have a safe well maintain the structure.

Comparing our schools to schools in Phoenix metropolitan area isn't right. In fact, we are so isolated majority of school's have no paved roads that lead up to the schools, our bus routes are not all on paving roads, on the both the Navajo Nation and Hopi Tribe we have harsh winter conditions when at times schools are canceled. All of our schools face teacher shortages, low pay for teachers, lack of teacher housing or none for some our schools, poor school buildings, lack of school safety. NAGSA is finding ways to help our member schools the best we can. As the president, I took upon myself to be the observer of the key issues. NAGSA proudly support the school's resolution.

NAGSA shall continue to advocate not limited to supporting tenacities for our member schools, I'm here to humbly ask this committee that I strongly represent the grassroots level. Many of our schools need new school construction funding for Hotevilla-Bacavi Community School, Little Singer, Shonto Preparatory School, Hopi Day School, Black Mesa Community School, and Hanaadli Community School/Dormitory. Many of our schools need to have paved roads to the school completed with new parking lots: Little Singer Community School, Black Mesa Community School, and Pinon Community School. My main concern is the unsafe drinking water on the Hopi Reservation which heavily impacts First Mesa Elementary School, Second Mesa Day School with the treats of Arsenic, lastly many of schools need funding for school security also safety implantations.

Our Native American students are suffering enough within third world conditions not only limited to have poverty levels. The students also the schools that NAGSA is representing deserve much better. I'm here to kindly inform you that these aren't Republican or Democrat issue, politicians need to learn the golden rule on education, it's more than a teacher in the classroom, and it's about support staff that makes school function. In the words of President Regan "Government is the problem". I humbly request that all of the govemments from the Tribal, State, and Federal level stop abusing the education system, let Every Student Succeeds Act take the course, don't appeal or replace it. With the changes that made at the D.C level, our schools are too busy meeting the federal or state requirements, which also disables our students' learning environment.

Thank you for allowing for me to testify before you today, this is a life learning experience for me. Thank you again.

Mr. CALVERT. Thank you. Thank you, and I appreciate your testimony.

Obviously education is extremely important, and I cannot think of anything more important than education throughout Indian Country, or throughout the rest of the country. And we have our challenges, and we are trying to face those challenges over the last number of years to try to increase funding for education in general, and obviously the school construction. And as I have mentioned to the previous panel, we are attempting to find a way to resolve this problem once and for all and get on with it. We have an obligation to do this, and we all agree that that's an obligation we need to meet.

I appreciate your offer for a language immersion program.[Laughter.]

I may take you up on it. Some people think I cannot speak English very well, so this would probably help me out.

And as far as the budgets are concerned, we have been through Republican presidents and Democratic presidents, and we agree to disagree on occasion. And so, those budgets will be proposed, and the Congress will, as the Constitution outlines, put together the budget and the appropriation bills, and hopefully pass them in regular order as we all should do.

And with that, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank you for your testimony. I think we have heard a very solid, united front from across Indian Country. I think we will hear from the Plains States and a couple more of the Great Lakes States tribes today on some of the same issues. I thank you for that.

And thank you, at 26, for standing up and running for school board because sometimes students do not think the people serving on school boards really know what it is like to go to school. I think you speak with fresh experience of the struggle that students in Indian Country face when trying to focus in on their studies. So, thank you very much, Mr. Lee, for your testimony.

Mr. LEE. Thank you.

Mr. CALVERT. Great. Thank you. Ms. Pingree.

Ms. PINGREE. Thank you. Thank you for your testimony.

Mr. CALVERT. Well, thank you. Thank you for your testimony. We appreciate your being here today. Have a great day.

VOICE. Thank you very much.

VOICE. Thank you.

Mr. STEWART [presiding]. We welcome the panelists. Thank you for being here. And we appreciate your time, and we want you to know that we are here to listen to you, and that your time here is well spent, and it can make a difference.

So, I am Congressman Stewart substituting for the chair today, and I believe Tom Miller from the Association of Community Tribal Schools. Mr. Miller, we will start with you, and you have 5 minutes.

WEDNESDAY, MAY 17, 2017.

ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS

WITNESS

TOM MILLER, CHAIRPERSON, ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS

Mr. MILLER. Good morning, and thank you for the opportunity to testify.

I am the president of the Association of Community Tribal Schools, and we are an organization that has been around since 1982. In the schools, we represent a significant number of the 130 schools and the 30,000 students that are in the BIE-funded system. There are approximately 21 States that have schools in them, and Minnesota is one Michigan, my area where I am from, the Great Lakes area. I am a member of my home tribe, which is the Sault Ste. Marie Tribe of Chippewa Indians.

And these schools are operated directly by tribal governing bodies or tribal organizations, and they have to be authorized by tribal governing bodies. We have something that we have done for years that is now coming into schools of choice. Our schools, which started with the original tribally-controlled school, which was Rough Rock Demonstration School in 1966, we always say we are the original schools of choice, and we continue to be so nowadays.

I would like to thank Congress for the modest increase that we saw in appropriations. We would like to see more, of course. And I think one of the last panel members highlighted something that happened. We had tribal grant support costs funded at 100 percent for the first time in 50 years, so that is kind of a significant thing for us.

Appropriations, of course, have been at we feel a modest level, but we would like to thank you for doing that. We feel increases in our five major elements areas, which are ISEP facility operations, facility maintenance, student transportation, tribal grant support costs, probably are in need of about $60 to $70 million a year. We are getting $13 million in those areas this year. So, you can say when I say thank you for the increase, but a larger increase would be very well appreciated.

The area of facility operation and maintenance, which I get into my area that I am really on is the facilities. And we would like to see a possibility of the $125 million for facility operation and maintenance be forwarded to kind of take us out of the political ping-pong game that we are kind of involved with right now, and allow the schools to at least plan and have secure funding for that 1 year because facilities are so important.

Early childhood and family development. One of our key areas funded, but, boy, it could be funded a lot better, $3 million. It could be $4, $5, $6. It is one of our top priority programs to enable our tribes to have more success when the children get to the K through 12 system.

Facilities. The deterioration rate right now for the facilities that are in the BIA-funded system is $75 million a year. We do not even get funding to replace that. We are in a declining spiral downward movement on it, and we really need to have Congress look at ade-

quately funding and developing a plan by which the schools would be able to be replaced in a timely manner so the facilities and the cycle of life of a school, which is 40 years, would mean something.

If we go with the present rate right now, and I am not exaggerating this, it will be 120 years before the last school on the list is done. I do not plan on being around that long. You know, actually it is mind boggling when you look at the need and then the actual appropriations which are in place.

ACTS is working on the fact that we could develop a plan with help from all the associations that are here for timely replacement of the schools and get the kids into quality educational facilities that will help us better educate them.

The things like infrastructure, school construction, staff housing. One of the things that the schools have that most of the schools around the Nation do not have to worry about, teacher recruitment, teacher retention, that we need a housing factor to help get quality teachers there and to keep them there. That is something else that has not been funded adequately.

The last thing I have got is we are looking at trying to get a study done where the tribes new school starts, which we have a legislative moratorium on which we would like to see lifted. A number of tribes want to expand grades, which have been blocked for the last 20 years. And then there is also the aspect with the BIE taking all the hits it takes on bad management. There might be a need for a separate agency to be formed similar to AIANTA, and maybe let us try to manage the thing through that. And those are ideas that are out there.

With that, I thank you for the time, and I could go on for a few hours, but thank you.

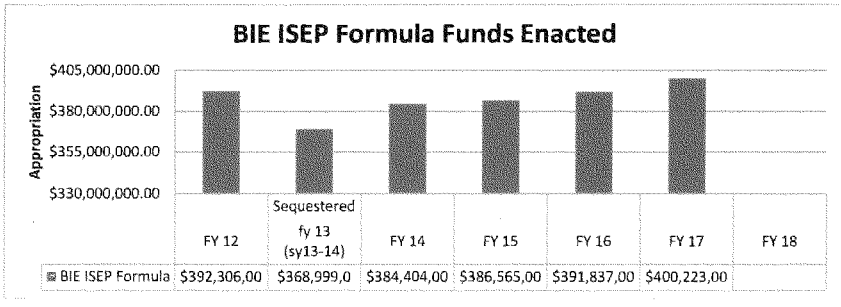
[The statement of Mr. Miller follows:]

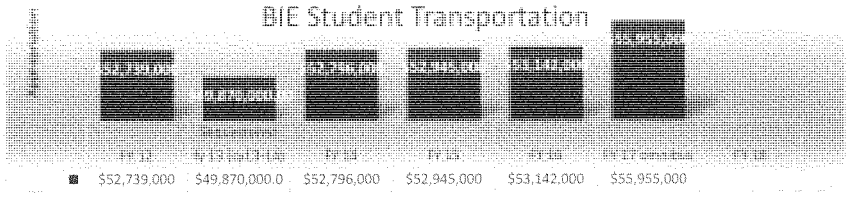
FY 18 Appropriations Testimony

My name is Mr. Thomas Miller, member of the Sault Ste. Marie Band of Chippewa Indians located in what is now the state of Michigan; I am President of the Association of Community Tribal Schools Inc. (ACTS Inc.). WE WANT TO THANK YOU FOR previous appropriations.

The tribal school movement started in 1966 with Rough Rock Demonstration School in Arizona. There are now over 30,000 students in 130 tribal elementary and secondary schools. These schools of choice 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**. These schools are either operated directly by a tribal governing body or a tribal organization authorized by the tribal governing body. ACTS Inc. represents a significant number of students in the 130 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."

These charts illustrate the enacted amounts over the last several years.

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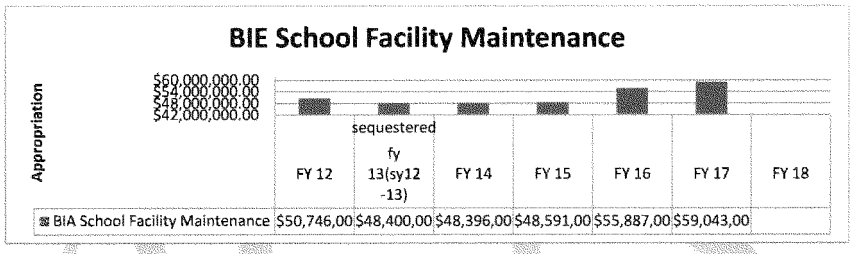
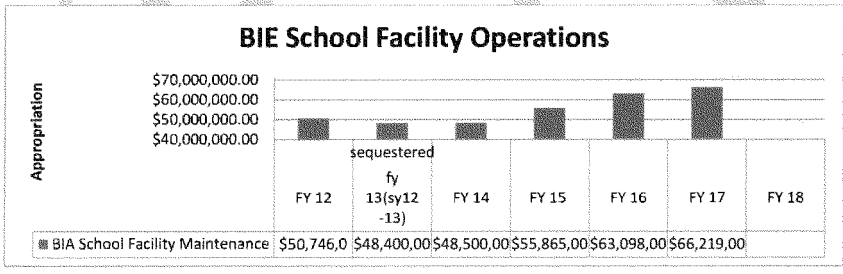
$52,796,000
$52,945,000
$53,142,000
$55,955,000


BIE School Facility Maintenance
Appropriation
$60,000,000.00
$54,000,000.00
$48,000,000.00
$42,000,000.00
FY 12
sequestered fy 13(sy12 -13)
FY 14
FY 15
FY 16
FY 17
FY 18
BIA School Facility Maintenance
$50,746,00
$48,400,00
$48,396,00
$48,591,00
$55,887,00
$59,043,00


BIE School Facility Operations
Appropriation
$70,000,000.00
$60,000,000.00
$50,000,000.00
$40,000,000.00
FY 12
sequestered fy 13(sy12 -13)
FY 14
FY 15
FY 16
FY 17
FY 18
BIA School Facility Maintenance
$50,746,0
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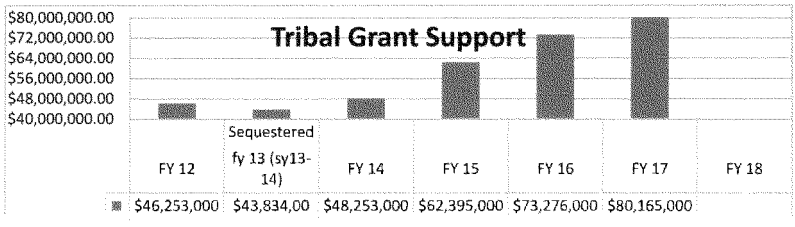
$48,500,00
$55,865,00
$63,098,00
$66,219,00


Tribal Grant Support
$80,000,000.00
$72,000,000.00
$64,000,000.00
$56,000,000.00
$48,000,000.00
$40,000,000.00
FY 12
Sequestered fy 13 (sy13-14)
FY 14
FY 15
FY 16
FY 17
FY 18
$46,253,000
$43,834,00
$48,253,000
$62,395,000
$73,276,000
$80,165,000

Modest Requested Action for FY 18 Interior Appropriations

1. Continue to annually increase these accounts by a minimal modest 2+/-%:
   (Actual need for these 5 Program Elements is approximately $ 60,000,000)

BIE-Elementary/Secondary Programs – ISEP	$ 8,000,000
BIE-Elementary/Secondary Programs-Facility Operations	$ 1,300,000
BIE-Elementary/Secondary Programs-Facility Maintenance	$ 1,200,000
BIE-Elementary/Secondary Programs-Student Transportation	$ 1,100,000
BIE – Tribal Grant Support Cost	$ 1,400,000
	$ 13,000,000

   [There is a need to forward fund Facilities Operations and Maintenance = $ 125,000,000]

2. Increase Early Child and Family Development (allow for expansion) $ 3,000,000

3. Construction – Education Construction. The BIA reports a nearly $ 75,000,000 annual facility deterioration rate, $ 388 million in deferred maintenance and $ 4.4 billion in school replacement.

	Annual Need
Replacement School Construction	$ 100,000,000
Replacement Facility Construction	$ 50,000,000
Employee Housing Repair and Replacement	$ 15,000,000
Facility Improvement and Repair	$ 100,000,000

Requested report language: ACTS respectfully asked the Committee to include Report language that directs the Secretary to seek information and prepare a report that identifies the number of tribes and/or tribal organizations interested in starting schools of choice through the use of the Tribally Controlled Schools Act of 1988.

The Committee directs the Secretary to:

> "Prepare a report identifying the number of tribes and tribal organizations that currently operate schools of choice using the Tribally Controlled Schools Act of 1988 who desire to expand grades and/programs. The reports shall include name of tribe, state they are located, and estimated number of potential students."

In addition ACTS would ask the Committee to request the Secretary to submit a feasibility study that would move all Bureau of Indian Education Elementary and Secondary, Education Construction and other Bureau of Indian Affairs related functions for schools authorized under the Tribally Controlled Schools Act of 1988 to an independent federal agency.

These reports are to be submitted to the Appropriations Committees of the House and Senate plus the Senate Committee of Indian Affairs. These reports will be submitted 150 days after passage of this appropriations bill.

Mr. STEWART. Thank you, Mr. Miller. We appreciate again your testimony. I would like to follow up on just one thing. You had $13 million this year. What was it in previous years? You said it was up a little bit.

Mr. MILLER. It has always been just a modest increase. It has never been near the need. The need and actual, they are light years apart.

Mr. STEWART. You are saying $60 to $70 is a need, and maybe $125 for some of the facilities' infrastructures?

Mr. MILLER. Well, if you did the infrastructure stuff and you wanted to get rid of the backlog, which it deteriorates faster than replacement, you probably need a billion.

Mr. STEWART. Yeah.

Mr. MILLER. It is a significant sting for the appropriations if you are going to actually do something significant and actually lessen or get rid of the problem.

Mr. STEWART. We appreciate the frustration. Sometimes when the numbers are unknown year to year, it makes it very difficult, as you said, for future planning.

Ms. McCollum.

Ms. MCCOLLUM. I will wait.

Mr. STEWART. Okay. Thank you. Thank you, Mr. Miller.

Leander "Russ" McDonald then, who is representing United Tribes Technical College. Mr. McDonald.

WEDNESDAY, MAY 17, 2017.

UNITED TRIBES TECHNICAL COLLEGE

WITNESS

LEANDER "RUSS" MCDONALD, PRESIDENT, UNITED TRIBES TECHNICAL COLLEGE

Mr. MCDONALD. Thank you. Good morning. I am Russ McDonald, president of United Tribes Technical College located in Bismarck, North Dakota. I am enrolled member of the Spirit Lake Dakota Nation, and a proud descendent of the Sahnish and Hidatsa Nations, all located in North Dakota.

Thank you for holding this hearing to hear knowledge from tribes and tribal organizations regarding Fiscal Year 2018 funding for Indian programs under your jurisdiction. There are very few public witness appropriations hearings this year, and we are very appreciative that you are devoting 2 entire days to listening to us.

The United Tribes Technical College has been in the education and training business for 48 years. 40 of these years were operated under an Indian Self-Determination Act agreement. We are governed by a 10-member board of directors composed of the chairman and one delegate from each of the five tribes located in North Dakota.

We are a residential college offering technical and academic education with support services to enhance the success of the individuals and families we serve. Our Indian student body comes from all over the Nation, but primarily from the Great Plains. Over 70 percent of our students receive Pell Grants. Our written submitted

testimony tells our course offerings and data regarding our services and student outcomes.

Before summarizing our recommendations, we want to thank you specifically for two specific things: number one, for $500,000 Fiscal Year 2017 increase in the Bureau of Indian Education budget for tribal technical colleges. This funding is shared with Navajo Technical University. And number two, for putting tribal technical colleges on a forward funded basis as of Fiscal Year 2016. Forward funding has made a positive impact, especially in years like this one when Federal agency funding is uncertain due to long-term continuing resolution.

In summary, we request $11 for the Bureau of Indian Education line item for tribal technical colleges, which would be a $3.1 million increase over the Fiscal Year 2017 enacted level. Given the great need in Indian Country and elsewhere for a better prepared and trained workforce, this is a good investment.

Continuation of full funding for contract support costs and placement of this funding on a permanent mandatory basis. As a self-determination contract, we are directly affected by this provision. Continuation of full funding for tribal grant support costs for tribally-operated elementary and secondary schools. We have a Bureau of Indian Education-funded pre-K through 7th grade school on our campus, the Theodore Jamison Elementary School, for whom this is very important. Many of the children of our United Tribes Technical College students and staff attend this school. We like the deal of parents and their children attending school on the same campus.

Lastly, Northern Plains Tribal Law Enforcement Academy. We continue to feel strongly that there should be a tribal law enforcement academy in the Northern Plains. Establishment of such an academy is supported by the Great Plains Tribal Chairman's Association. The body of Indian law, including expanded tribal authorities under the Tribal Law and Order Act, the Violence Against Women Act, and requirements of the Indian Child Protection statutes, all call for tribally-directed training.

We also have growing issues with drug addiction, and human trafficking, and crimes related to addiction. We understand that State and national training resources would have an important role in this new endeavor. Basic law enforcement training is currently provided to the Bureau of Indian Administration's police academy in Artesia, New Mexico, with the BIA using State academies to supplement what it provides. That is something that we could develop and provide a tribal college located on the northern tier of the United States.

United Tribes Technical College already has a criminal justice program offering two- and four-year degrees. We want to expand our program to better 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, and ask that you support such an endeavor.

Thank you for your consideration of our recommendations.

[The statement of Mr. 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 2018 Indian Affairs Budget
May 17, 2017

United Tribes Technical College (UTTC) has for 48 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 fully accredited by the Higher Learning Commission. We are proud of our role in helping to break generational poverty and in helping to build a strong Indian Country middle class by training the next generation of law enforcement officers, educators, medical providers, and administrators; however, there is a long way to go and we need to expand our efforts. We are governed by the five tribes located wholly or in part in North Dakota. *We are not part of the North Dakota University System an do not have a tax base or state-appropriated funds on which to rely.*

The funding requests of the UTTC Board for FY 2018 Bureau of Indian Education (BIE)/Bureau of Indian Affairs (BIA) are:

- *$11 million for the line item, Tribal Technical Colleges, which is $3.1 million over the FY 2017 enacted level. Of this amount, $6.8 million is BIE funding for our Indian Self-Determination Act contract.*
- *Continue fully funding Contract Supports Costs with establishment of permanent, full, mandatory-funding.*
- *Continue full funding for Tribal Grant Support Costs for tribally-operated elementary/secondary schools.*
- *Establishment of a tribally-administered Northern Plains law enforcement training center at UTTC.*

First of all, thank you for the $500,000 FY 2017 increase for the BIE line item of tribal technical colleges as requested by the Obama Administration. Secondly, thank you again for placing the Tribal Technical Colleges account that provides core operational funds to our institution and Navajo Technical University (NTU) on a forward funded basis as of fiscal year 2016.

We are pleased that as of FY 2017 Congress will be providing forward funding for the Institute of American Indian Arts and that the explanatory language for the appropriations bill indicates that you are interested in providing in FY 2018 for the remaining two colleges who are not yet forward funded -- Southwestern Indian Polytechnic Institute, and the Haskell Indian Nations University.

The extended length of time to achieve forward funding for UTTC and NTU and the fact that several other Indian higher education institutions were/are still not forward funded highlights the carefulness with which tribal college references need to be made. We are authorized under differing titles of the Tribally Controlled Colleges and Universities Act and then there are other statutory authorities for the three institutions administered through the Bureau of Indian Education.

Base Funding. UTTC administers our BIE funding under an Indian Self-Determination and Education Assistance Act agreement, and has done so for 40 years. The UTTC portion of the Tribal Technical Colleges line item should be $6.8 million based on an $11 million appropriation. We will want to communicate again with this Subcommittee when we know what the Trump Administration has requested in the Indian Affairs budget.

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. BIE funds are central to the viability of our core postsecondary education programs. Very little of the other funds we receive may be used for core career and technical educational programs; they are competitive, often one-time targeted supplemental funds. Our BIE funding provides a base level of support while allowing the college to compete for desperately needed discretionary funds.

We highlight several recent updates of our curricula to meet job market needs. First, at the certificate level, UTTC recognized the need for more certified welders and heavy equipment operators in relation to the oil boom and expanded these programs in response to the workforce need. UTTC is now the only welding test site in a multi-state region approved by the American Welding Society, and while the North Dakota Bakken oil boom has diminished, these professions remain in demand. The hospital facilities in the regions were unable to hire certified Medical Coding & Billing personnel so we developed and currently offer this certificate as one of our online offerings. We are now able to train students for good paying in-demand employment with a focus on career rather than just a job. Finally, upon receiving approval by the Higher Learning Commission to offer a Bachelor's Degree in Environmental Science, we began this four-year program in the Fall of 2016, thus providing experiential research opportunities for our students.

Funding for United Tribes Technical College is a good investment. We have:

- Renewed unrestricted accreditation from the Higher Learning Commission through 2021. We offer 1 diploma, 4 certificates, 14 Associate degrees, and 4 Bachelor degree programs of study (Criminal Justice; Elementary Education; Business Administration; Environmental Science and Research). Business Management, Criminal Justice, Medical Coding and General Studies are fully available and offered online. UTTC continues to be the only TCU in the country approved by the Higher Learning Commission to offer full programs online.
- Services including a Child Development Center, family literacy program, wellness center, area transportation, K-7 BIE-funded elementary school, tutoring, counseling, family and single student housing, and campus security.

- A projected return on federal investment of 20-1 (2005 study).
- From 2015 – 2016, UTTC had a fall to fall retention rate of 38% and a 2016 fall semester persistence rate of 84% for the fall of 2016. Of the 87 graduates in 2016, 53 students were employed, for a placement rate of 61%. Additionally, 19 of those graduates continued their education.
- Students from 69 tribes represented at UTTC during the 2015 – 2016 academic year.
- Our students are very low income, and 70.4% of our undergraduate students receive Pell Grants.
- An unduplicated count of 524 undergraduate degree-seeking students and 4 non-degree seeking students; 1,037 continuing education students; and 29 dual credit enrollment high school students for a total of 1,594 students for 2016-2017.
- 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 $192,911,000 in 2016.

Contract Support Costs. 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 for the recognition of the legal obligation the federal government has to pay tribal contractors their full CSC. This has been an enormously important development for Indian tribes. We appreciate that the FYs 2016 and 2017 appropriations acts place Contract Support Costs for the BIA and the Indian Health Service (IHS) in their own accounts and is funded at an indefinite amount, thus assuring full funding. Given that this funding status for CSC is year to year, we join with others in Indian Country in supporting a long-term legislative solution that will provide full and permanent funding for Contact Support Costs. Placing CSC funding on a mandatory basis is the logical resolution to a long-term solution for CSC that will also protect the programs funded on a discretionary basis in the BIA and IHS budgets.

Tribal Grant Support Costs for K-12 Tribally-Operated Schools. We have a BIE-funded elementary school on our campus, the Theodore Jamerson Elementary School, and thus many of our college students and their children attend school on the same campus. For these elementary schools, Tribal Grant Support Costs are the equivalent of Contract Support Costs for tribes although authorized under different statutory authorities. We thank you for providing what is estimated to be full funding for Tribal Grant Support Costs in FY 2017 ($80 million).

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 at UTTC. We ask that you direct the Secretary of Interior and the Bureau of Indian Affairs to work with the Northern Plains tribes and others on the timely development of a plan for the establishment of an academy to better serve the tribes residing in the Northern tier of the United States.

Establishment of such an academy at UTTC continues to be strongly supported by the Great Plains Tribal Chairman's Association (GPTCA) via Resolution 5-1-20-16. The Resolution

requests that the Secretary of Interior and the BIA consult with the tribes on the details of a plan for establishment of the Academy. Cultural and legal differences further support why such training should be tribally-directed in order to be appropriate for the realities of tribal communities within different parts of the Indian Country. The need is critical and continues to grow with the methamphetamine, opioid and heroin crises and the resulting social ills from these epidemics. North Dakota and other northern border regions have special problems relating to drug and human trafficking. Additionally, the expanded tribal authorities under the Tribal Law and Order Act and the Violence Against Women Act only further the importance of trained law enforcement officers within our tribal communities. State and national training resources would have an important role in this new endeavor.

The UTTC Criminal Justice program currently 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. A pre-law program is currently in development to address the shortage of law trained personnel within tribal judicial systems. 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, which often has waiting lists. 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 for training locations while minimizing the distance and long separation of trainees from their families.

The FY 2017 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.

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. *Mitakuye Owasin* (All my relatives)

Mr. STEWART. Thank you, President McDonald.

Now President Wilson. Ryan Wilson is president of the National Alliance to Save Native Languages.

WEDNESDAY, MAY 17, 2017.

NATIONAL ALLIANCE TO SAVE NATIVE LANGUAGES

WITNESS

RYAN WILSON, PRESIDENT, NATIONAL ALLIANCE TO SAVE NATIVE LANGUAGES

Mr. WILSON. Thank you, Congressman Stewart. I congratulate you for being appointed to this committee, too, and we always need new allies coming in. So, I am glad you are here with us.

Just so I am being honest, I got jealous of the Navajos talking Dine here, so we will share a little bit. [Speaking native language.] Just saying that little bit, and we will on another day translate for you and so forth, but it is all good words, you know, yeah. [Laughter.]

Mr. STEWART. We are trusting you, yeah.

Mr. WILSON. Thank you. So, I will just jump right into it that we want to thank the committee for the Fiscal Year 2017 report language where they allocated $2 million for immersion projects in these schools, and that came out of program enhancement. What our request here today is on behalf of the National Alliance is that we double that for this 2018 Fiscal Year.

And we take the position that the urgent need and the crisis in language loss is so profound that it has to be done now. And we also thank the committee in Fiscal Year 2015. They had report language that really substantiated and documented for the first time in the history of this committee that they support immersion in these BIE schools. And then in Fiscal Year 2016, they expanded the report language to include what Tom Miller was talking about, you know, expansion of BIE, there has been a moratorium on any expansion. But in that report language, you guys allowed expansion to occur if it was immersion school related to grandfather in community-based immersion schools and things of that nature.

So, we are moving in the right direction, and I thank you guys for that. It means a lot. Many years ago, not to give up our age or so forth, but Congresswoman McCollum and I when I was a NIA, and others, we worked very hard on the Esther Martinez Native Language bill, which is in HHS.

At that time, people kind of thought we were crazy talking about immersion schools, you know, and native languages as the medium of instruction. Yet the people in the beltway here are all familiar with immersion. They send their children to French immersion, and Spanish immersion, and Chinese language and so forth. And so, it was kind of really introducing a new concept.

And I am scared to be sitting so close next to my brother-in-law. We are not supposed to sit by each other, like this might be lightening hitting here or something. [Laughter.]

But he is a leader in the tribal college movement. And back in the 70s, my mom worked very hard for passage of the Tribal College Act. At the time, they thought Indian Country was crazy

thinking that they could handle tribal colleges, and these colleges were all being run out of portables and trailers and in the middle of nowhere, you know. And having the vision and being progressive, not liberal, just progressive in our thought. It is a sacred progression of next logical steps. So, this committee could take a big step in emboldening this budget specifically for the immersion.

I would also ask you to pay high attention to detail in the report language because some of the same leadership in the Bureau was the same leadership that created this fattened bureaucracy that we see now with the middle management. They have been recycled from the Bush Administration, you know, back 10 years ago. And you need to be cognizant of that, that I think we need higher specifics in directing funding and so forth. So, I, you know, wanted to share that little bit.

There are always questions on who supports this, and as I indicated in the written testimony, this is supported by the National Congress of American Indians. This is supported by the National Indian Education Association for which I was a board member for 15 years and a former president. It is supported by the Rocky Mountain Tribal Leaders Council. It is supported by Tribal Interior Budget Council, who had two resolutions covering three different Fiscal Years to do this. It was supported by Great Plains Tribal Chairman's Association.

So, tribes themselves have made, I think, you know, a cognizant decision that they are going to have to give up something somewhere to assure that immersion exists in this BIE system.

In my written testimony, I explain the authority and what authority you have as a committee as well under statutes, you know, to do this, which is really broad based, and it also explains other justifications in here. In previous years, I have introduced probably a stack this tall of research, scientifically research-based things that show these are best practices in Indian Country as well.

So, I will conclude by thanking you. As my brother-in-law said, it is not lost on us that you guys give up 2 days of your time. To us, we know that is like a year of your time. And I hope you continue to honor the tradition of this hearing and keep doing that. And it is good to see you guys again.

Thank you.

[The statement of Mr. 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

May 17, 2017

Request: We request $4 million for Bureau of Indian Education Immersion Programs and Demonstration Projects.

Introduction. Chairman Calvert, Ranking Member McCollum, Members of the Committee. My name is Ryan Wilson (Tatanka Wasaka), President of the National Alliance to Save Native Languages. I am honored to be here to testify today before the Subcommittee 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 high priority of Indian country, this Subcommittee, and the Trump 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 carried out by the U.S. Department of Education continue to reiterate the academic failure of American Indian and Alaska Native students in both Public and BIE funded schools. *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 instructs us on the condition of Indian Education. Because of continued stagnation in academic progress and inability of the BIE to implement GAO recommendations legislative proposals have been advanced that would drain critical resources from BIE schools and have an overall negative effect on the learning environment in tribal communities.

Trust Overview. The extent that the federal government is fulfilling its trust responsibility to Indian education is demonstrated in the studies and reports. This subcommittee has a broad reaching trust corpus and shares measurable trust standards with the Administration 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 trust corpus surrounding Indian education and treaty based educational rights can be summarized as: "Protect equality of educational opportunity and ensure that its 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.

In order to further the Federal Government's commitment to improving the educational outcomes of American Indian and Alaska Native students and improving the quality and performance of schools and education programs for American Indians and Alaska Natives, 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 build successful immersion schools; (3) protect tribal language immersion schools from the promulgation of adverse rules, assessments, and regulations from federal agencies that are incongruent with existing statutes concerning Native language use; and (4) promote intergovernmental (tribal/federal) collaboration and partnership.

Proposed Native Language Demonstration Project. Approximately 42,000 American Indian students attend the Department of Interior's Bureau of Indian Education school system, which consist of 182 schools. American Indian tribes, Indian organizations, BIE schools, Native learners, and language stakeholders are proposing an Initiative to support Tribal Language Immersion Schools within the BIE system. This proposed initiative would create "Demonstration Tribal Language Schools" within existing BIE schools. Demonstration Project selection criteria would center on capacity to offer academic instruction with a tribe's language as the medium of instruction for a minimum of 900 hours per academic year.

We request that the Subcommittee ***provide BIE with $4 million specifically allocated for Demonstration Tribal Language Magnet Schools*** in FY2018 by repurposing existing resources allocated to the BIE and BIA. The Demonstration Projects would be selected through a competitive grant competition and housed under the Director of the BIE within the Department of Interior. There are currently 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). Our proposed appropriation would support and strengthen these existing programs. These funds would also enable the participation of numerous schools 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. Public Laws 93- 638, 100-297, offer the promise self-determination and tribal control of BIE schools. The Native American Languages Act of 1990 Public Law 101-477 and the Esther Martinez Native American Preservation Act Public Law 109-394 promote a policy of investing in Native languages and supporting Tribal Language Immersion Schools. Finally, the Snyder Act Public 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 Indian Affairs.

Indian Country Support for Native Language Immersion Programs. Past Administration's have engaged Indian Country in Indian education consultation hearings, meetings, advisory groups, town halls, listening sessions and received 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. 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. Broad based support exist for tribal language immersion schools, Indian country could not have expressed support for these schools any clearer to the Administration.

The members of the National Indian Education Association recently passed resolution 2014-06 which supports a $4million appropriation in FY18 for BIE immersion school support. The National Congress of American Indians has 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 also thank the Committee for its Report Language in the FY 17 Interior Omnibus that included $2,000,000 within education program enhancements for capacity building grants to expand language immersion opportunities.***

It is the position of NCAI and the coalition of Native organizations that are a part of the NCAI Native Language Working Group/Task Force, including the National Alliance to Save Native Languages, that language plays a significant role in influencing academic performance and general well-being of Native peoples. This position was first reflected in the Meriam Report of 1928 and reinforced in each of the following: the U.S. Senate Report, Indian Education: A National Tragedy, A National Challenge (1969); the Indian Education Act of 1972 (Title VII, NCLB); the Indian Nations At Risk Report (1991); the White House Conference on Indian Education (1992); federal policy through the Native American Languages Act (1990);federal policy through the Esther Martinez Native American Languages Preservation Act (2006); and three Presidential Executive Orders (Clinton, 1998, Bush, 2004, Obama 2011).

Shortcomings of the Current Approach. Unfortunately, Executive Order 13592 has not been effective in achieving its proposed policy goal because it does not offer a program or pathway to execute a strategy for supporting or creating venues where Native learners have an opportunity to learn their Native languages. It is unclear if the Trump Administration is going to offer its own EO on Indian Education. 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 created a climate of retreat.

Native language instruction under the Obama Administration decreased, not increased. Because most tribal communities are one generation away from losing the cultural and linguistic capacity to offer immersion instruction the apathy and delays promulgated by the Obama Administration have been especially damaging to Native language development and continued survival of immersion opportunities. In other words the last 8 years was crucial time that Indian country can never recover. We cannot Offord to wait for Administration direction or leadership on this issue, Congress must lead.

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.

Need for Increased Federal Support. BIE schools that wish to engage in the development of tribal language immersion schools need federal support. This federal support must be additional to and separate from that which currently exists to support BIE school operations. If Congress is to carry out its commitments to self-determination, sovereignty, and protection and revitalization of Native languages, it must provide resources for tribal language immersion schools. This funding is also essential to enabling BIE to complete its mission as well as to fulfilling the promises of past and future Executive Orders on Indian Education. We believe the promotion of Demonstration Projects within the BIE school system that support the development of tribal language immersion schools within existing schools is a crucial step in achieving these policy mandates. The proposed Demonstration Project will be congruent with the policies of existing federal statutes concerning Native languages and tribal control that have been virtually ignored since passage of the No Child Left Behind (ESEA).

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 who can participate in tribal language immersion schools. Thank you for this opportunity to provide testimony and for considering this much-needed Demonstration Project.

Mr. STEWART. Thank you, Mr. Wilson. And I can pretty much assure you, I think, speaking for the chairman, that we will certainly continue with these 2 days. They are very valuable to us. So, thank you.

Victoria Kitcheyan, who is with the Winnebago Tribe of Nebraska. Did I say your last name close?

Ms. KITCHEYAN. Close. Kitcheyan.

Mr. STEWART. Kitcheyan.

Ms. KITCHEYAN. No "yan."

Mr. STEWART. Okay. Thank you. And I turn time over to you for 5 minutes then.

WEDNESDAY, MAY 17, 2017.

WINNEBAGO TRIBE OF NEBRASKA

WITNESS

VICTORIA KITCHEYAN, COUNCILWOMAN, WINNEBAGO TRIBE OF NEBRASKA

Ms. KITCHEYAN. Thank you, Congressman Stewart. Good morning, Congressman Stewart and members of the committee. My name is Victoria Kitcheyan, and I am from Winnebago, Nebraska, and I serve as the tribal council treasurer. And I would like to thank you, this committee, Congress Fortenberry, his staff, and all those that have been with us on this ongoing crisis in the Great Plains.

And as you know, Winnebago has the only federally-operated health facility to ever lose its CMS certification. So, for 2 years now, we have not been able to collect third party revenue that our facility heavily relies on. As you know, IHS is underfunded, and this third-party revenue has been tragic, and the loss of services and support from that revenue has been detrimental to our tribe, our people, and all those that that facility serves.

Collectively, it serves about 10,000 people, so it is just not the Winnebago in Omaha who are suffering. It is the tristate area who count on that facility.

Mr. Chairman, as you know, the certification has been lost for 2 years, and I wish I could come here and tell you that we are close to regaining that certification. The tribe learned that May 1 we would submit an application, and then pending the CMS review in Pine Ridge and Rosebud, they decided to push that back, and for all logical reasons that seems like a good move to do another internal review, have the governing body look at this application.

But I just come here yet again with no good news. We are not certified. We are pushing it back further. And, frankly, I am tired of coming here telling you the same thing over and over again. And you have been a great partner to the tribe, yet we need to support that effort so that we can make some real sustainable changes.

While IHS is telling the congressional delegation that improvements have been made, the progress and the concerns of my council have grown greater. We have 51 vacancies at our service unit out of 202. That is a little over 25 percent. And without the funding and the personnel to correct this corrective action plan and see it through, our service unit continues to suffer.

Additionally, we are up to $4 million in lost revenue from the CMS de-certification. And every day that we do not have that certification, we are losing and burning through the carryover dollars. So, it is unreasonable to think that we can deal with this crisis with a net loss of $4 million, a 25 percent vacancy rate. And it is just not set up for success or for adequate healthcare.

This is not to say that there have not been some improvements. Last fall, we got a new CEO. We had been asking for, like, 7 years, and just a cycle of administrators coming through with no continuity of healthcare nor administration. And so, although our CEO generally believes in his work, and works very hard, and works well with the council, this gentleman does not control the funding of the service unit, and we found great difficulty in just in his tenure on making these improvements.

And just several days ago when I am telling you that I have great news to report that we have a CEO, I learned just yesterday that this CEO is going to be leaving our facility for family reasons. And it is like another tragedy. It is like somebody passed away. I mean, that is how critical our service unit is and how this is not good. So, I am sorry I am getting caught up in that.

So, it is the lack of funding, the lack of personnel, that we are not going to be able to continue on under these circumstances. For all these reason, we are requesting assistance in obtaining a clearly identified portion of that additional funding that was just allocated for recertification issues. But without an administrator, all the funding in the world is not going to solve our problems.

So, you can understand we are at a critical juncture in our recertification process. And not only that, this gentleman who, like I said, is highly respected by the council and has been a great resource, has to jump through hoops to get these critical positions identified as prerequisites to the recertification process filled. He goes to area, and area finance department says this is not in your budget, you cannot fill this position. What do you mean? We need this dietician. We need this AO. You know, it has to happen, but without this funding and it not in the budget, we are not making any progress.

Additionally, the hiring freeze, although, you know, we are hearing that it is lifted, it is no issue, in the Great Plains, it is still an issue. We know that the area office can submit for exemptions, and I know that 19 exemptions were applied for. But as I said, we have 51 vacancies, and that 19 exemptions are probably across the Great Plains and not for Winnebago.

So, when we ask for funding and we ask for continued support, it is to fill those vacancies to get out of jeopardy, to save lives. And it is just an urgent need.

So, this ongoing certification, no later than October 1. If we do not certify by October 1, we are not going to be able to continue to operate at the already unacceptably low level, and then we do not collect anything. It is just unreasonable.

So, we know that this committee has never failed to pass its budget out of full committee, and we appreciate that. But it is our colleagues or your colleagues at Congress that will kindly have to have to fund these needs, or we are just not going to come out of this rut. And it is hard to plan under a continuing resolution, and

you can imagine more than one continuing resolution. So, it is really difficult to do this.

So, I am here. I am worried. And I am just asking for your support. Rumors of future cuts in IHS and HHS, and it is those make difficult recruitment, difficult to save the jobs even going to be available. And so, we just ask for your continued support from this subcommittee, and we know that we you have always worked hard to fund these programs. So, I just thank you for your time and your full consideration in helping Winnebago out.

[The statement of Ms. Kitcheyan follows:]

WINNEBAGO TRIBE OF NEBRASKA

P.O. Box 687 * Winnebago, Nebraska 68071 * PH: 402-878-2272 * Fax: 402-878-2963
Visit us at: www.winnebagotribe.com

TESTIMONY OF VICTORIA KITCHEYAN, COUNCILWOMAN
WINNEBAGO TRIBE OF NEBRASKA
MAY 16, 2017

Good Afternoon Mr. Chairman and Members of the Committee:

My name is Victoria Kitcheyan. I am a member of the Winnebago Tribe of Nebraska where I currently serve as the Treasurer of the Tribal Council.

I would like to begin by thanking the Members of this Subcommittee, its staff, and our Congressman Jeff Fortenberry and his staff, for your on-going support for our efforts to address the continuing health care crisis at the Omaha Winnebago Hospital. A crisis that led our hospital to become the only federally operated health care facility in the United States to lose its Medicare/Medicaid Provider Certification over poor and inadequate patient care.

Mr. Chairman, as you know, CMS revoked our Indian Health Service (IHS) hospital's certification almost two-years ago, and with it the hospital's ability to bill Medicare and Medicaid for services provided. I wished that I could come here today and tell you that our CMS certification has been restored, but I cannot. When I started writing this testimony, last Friday May 5th, the IHS was telling our Tribal Council that it was planning on requesting recertification at the end of this month. However, as of today, May 9th, that effort has been delayed yet again. Apparently, the latest news is that the IHS has now become concerned by some of the findings that it received in the recent CMS review of its Rosebud and Pine Ridge facilities. It has therefore decided to conduct yet another internal review of the progress at Winnebago before resubmitting its recertification package to CMS. While this appears to be logical, I have frankly grown tired of receiving and giving this Subcommittee new target dates for this important recertification submittal.

While the IHS is telling our Congressional delegation that it is making progress, my Tribe still has a number of major concerns. For example, as of today, we still have 51 staff vacancies out of a total of 202 positions, giving us a staff vacancy rate of 25.2%. Additionally, our Service Unit has now suffered a net total loss of more than $4 million in third party income, as a direct result of our hospital's delay in obtaining CMS recertification. This $4 million net loss is after accounting for the IHS carry over amount that were reallocated to our Service Unit to deal with the absence of CMS reimbursements.

That is not to say that some improvements have not been made. We now have a new CEO who my Tribal Council genuinely believes is working very hard to make improvements. Nevertheless, while this Gentleman works very well with our Tribal Council, we have quickly come to understand that he is not the person who controls the funding for our Service Unit. So, in short, to say that things are where they should be after two years would be an exaggeration.

Mr. Chairman, our hospital's lack of full staffing and its $4 million loss in third party billing has clearly limited the quality of care provided to our people. I only wished that I could tell you where the extra funding that this Subcommittee has provided for recertification work at our hospital has been used, but I honestly cannot. Please believe me when I tell you that this is not a result of my Tribal Council's failure to ask. The Winnebago Tribe knows that our Service Unit has received some of those dollars, and we greatly appreciate that help, but when we ask for a full accounting of where those monies were expended, the answers that we receive were vague at best. So, in short, while we are regularly assured that the recertification of the Omaha Winnebago Hospital is a top priority of the IHS Central Office, our experience at the local level suggests that this message is not being passed down to the Great Plains Regional Office.

For all of these reasons, we would like to request your assistance in obtaining a direct, clearly identified portion of the additional FY 2017 funding that this Subcommittee just appropriated to IHS to address CMS certification issues. Our Omaha Winnebago Hospital is at a critical junction in the recertification process, and our Service Unit is burning through the carry over dollars that were provided to it every day that this recertification is delayed. In fact, every time our CEO attempts to fill one of the critical vacancies that the CMS has identified as a prerequisite to recertification, our Great Plains Regional Office's Finance Department stops him from doing so because it is, by their account, "not in the budget." How can our Service Unit ever expect to obtain recertification when our CEO has to jump through hoops just to hire for a mandatory position?

The federal hiring freeze has also created some serious delays in our recertification process. While the IHS is telling the Tribes that the hiring freeze no long applies to our Service Unit, no one seems to have made that clear to the Great Plains Regional Office. How can we be expected to recruit when we cannot even tell an applicant whether a given job is or is not available today? Our hospital's on-going budget is based upon recertification by no later than Oct 1, 2017. If that does not happen, it cannot continue to perform at the unacceptably low level that it is operating now. That is very scary.

Additionally, while we know this Subcommittee has never failed to pass its Appropriations Bill out of full Committee on time- every time, and it has never failed to fight hard to get those annual funding bills passed, the Congress' failure to appropriate full year funding in a timely manner has made addressing our local problems all the more difficult. Planning is hard enough under one Continuing Resolution, but making the kind of improvements that we need to make under multiple Continuing Resolutions has been beyond difficult.

I am here today because I am genuinely worried. Given our highly volatile situation, any cuts in FY 2018 IHS funding, which may be proposed by the new Administration, can very easily destroy what we are working so hard to achieve. So thank you for everything that you are doing to protect the health of our people. You are true heroes!

Rumors of future cuts in HHS and IHS funding are already affecting our recruitment efforts. It is hard enough to get a highly qualified medical expert to accept a job in Winnebago, Nebraska, at a salary which is below that being paid in surrounding urban areas, but when you add to this the possibility of salary freezes, layoffs of support staff, and limits on medical procurements, it becomes almost impossible. So please, remind your colleagues that, as our five unnecessary deaths have shown, the decisions that you make here in Washington do, in fact, impact people's lives.

Before closing, I would also like to take this opportunity to speak again about the problems that the Winnebago Tribe has experienced in its efforts to assume control over the operation of our hospital under a future P.L. 93-638 compact. As you can imagine, assuming control of something as technically demanding as a hospital requires a great deal of planning and a skill set that my Tribal Council simply does not have. The Winnebago Tribe wants to take over our IHS facility as soon as possible, but we simply cannot afford to hire the hospital management and planning expertise that is required to accomplish that goal on the tiny planning grant that the IHS has offered. For this reason, we again ask for your help. Mr. Chairman, my Tribe wants to do this correctly, and we simply will not attempt to assume control of this facility unless we feel confident that we are prepared to run it in a professional manner. The risk is just too great.

Finally, I would be remiss if I failed to speak briefly about the problems that the Great Plains Tribes are having in addressing the IHS funding and reorganization issues at the Great Plains Regional level. I have been honored to serve on the advisory committee on Great Plains reorganization for just over 11 months, and I can honestly state that it has been one of the most frustrating experiences of my career. This is because no one in the IHS system wants to give the Great Plains Tribes the budget and staffing information that we need in order to make informed decisions and recommendations. Allow me to explain.

- We travel for hours to attend an IHS sponsored meeting where we expect to receive regional budget and spending information. When we arrive, we are provided with nothing but a useless PowerPoint talking about the overall national IHS budget process.

- We ask the Regional Office to explain how national IHS appropriations are divided into funding for given service units, and when we do, we seem to know more about this process than the IHS employees that we are meeting with.

- Even simple questions never get answered. For example, just over a month ago, we learned for the first time, from the Sisseton Wahpeton Sioux Tribe- not from the IHS- that monies had been taken from the Sisseton Service Unit's budget and "reallocated." Yet, when we asked where those monies had been sent, the IHS personnel in our meeting could not give us a straight answer. This has led us to demand an accounting of all funds reallocated from one Great Plains Service Unit to another, including the amount reallocated and the purpose for the reallocation, but no information has been

provided to date.

- We also asked for documents that show the current and historic IHS budget allocations to the various Service Units, but get no usable information.

- We ask for a detailed accounting of where the additional funds that this Subcommittee has provided for Great Plains CSC issues have been used, but the answers that we receive are confusing and uninformative.

- We ask for information on how P.L. 93-638 contract and compact decisions are made and how monies are allocated under those circumstances and no one is willing to answer those questions.

So, in short, we are getting the "run around" and that is wrong, especially in cases like ours where CMS certification is at stake.

Mr. Chairman, we understand that appropriations and authorizing committees serve different roles and have different authorities, but we also understand the power of the purse. Thus, we are respectfully calling upon you to do everything in your power to provide some true oversight over what is going on with funding in the Great Plains Region which is, by CMS's own reports, in crisis.

The Winnebago Tribe knows how hard this Subcommittee has fought to preserve the IHS budget during these tight fiscal times, and we appreciate those efforts very much. It is my sincere hope that you can use my testimony to show your colleagues that their decisions about Indian Health Care Funding have consequences, and that the wrong decisions can lead to very real harm. Thank you for this opportunity to address you today. I will be happy to answer any questions you may have.

Mr. STEWART. All right. Thank you. To all of the panel, thank you again for being here and bringing these important issues to our attention. We sense your stress and concern, and it is apparent why that would be the case.

I have a few follow-up questions I will do very quickly. But before I do, I will yield the time to Ms. McCollum, the ranking member.

Ms. MCCOLLUM. Thank you, Mr. Chair. I think a theme that we were not hearing as articulately put until you raised it, Mr. Miller, is your very rural areas and rural schools—whether tribal nation schools, or rural schools, or rural hospitals—are all facing a lot of challenges with housing, internet connection, and pay for teachers, law enforcement, for everything. It is very, very difficult.

Then you add the continuing resolutions from Congress and some of the challenges, like the hospitals are facing, and people question do I want to take a job at someplace that is not accredited? It is creating a snowball effect, which is just making the situation feel all the more hopeless. But we want to work with you to turn that around. We cannot turn it around if we do not look at the problem face on.

I do not know if you were here earlier when the Chairman and I mentioned we are going to be talking to our counterparts, whether it is homeland, housing, and the other appropriations committees, saying we want you to do your due diligence as to cuts and programming that you are doing in accounts that directly impact Native Americans. Because we could do everything we want in Interior, but if we are not looking cuts could be happening in the Justice Department. We are very fortunate with Chairman Cole being on this committee because he is watching what is going on in Labor, Health, and Human Services. But we need to have that happen with appropriations across the board.

I wanted to ask if there has been movement to work on year-round Pell Grants. Could you talk about how year-round Pell Grants, Mr. McDonald, would be helpful for your students? Then I have another question for you as well, too. You talk about your law enforcement training. Is there work within the State of North Dakota with some of their law enforcement schools to share resources? Some of it gets right down to shooting ranges and some infrastructure that is very expensive to build into law enforcement training.

So, as you see yourself rolling this out, are you located in a situation where the State school system for higher ed would be willing to be cooperative? And where are the trade schools? Being from Minnesota, I am not in the Plains, but I am right next to it. I know the pressure for welders coming in from all around the country and trade schools working with technical school.

So, if you could, just give me a little more background of what's going on.

Mr. MCDONALD. Well, thanks for the question. First of all, the Pell Grants, the year-round Pell Grants, they are just going to be a phenomenal help to those students trying to complete their education. And I think what we are seeing out there in regard to our students is that they are excited about it. And visiting with some of them is that, because they want to go to school year round. They

want to complete, and they want to get out there and get to work, so we are seeing that.

And as the United Tribes Technical College, our roots are in the trade area. In fact, we have a waiting list. Our highest programs of interest there are welding and heavy equipment operating. And these are good salary, good career type jobs that are still needed within the State of North Dakota, especially because the oil boom is still going on.

With regard to the other question and regard to the police academy is that there are resources within the Bismarck area. There is a highway patrol training facility there. Bismarck State College is located right up on the hill from us. University of Mary is located on the other side of the hill from us. And both of them have resources in regard to these areas.

The other part is that we are not part of the North Dakota University System, but we collaborate often with the North Dakota University System. So, we work not in United Tribes Technical College, but the North Dakota Association of Tribal Colleges. There are five tribal colleges in North Dakota, and we all work closely in regard to course transfer and to help our students.

If we do not have a program of study, maybe they get their generals done with us or vice versa. They either come to our college, or we come to their college, so we become feeder programs for one another to help get our students out the door and to get them out there working.

Ms. MCCOLLUM. Are you looking at doing a 4-year law enforcement or a 2-year law enforcement? A lot of law enforcement have moved to the 4-year degree and then doing the post. I want to work to have law enforcement as you are describing it, tribally run, tribal leaders and that. But if you are going to be competing, how do we ensure they are not scooped off.

You train them in, as other people have talked about earlier in the panel, and then they get scooped off. I will use an example. North St. Paul. When I was on the city council, the first year out of the academy, we would be able to hire. The bigger cities were looking to see who looked like they were the cream of the crop, right? Then after we had invested the first year of full police training, Minneapolis and St. Paul would come knocking at the door.

So, if you are looking at doing the full 4-year, then we are going to have to look at what we do then for paying law enforcement well so that we do not start the cycle of you making all the investments, we are making all the investments, and then other people coming and taking the treasure.

Mr. MCDONALD. Well, good points. For us, we already offer a 2-year and 4-year. And what we are seeking to do is enhance that activity by providing the extra training that is provided already, and duplicating that work up in the Northern Plains, you know.

But you are absolutely right in regard to faculty and some of the other issues, and this committee really recognizing what is happening in rural America. So, this is not just an Indian Country issue. This is a rural issue. And so, we see a lot of our teachers, our faculty, our police officers, EMS being pulled into the city because of better paying jobs.

The other issues that were mentioned already is the lack of housing within our areas, the lack of transportation. Those things are just non-existent. And then we are looking at the younger workforce, and so there is not a whole lot of relationship if they are looking to get married or something, or build a family. And so, there are not a whole lot of single folks available out there either, you know, especially in North Dakota with our aging population.

So, you know, there are things along those lines that I think are really recruitment efforts and retention efforts that would help us in regard to all these professions that are not there right now. And it is a really a rural issue.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. STEWART. Thank you, ma'am. So, one very quick comment and then a question for you, Victoria, if I could. But, Mr. Wilson, it is just interesting to me that you we have an immersion program for some of these native languages. I had no idea that they were on the precipice of losing those types of skills and that type of thing was necessary. And we want to help you on that.

Can you tell me what will it take to recertify? What is the key to that?

Ms. KITCHEYAN. So, 2 years ago when the hospital lost its certification, the service unit engaged in a further, I guess, an oversight of some sort, and they came up with a corrective action plan. And so, they have been working on that corrective action plan to move the hospital into good standing and ready to apply.

And so, we have had several internal reviews. We have had Joint Commission come to ensure that we are ready. Well, Pine Ridge and Rosebud did not do well, so now IHS is scared that Winnebago is not going to do well either. And so, it is filling these vacancies and filling these positions so that we are even at the bare bones standard of what healthcare should be.

Mr. STEWART. Yeah. Well, and it seems like that is a self-fulfilling event because you lose the certification, and now people are hesitant to come. You lose a certain part of your revenue, and it becomes, again, kind of a death spiral, and it makes it much, much more difficult to recertify this as necessary.

Ms. KITCHEYAN. It has been a direct impact on patient care, and you are right, and the reputation of the place. So, it is hard to recruit. It is hard to get people to go there. I mean, it is just a multilayered crisis.

Mr. STEWART. Have you been able to meet your payroll in a sense with this reduction in revenue? Is there any stress at all with meeting the current payroll that people——

Ms. KITCHEYAN. They are able to meet the payroll, but the current staff is, although they work hard, it is not adequate to man the ship.

Mr. STEWART. Okay.

Ms. KITCHEYAN. And those 51 vacancies are direct deficiency to the healthcare that is provided.

Mr. STEWART. Well, and that makes it hard on the people that are working hard there when they are covering for a 25 percent deficit in personnel. And it makes it much more difficult for them.

All right. Well, thank you. Again, Ms. McCollum, you are complete and you are good?

Ms. MCCOLLUM. Yes, I am. Thank you. Thank you.

Mr. STEWART. All right. So, in that case, this concludes the morning's hearing on American Indian and Native Alaskan programs. I want you to know, as I said, we will honor the trust responsibility that all Members of Congress have, not just those of us that are here participating with you today.

Thank you once again for your time, and this hearing is adjourned, and the next hearing will begin at 1:00.

WEDNESDAY, MAY 17, 2017.

AFTERNOON SESSION

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS HEARING

SHOSHONE-BANNOCK TRIBES OF THE FORT HALL RESERVATION

WITNESS

DARRELL SHAY, ACTING CHAIRMAN

Mr. SIMPSON. Welcome to the public hearing specifically 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. Most of you have traveled a long way to get back here this week, just as I did yesterday to get back here.

I hope that you will seize the opportunity to meet with other Members of Congress outside of this subcommittee to remind them that honoring the Nation's trust obligations is a responsibility shared by all Members of Congress, regardless of our States or congressional districts. I can assure you that your voices are heard by this subcommittee.

For those new to this process, today's hearings are just the start of a dialogue we have come to depend upon to help us make smart choices in the budget and to earn the votes of our colleagues. American Indian and Alaska Native programs will continue to be a nonpartisan priority for this subcommittee, just as they have been in recent years under the chairmanships of Democrats and Republican alike.

Before we begin, I have a bit of housekeeping items to share. Committee rules prohibit the use of outside cameras and audio equipment during the hearings. The hearings will be viewed and can be viewed in its entirety on the committee's Web site, and 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 has 5 minutes to present their testimony. Your full written testimony will be included in the record. So please don't feel pressured to cover everything in 5 minutes.

Finishing in less than 5 minutes may even earn you more brownie points. We have to abide by the 5-minute rule in order to keep on schedule with the many, many different witnesses we have, and we want to hear from all of them.

So welcome. We are glad to have you here today. We will be using a timer to track the progress of each witness. When the yellow light turns yellow, the witness will have one minute remaining to conclude his or her remarks. When the light blinks red, I will have to ask the witness to stop.

We will hear from every witness on each panel before members will be provided an opportunity to ask questions. Because we have a full day ahead, I request that we try to keep things moving in order to stay on schedule and respect each other's times. I am sure many of you have planes to catch.

With that, I thank you all again for being here today, and I am happy to yield to our distinguished ranking member, Ms. McCollum, for any opening remarks she might have.

Ms. MCCOLLUM. Mr. Chair, I have heard about these brownie points for a couple of days. Did you bake any brownies?

Mr. SIMPSON. Oh, yes. And I am good at it.

Ms. MCCOLLUM. All right. No, I sincerely thank you all for coming here. This has been a very enlightening day and a half, and I look forward to the last section teaching me even more on how to be more effective in doing my job for Indian Country.

Thank you.

Mr. SIMPSON. Our first panel is Darrell Shay, the acting chairman of the Shoshone-Bannock Tribes; Mary Jane Miles, chairman of the Nez Perce Tribal Executive Committee; Rodney Mike, chairman of the Duckwater Shoshone Tribe; and Ted Howard, chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation.

Darrell, you are first.

Mr. SHAY. Thank you.

I want to introduce myself. My name is Darrell Shay. I am the acting chairman of the Shoshone-Bannock Tribe, and I wanted to mention one of my ancestors, you guys probably know about her, is Sacagawea.

I come from what we call the Agaidika band of Shoshone, but we got moved over to Fort Hall. We are part of the Shoshone-Bannock Tribes from Fort Hall, Idaho, now. So I just wanted to mention that.

I wanted to thank the committee for this opportunity. From what I understand, it is a really important committee, you know, when we are talking about financing. And then I wanted to thank Representative Simpson for all the efforts he has done for Indian Country over the years, even being the chairman of this committee.

And I guess, you know, my testimony will be kind of guarded because that painting there, I have witnessed that group of people many times in my lifetime coming up. And you know, the women of our tribe are really strong, and they provide a lot of guidance for us. So that is an appropriate picture to be sitting here, especially if Shoshone people talk. Most Shoshone people will identify with strong women like that.

So, today, my remarks will pretty much focus on the efforts to protect my people from all the different things that are going on. One of the things that we have is infrastructure that is old and deteriorated that we inherited from the Bureau of Indian Affairs. Most of the stuff was built back in the '40s and the '50s, and since we have taken over it, we have had to deal with that. They are old. They are unsafe.

Another area is in the environment. We have a lot of contaminated water. A lot of our land is contaminated, both on the reservation and for off reservation because we exercise off-reservation treaty rights.

Another important area that you guys have been dealing with kind of on the national scene, but it hits us harder at home, is the healthcare. You know, we depend on the funding that is available to us, and it is critical.

And the Treaty of Fort Bridger, 1868 treaty, required the U.S. to protect the Shoshone-Bannock people, and our land on the reservation is considered our permanent home now. I mean, we were nomadic in the earlier days, but that is our home now and we can't go anywhere else. So we have to take extra care to protect it.

And there is another picture here. I have an assistant. He is not Vanna, but probably more like the Lone Ranger. [Laughter.]

I am Tonto, but he is my assistant. It is right there. It kind of points out the off-reservation treaty rights, the exercise of it, our culture and stuff.

Then we have the health clinic. It was built in the late '70s. And then our high school, they are there. And then there is another picture of somebody that you are going to recognize. He is standing right there.

But even though we have some of the modern, up-to-date facilities, we still need the financing to run the programs within those facilities. So that is important there, and we urge the committee to provide as much adequate funding as we can to address our needs there in Indian Country.

Like I said before, we inherited old BIA roads. They are unsafe. They are probably substandard. You know, they cause a lot of, like, wrecks. You can't touch the shoulder of the road before you end up rolling over, and a lot of these roads are in the back country of our reservation.

They used to be called farm-to-market roads, but we are running out of space to develop so some of our housing gets developed along those roads, and they are used more by our people rather than the farmers.

There is other infrastructure needs that I provided in my written testimony about the sewer and water upgrades that we need. We have a lot of contaminated water that we have to deal with, both from the industries that are adjacent to the reservation as well as from agriculture.

Going to the environment, I would like to urge the committee to protect funding for the tribal programs that are provided by EPA. And EPA has become one of those agencies that is, I guess, responsible for contaminated water, the air, and the land, and our people are getting sick from a lot of that. We are noticing a lot of respiratory illnesses and even some cancerous development.

And even off the reservation and both on, our traditional ways of life and culture depend on that. A healthy environment helps us protect that, and we depend on the EPA.

One of the things that we continue to do is spearfishing up there on that picture, and that takes place every summer. We have two Superfund sites that are located on the reservation. One of them is called the Eastern Michaud Flats, and then the other one is the Gay Mine, and both of them produced phosphate at one time.

And the two sites that process these things are closed now, but just because they are closed and not there, they still—the effects

of their contamination and, you know, their legacy is creating an unsafe environment there.

Speaking of the EPA, we have developed a love-hate relationships with them. And but the solution that we keep hearing is that—and it is not, the solution is not to slash their budgets. We want to make them work to protect our land, and we have been. We request this subcommittee to direct the EPA to clean up and remove the contamination at those sites and direct the Department of the Interior to work with the EPA and the tribes on this matter.

Going to the health area, and Indian Health Service mainly, we urge the committee to fully fund the Indian Health Service because, you know, our Indian people are getting sick, and they are hurting from the unsafe infrastructure, the environment, the contamination, and along with that, we have the problems of substance abuse, you know? We have a pretty modern health clinic over there, but if we don't have the financing or the doctors and the staffing needs, it doesn't help very much if you have that.

So substance abuse and the other conditions are leading to extreme violence, and we are noticing that. Just so you know, at one time, Fort Hall, in the 1960s and the '70s, our tribe had one of the highest rates of suicide in the United States. And unfortunately, we are seeing more and more of that come back again, and we don't want it to escalate to any rates higher than what it is.

So we urge the subcommittee to prioritize these community wellness initiatives because we don't see very much funding in the area of wellness. We want to create a wellness center as a way to, I guess to combat a lot of the illnesses. Rather than treating them after they happen, we want to try to prevent them from happening.

So I want to thank you for your consideration, and I hope I made some brownie points.

[The statement of Mr. Shay follows:]

Acting Chairman Darrell Shay, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior Appropriations Subcommittee: May 17, 2017

My name is Darrell Shay, and I am serving as the Acting Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes ("Tribes") of the Fort Hall Reservation ("Reservation") in southeast Idaho. The Tribes are a federally recognized tribe, composed of several bands of Shoshone and Bannock people whose traditional lands extend into what is now the states of Idaho, Wyoming, Montana, Utah, Nevada, and Oregon. President Johnson established the Reservation by Executive Order in 1867, and the 1868 Fort Bridger Treaty (Treaty) affirmed the Reservation as our permanent home. In signing our Treaty, our people reserved the right to exercise off reservation hunting, gathering and fishing rights. My testimony today will focus on the following: (1) the need to ensure that federal positions are filled at agencies that assist in providing essential services to Tribal members; (2) funding needs for PL 93-638 programs; (3) healthcare needs of the Tribes; (4) infrastructure needs on the Reservation; (5) the needs of the Shoshone-Bannock Jr/Sr High School (School); (6) the need to protect EPA tribal programs; and (7) the need to remediate Superfund sites located on and near the Reservation.

Need to address Unfilled Positions and Inadequate Staffing for Federal Services to Tribes
Federal funding for tribal government programs and services is designed to meet the U.S.'s legal treaty and trust obligations to Indian tribes, as well as respect the constitutional status of tribes as separate governments. The U.S. has consistently failed to meet these obligations by providing insufficient funding for federal programs for tribes. The recent federal hiring freeze has harmed the delivery of essential services to our Reservation. Funding shortfalls leaves tribal programs without the resources to administer these essential programs. There should be adequate funding, especially at BIA and IHS, to ensure qualified staff can provide critical services to the Tribes.

Need for Adequate Funding for BIA Self-Determination and Self-Governance Programs
BIA funding for PL 93-638 contracted programs has been underfunded for decades, which has contributed to the Tribes' inability to provide needed environmental review and analyses, conduct cadastral surveys or provide input into regulatory processes. This insufficient funding creates serious difficulties with Tribal self-determination and self-governance programs. The Tribes must supplement these 638 programs or cobble together several programs to create sufficient funding for one full-time employee, who is then responsible for a wide variety of tasks for several programs. These 638 programs are responsible for not only managing natural and cultural resources on the Reservation but also providing necessary environmental and regulatory compliance for community and economic development projects. ***We urge the Subcommittee to increase BIA funds for PL 93-638 programs so the Tribes can directly administer self-determination and self-governance programs on the Reservation.***

Need for Adequate Funding to Address Tribal Health Care Needs
Addressing the health care needs for our people is one of our highest priorities. Our Treaty contains provisions that guarantee the U.S. will provide health care for the Tribes. Over the past 149 years since the Treaty was signed, the U.S. has a long history of providing poor health care services for the Tribes. The current budget formula for IHS provides only 50% of health care needs. Our health programs are chronically underfunded. This lack of funding has created a crisis where our health care facility can only address " life or limb" needs. Due to these severe

IHS funding shortfalls, the Tribes must allocate supplemental funding, which seriously impacts the Tribe's limited operating budget, to ensure our people have access to basic health care services. ***The Tribes request that IHS health facilities and IHS headquarters have the same flexibility to adjust programmatic funds across accounts to maximize efficient use of federal dollars. We also ask that IHS and BIA be permanently exempt from any future sequestrations.***

The Tribes have prioritized wellness to serve the needs of the community in a multitude of ways. The huge expenditures associated with treatment of many health-related problems could be easily avoided with lifestyle intervention, and the Tribes hope to open a wellness center to ensure that the community has access to necessary resources to make a healthy lifestyle achievable. ***We urge the Subcommittee to prioritize community wellness initiatives within the IHS.***

Longstanding Infrastructure Needs on the Reservation

The Tribes' infrastructure is sub-standard compared to state and local infrastructure. The Tribes embraced Self-Determination and entered into 93-638 contracts with the BIA, but we inherited antiquated roads, water and sewer, housing and other infrastructure systems. Unfortunately, we lack sufficient financial opportunities to address our dire infrastructure needs.

Solid Waste: Solid waste management on the Reservation is a major unmet infrastructure need for our rapidly increasing population. Our Transfer Station is inadequate to accommodate the current solid waste disposal needs for Reservation residents and businesses; and, in 2016, we expended $101,852 for off-site land fill disposal fees. Little to no recycling can be provided because there is no space or facilities to sort recyclables. We have a fleet of six commercial trucks, each costing $170,000 to maintain and operate. With no covered storage garage, the trucks are vulnerable to the weather and criminal elements, such as weather-related breakdowns, rodent infestations, and vandalism. Repairs and maintenance must be accommodated by costly offsite vendors. The disposal pad lacks space and is nearing the end of its life cycle. In addition, we encountered severe winter conditions this year which resulted in major Reservation flooding, destroying two outbuildings and a shop and causing major damage to the central pad for waste transfer. It will cost $6 million to construct and operate a suitable solid waste facility.

Community Water System: The Tribes have a drinking water system that is comprised of three wells, three storage tanks, and 59 miles of distribution piping. The water distribution system has seen significant development in the past two decades, with three new wells, a storage reservoir, and 40 miles of piping. These recent water system upgrades were implemented to protect our people from groundwater contamination due to high nitrate levels and Ethylene Dibromide plumes from non-Reservation sources. As the population on the Reservation continues to grow, additional development of supply, storage, treatment, and water distribution systems will be needed to continue to provide safe drinking water.

Community Wastewater System: The Tribes have a wastewater system comprised of 9.5 miles of gravity sewer, 1.5 miles of forced main (pressurized) sewer, four lift stations, 41 acres of treatment lagoons, a collection system of sewer lines and a land application system. In 2016, 5.9 miles of the gravity sewer system were inspected and the results identified various levels of structural integrity of the sewer system, from structurally sound to near collapse. Mitigation

plans to address replacement and maintenance needs are being developed. The Tribes are in the process of developing a water and wastewater facilities study to identify deficiencies in the systems and outline and prioritize projects for future funding. Preliminary costs for improvements needed for our wastewater system are estimated at $3.1 million in sewer replacement and upgrades. An additional $1.5 million is needed to provide upgrades and maintenance for our community water system. ***We request the Subcommittee provide funding for essential infrastructure needs, including solid waste management and water and sewer infrastructure.***

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. The School is severely underfunded, especially in the area of the BIE Indian School Equalization Program (ISEP), which provides funding to operate the School, including teacher and staff salaries, equipment, supplies, maintenance, etc. Our funding should be increasing with each consecutive year due to increased costs and increased student population instead of decreasing. ISEP currently allocates $4,427 per student to BIE schools. The School has 110 enrolled students, which results in $486,970 in annual funding for their education from the BIE. For comparison, the State of Idaho spends $6,821 per student. Under the State of Idaho's funding schedule, the School would receive $750,310 annually, a 54% increase from the current BIE ISEP funding. The current level of funding does not address the needs of our students in reading, science and math. We are developing a plan to provide remediation, intervention, and long term sustainability of core academic programs that require more human resources and more resources to develop curriculum. Recently, the School developed new English Language Arts curriculum that is scientifically research based but is also in need of adequate staffing. Further, the School seeks to address student needs in math through scientifically proven needs-based curriculum but lacks the funded needed to accomplish this. ***We urge the Subcommittee to increase funding for BIE schools to meet the full level of need.***

The School depends on short-term grants to supplement its annual budget, leaving uncertainty from year to year relating to whether critical programming and staffing can be provided. For example, the BIE awarded the School a 3-year Student Improvement Grant (SIG) in August 2012. This grant allowed the School 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, students made significant academic gains supported by test score data. However, once the three-year grant period was over, the School could not sustain many of the initiatives that led to the overall improvement. The funds were a tremendous resource for the School, our students, and our community, and unfortunately the base funding from ISEP does not provide the resources necessary to cultivate increases in academic success. The increases could be re-sustained if adequate, continued funding could be made available.

The School recently launched a comprehensive technical trades program for the 2017-18 school year. In response to community requests, the School has implemented a technical electrical and technical mechanical engineering program. This program is built into the School's schedule and provides training to certify students in a variety of trades where basic mechanical and electrical engineering skills are needed. This program will also provide a daily class for 6^{th}-12^{th} graders in

life skills management and social-emotional mentoring, all built into a curriculum based upon the Wisdom Circle of many Native cultures. In order to sustain this program after start-up, the School will need funding to sustain the program long term.

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 as well as the Education Line Officer upon whom the School relied to provide information from BIE. Since then, the School has had irregular communication with BIE. The School's Associate Deputy Director (ADD) was assigned elsewhere and now the School's assigned ADD is located in Minnesota. 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. 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 BIE-funded schools and ensure sufficient support and communication.***

Protecting Critical EPA Funding for Tribal Programs

The Tribes' Water Resources Water Quality Program receives funds from EPA under the Clean Water Act, Section 106 (Water Pollution Control), and the Indian Environmental General Assistance Program (GAP) grant. This funding helps us identity and address water quality issues on the Reservation. The Tribes' Water Quality Program lacks sufficient resources to protect our water quality, which is vital to developing a healthy community. The challenge of protecting water quality on the Reservation will become increasingly difficult as our own population grows as well as the population around us in surrounding communities and exacerbated by increased use of chemicals and depletion of natural resources from industrial and agricultural development around us. We are deeply concerned about the funding and personnel cuts proposed in Trump Administration budget proposals for EPA. ***We urge that the Subcommittee protect funding for tribal programs or programs that impact tribes administered by EPA.***

Superfund Site Remediation and Environmental Concerns

For more than 60 years, the health, environment, and safety of our residents have been subjected to hazardous pollution caused by phosphate mining by FMC on and near our Reservation lands since 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 a number of times. 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 our Bottoms area on the Reservation, which are 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 us in remediating this area. ***We request that the Subcommittee direct the EPA to clean up and remove the contamination at EMF and direct the DOI to work with the EPA and the Tribes on this matter.***

Mr. SIMPSON. Thank you for being here today. You went on a couple minutes longer than 5 minutes, and that comes out of Mary Jane's time. [Laughter.]

Mr. SHAY. Uh-oh.

Mr. SIMPSON. I am just kidding. Mary Jane. Go ahead.

WEDNESDAY, MAY 17, 2017.

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

WITNESS

MARY JANE MILES, CHAIRMAN

Ms. MILES. Thank you, Mr. Chairman and subcommittee. I appreciate the time, and I say [speaking Native language]. That is "thank you" in Nez Perce.

And I acknowledge and express our deep gratitude that the subcommittee affords us in time and in monies that you look for for our programs on our tribal reservations.

And I say [speaking Native language] for our appreciation in the recently enacted Fiscal Year 2017 Consolidated Appropriations Act, and it increased funding in BIA, BIE, and IHS. Increased it to $60 million and $232 million, hugely significant to the citizens of our tribes and liken to restoring and maintaining habitat for all the creatures that we subsist on.

[Speaking Native language] also for the funding for the contract support cost to IHS and BIA, and we hope this funding continues. I will summarize recommendations that our tribe requests in our letter to you or our testimony, written testimony to you.

The Environmental Protection Agency. These programs and services does for the tribe what we want to do ourselves to keep the Nez Perce reservation in ideal condition for the animals and the fish.

Idaho experienced a record-setting year of 2012, 2014, and 2015 in wildfires. The result was extremely poor levels of air quality, and the tribe's air program provided critical health benefits for tribes and nontribal members in our area.

The tribe addresses pollution from underground storage tanks, brownfields, and we recommend, one, Indian General Assistance Program funded be at $75 million; two, tribal allocation under Clean Water Act 106 program increase to 20 percent; three, $13 million for tribal air quality management; four, $80 million for brownfields program; five, $13 million provided in lieu of percent cap on tribal funding for nonpoint source pollutant control.

Indian Health Service. We have two clinics, Nimiipuu clinics, one at Lapwai and one in Kamiah. They serve 3,950 clients each year, computing to 40,000 visits. We still have to rely on third-party billing and supplemental funding to ensure timely, effective service to our clients. We ask to continue the $5 billion funding enjoyed in the 2017 and have an increased purchase/referred care to $51.9 million.

Fish and Wildlife Services. We rely heavily on the U.S. Fish and Wildlife Service, which manages the Kooskia fish hatchery. Recently, we lost 60,000 juvenile due to a malfunction of a switch that

didn't turn back on. The Lewiston Morning Tribune reported it, and there was a general pall of dismay over the workforce. I was expecting to get a sympathy card, "Sorry for your loss."

Through these grants, tribes worked on diverse issues, as wolf monitoring, Big Horn sheep research, rare plant conservation, and condor habitat research. We urge increased funding, $66 million in increased tribal share by $2 million. They provide a large return for a small investment. These grants are a few of the sources of funds that we can tap into for wildlife management.

The Nez Perce Tribe has long been a proponent of self-determination for tribes and believe our primary obligation is to protect the treaty-reserved rights of the tribe and its members. This work cannot be accomplished unless the United States continues to affirm and follow through on its trust responsibility to tribes by properly funding programs. All of the work of the tribe is guided by this principle.

Congressman Simpson has asked to bring members of this subcommittee to Idaho, and the Nimiipuu would welcome you to a land that we share with the deer, elk, moose, bear, wolf, Big Horn sheep, mountain lion, that watches the eagle announce the return of the salmon, alongside the trout and now the coho.

Come to one of our pow wows. It is no longer a place where we are contemplating a war. We are just having fun and enjoying our culture. Come and join us.

Thank you.

[The statement of Ms. Miles follows:]

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

WRITTEN TESTIMONY OF THE NEZ PERCE TRIBE
10 May 2017

Honorable Chairman and members of the Committee, as Chairman 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 (Tribe) as the Committee evaluates and prioritizes FY 2018 appropriations for Indian Health Service (IHS), Bureau of Indian Affairs (BIA), Environmental Protection Agency (EPA), U.S. Forest Service (FS), and U.S. Fish and Wildlife Service (FWS) in relation to the needs of tribal nations.

First, on behalf of the Tribe, I want to acknowledge and thank this Subcommittee for your efforts on a longstanding, bipartisan basis to understand the needs of Indian Country and advocate for increased appropriations to the many programs in your jurisdiction that benefit our citizens, our tribal governments, and all members of our communities.

As with any government, the Tribe performs a wide array of work and provides a multitude of services to its tribal membership as well as the community at large. The Tribe has a health clinic, a tribal police force, a social services department, a comprehensive natural resources program that does work related to forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and also has one of the largest fisheries departments of any tribe in the nation working on the recovery of listed species under the Endangered Species Act (ESA). The Tribe has a comprehensive administrative framework that provides extensive services on the Nez Perce Reservation. These programs are necessary and vital for a sovereign nation that preserves and protects the Treaty rights of the Nez Perce People and provides day-to-day governmental services to its members and surrounding communities. The Tribe has long been a proponent of self-determination for tribes and believes our primary obligation is to protect the Treaty-reserved rights of the Tribe and our 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 U.S. continues to affirm and follow through on its trust responsibility to Indian tribes by properly funding programs. The Tribe supports the National Congress of American Indians' publication titled "Investing in Indian Country for a Stronger America," a comprehensive guide on recommendations for FY 2018 funding of tribal programs.

Environmental Protection Agency

The Tribe has submitted comments on the budget request for programs within this Subcommittee's jurisdiction for a number of years. We wish to note that although prior testimony has put funding for BIA and IHS first, this year, given indications that the FY 2018 budget request will severely reduce EPA funding and given the breadth and array of our work with that agency, we place it first for your consideration.

The Tribe works closely with EPA on a large number of programs that are essential to the health and safety of the 18,000 tribal and non-tribal citizens residing within the Nez Perce Reservation and that also protect the Treaty-reserved resources of the Tribe that the U.S. has a trust obligation to preserve. These programs include: the Clean Water Act 106 Program; the Clean Water Act 319 Program; Nonpoint Source (NPS) Pollution Prevention Program; the Indian General Assistance Program; the Brownfield Program; the Underground Storage Tank Program; the Delegation of Nez Perce Federal Implementation Plan; the Clean Air Act 103 Grant-Nez Perce Tribe Air Quality Project; and the EPA Region 10 Pesticide Circuit Rider Program. In total, the Tribe currently implements over $1.5 million in programmatic funding under these programs. The Tribe recommends the Indian General Assistance Program be funded at $75 million, the tribal allocation under the Clean Water Act 106 program be increased to 20 percent, $13 million for Tribal Air Quality Management, $80 million for the Brownfields program, and $13 million be provided in lieu of the percent cap on tribal funding for NPS pollutant control.

Indian Health Service

The Tribe currently operates Nimiipuu Health, a health care clinic on the Nez Perce Reservation. The main clinic is located in Lapwai, Idaho, with a satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provides services to at least 3,950 patients each year. Annually, this computes to 40,000 medical provider visits which do not include pharmacy or laboratory visits. This workload is very costly. Our expenditure total for FY 2016 was $14,418,561 and Purchased/Referred Care (P/RC) costs for outpatient services for FY 2016 totaled $4,028,595. The clinic spent an additional $331,133.67 on P/RC using monies received from settling IHS contract support cost litigation.

For FY 2018, the Tribe supports continuing the $5 billion in funding enacted for FY 2017. This funding amount will allow tribes to pay costs, maintain current services, and allow IHS, tribal, and urban programs and facilities to keep up with medical and non-medical inflation and population growth. The Tribe recommends an increase of $51.9 million in funding for PR/C which will help to meet the PR/C spending needs of tribal health facilities.

The Tribe supports $800 million for FY 2018 contract support costs as was provided in FY 2017. In addition, because full funding of these obligations is so important to Indian Country, the Tribe supports reclassifying contract support costs for the BIA and IHS as mandatory and not discretionary beginning in FY 2018. However, this 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. Finally, this funding should not be unnecessarily reduced by excessive set-asides for administration. The Tribe also recommends permanent, mandatory funding of the Special Diabetes Program at $150 million per fiscal year.

Bureau of Indian Affairs

The Tribe supports funding for contract support costs of at least the $273 million provided for in FY17 and as stated above, the reclassification of these costs from discretionary to mandatory, as well as a 5% increase in overall funding for the BIA. The Tribe also requests the FY 2018 Interior appropriations bill include a "*Carcieri* fix" to address legal issues that have arisen related

to the transfer of land into trust which has created uncertainty over the status of lands. This uncertainty only stifles and impedes economic development in Indian Country.

In relation to the BIA Public Safety and Justice account, the Tribe advocates for at least the $353 million in funding for law enforcement and $31 million for tribal courts that was enacted in FY 2017. The Nez Perce Reservation spans 1,200 square miles covering five counties and has a mixture of tribal and non-tribal residents. The Tribe provides a full service law and justice program. The Tribe has a fully trained and staffed police force, a fully staffed tribal court, a prosecutor, a public defender, and other personnel to perform related administrative functions. Currently, the Tribe contributes $1,797,467 annually to cover the shortfall in BIA funding for the Tribe's law enforcement, $390,927 for judicial services/probation, $365,601 for prosecutorial services, $164,860 for public defender services and $300,000 for prisoner boarding. This supplemental funding is derived from tribal taxes on goods and fuel and tribal gaming revenues that would otherwise be used for other tribal governmental services. The funding for these programs needs to be increased to account for shortfalls in funding the Tribe has to absorb in order to continue the operation of these vital services on the Reservation.

In relation to education, the Tribe requests that funding for the Johnson O'Malley program be increased from the static levels of $14.8 million provided in FYs 2016 and 2017, and total funding of $35 million be provided for Scholarships and Adult Education and Special Higher Education Scholarships. These increases will help address the rising costs of attending college. The Tribe also supports $2.5 million, if not an increase, for Tribal Education Departments along with increases for Tribal Colleges and Universities that support institutions like Northwest Indian College that operates a satellite campus on the Nez Perce Reservation.

The Tribe also relies on the BIA for funding for our 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 research efforts of the Tribe relative to other sensitive species. Particularly helpful and important to the Tribe is the BIA Endangered Species Program for which the Tribe recommends a $1 million increase. This account provides tribes with technical and financial assistance to protect endangered species on trust lands. Also, the Tribe recommends an increase of $2.8 million for BIA Natural Resource Tribal Priority Allocations which 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. The Tribe supports total funding in the amount of $40 million. BIA single-line dollars provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring. These efforts are central to the Tribe's fisheries management responsibilities as established by the Treaties and further delineated in court decisions 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.

The Tribe also supports $15 million in funding for the BIA Wildlife and Parks Tribal Priority Allocations. As stated earlier, the Tribe has invested a significant amount of personnel and resources in the restoration of salmon through our fisheries programs. The states of Oregon,

Washington and Idaho, as well as sports fisheries, directly benefit from this work. These programs have been successful with funding under the Tribal Management and Development Program which is critical for the Tribe's management of fish and wildlife. We support funding in the amount of $14 million for the Tribal Management and Development Program.

U.S. Fish and Wildlife Service and U.S. Forest Service

The Tribe relies heavily on funding sources within the FWS and the FS. First, the operations of Kooskia National Fish Hatchery are funded by FWS. The Tribe manages this facility pursuant to the terms of the Snake River Water Rights Act of 2004 (Act). FWS requires full funding for the operations of this important facility to ensure the U.S. meets its obligations under this Act. Second, the FWS administered State and Tribal Wildlife Grants program is an important and cost effective expenditure for the government and is one of the few sources of funds tribes can tap into for wildlife research. Since 2005, we have received five such grants that have allowed us to work on diverse issues such as gray wolf monitoring, bighorn sheep research, rare plant conservation, and Condor habitat research. Continued funding for the State and Tribal Wildlife Grant program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. The Tribe strongly urges this Subcommittee to increase funding for these competitive grants to $66 million and increase the tribal share by $2 million as they provide a large return for a small investment.

Related to forest management, the Tribe supports the inclusion of language in the FY 2018 Interior appropriations bill for wildfire disaster funding that treats wildfires like other natural disasters and emergencies to help prevent funds from having to be diverted from forest management. We thank the Subcommittee for your efforts on this critical issue.

The Nez Perce Reservation and its usual and accustomed areas are rich in natural resources and encompass eleven national forests. The Tribe works closely with each forest's administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to providing habitat for the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the FS can meet these trust obligations and continue to work with tribes on a government-to-government basis without being hampered by lack of funding to fill positions.

With regard to management of bighorn sheep, the Tribe would like to note that the Subcommittee has included report language over the last several years that encourages research related to disease transmission between domestic sheep and bighorn sheep. The Tribe encourages this type of research mandate to be restricted to laboratory settings and not be allowed to occur in the field where impact and harm would be more difficult to control. The bighorn sheep populations within the Tribe's aboriginal territories are too fragile and too important to be put at risk.

Thank you for the opportunity to testify today. As you can see, the Tribe does a tremendous amount of work in a variety of areas. It is important that the U.S. continue to fund this work and uphold and honor its trust obligations to tribes.

Mr. SIMPSON. Thank you, Mary Jane.
Rodney.

WEDNESDAY, MAY 17, 2017.

DUCKWATER SHOSHONE TRIBE

WITNESS

RODNEY MIKE, CHAIRMAN

Mr. MIKE. Thanks for allowing me to come and visit with you folks. I must say that you guys have a really busy city here.

This is the first time I have been on the east coast. I have never been past Colorado. So it has been a real adventure. So I am really impressed by the country here.

Mr. SIMPSON. There is an old song that goes, "If I ever go east of Denver again, it will be too damn soon." [Laughter.]

So those of us in the West understand that.

Mr. MIKE. Yes. Yes, it is beautiful here, beautiful. But it is a busy place, and I know you guys are busy people.

Give you a brief history. I am the chairman of the Duckwater Tribe. We are located about 4 hours north of Las Vegas in the central part of Nevada, more on the east coast by the Utah side. Very small community, about 420 people. Total enrollment, about 150, give or take who is home on the weekend, you know? So very small place.

We are one of the very first seven tribes that was a self-governance tribe. We are kind of proud of that, but funding is always an issue. Money is always an issue and probably will always be an issue.

But when we hear of budget cuts, sequestrations, and things like that, that really affects us, and it affects us deeply because of our funding. We have no economical development in our area. We are looking for things that can possibly down the road in the future give us that, but being where we are located at, it is very difficult.

We live in a State that is known for mining. It is probably one of the richest States in the country, but yet we are so far away from that, and our resources are just not there. So the funding that is provided is very, very important. I don't know how to stress that.

Our population base is 50 and over is the huge part of that population base. The young people no longer stay there because they can't. There are no jobs there. The tribe provides most of the employment for the people that live there.

We have ranchers there, but ranching does not, cannot stand alone. They have to find jobs to support. So without funding on the IHS side and the BIA side, it becomes very difficult for our people.

Our remote location, we have to travel quite a ways to get the basics, 75 miles to go get a loaf of bread, tank of gas, you know, things like that. It is normal for us, but it poses a problem, especially when it comes to healthcare for our people because location is not exactly attractive for physicians and nurses and things like that that we need.

We just expanded our health clinic, and trying to find a doctor to come and work there has been really difficult. When they find

out the nearest Wal-Mart is 3 hours away towards Ted's country, they don't really want to come.

So these are some of the issues that we are faced with. And healthcare is a really big one. It really is, like I said, with our population base being 50 and over, the majority of the population base being 50 and over and the elders.

We also have an infrastructure problem with roads also. Our roads are dilapidated. They have been there for a lot of years. There is a one way in situation dirt road on the other end out going to the next town. We live in a big, long valley. We have our non-Native friends down below us. So we all share the same problem. They also have to deal with the dirt road whenever they need to go north.

So, what I would like to ask of you guys is to see that the contract support continues, very needed in our country, both on the IHS and the BIA side, and see that sequestration does not affect IHS.

See that we have funding for diabetes which happens to be a really big problem in Indian Country. I am a member of that club, I guess you can say. But without what I have learned from education and dieting and things like that, I probably would have never known.

But anyway, that is my spiel, and I want some brownies. So I am going to quit, and I thank you very much.

[The statement of Mr. Mike follows:]

Duckwater Shoshone Tribe
Rodney Mike, Tribal Chairman
P.O. Box 140068, Duckwater, NV 89314-0068
775-863-0227

Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Concerning the FY 2018 Funding for the Indian Health Service and Bureau of Indian Affairs

May 17, 2017

The requests of the Duckwater Shoshone Tribe (hereinafter "Tribe") for the FY 2018 Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) appropriations are as follows:

- Fully Fund Contract Support Costs for the IHS and BIA.
- Protect the IHS budget from sequestration.
- Permanently reauthorize the Special Diabetes Program For Indians.
- Appropriate additional funding to the IHS Hospitals and Clinics line item, and direct the IHS to allocate such additional funding specifically for pharmacy programs and physician services.
- Increase funding for Road Maintenance in the BIA budget.
- Increase funding for the Office of Indian Energy and Economic Development (funded by the Community and Economic Development activity in the Indian Affairs budget).
- Increase funding for Welfare Assistance in the BIA budget.

The Duckwater Shoshone Tribe is a federally recognized Indian Tribe located in a remote, high desert valley in the State of Nevada, in the very northern tip of Nye County. We are approximately 72 miles southwest of Ely and 40 miles southwest of Eureka. The Tribe is governed by a democratically elected, five-member tribal council and is primarily an agricultural community. We offer a range of services to our tribal members, including health care and natural resources and environmental health programs. The Tribe operates a tribal health clinic under a self-governance agreement with the Indian Health Service (IHS) under Title V of the Indian Self-Determination and Education Assistance Act.

Fully Fund Contract Support Costs (CSC)

The Tribe wishes to thank the Subcommittees for their leadership in making funding of IHS and BIA contract support costs for FY2016, and now FY 2017, an indefinite amount and also making it a separate account in the IHS and BIA budgets. This shift makes an enormous difference in helping ensure that the Indian Self-Determination and Education Assistance Act (ISDEAA) is fully funded and implemented as Congress intended. It also significantly enhances the federal-tribal government-to-government relationship. The Tribe is also thankful that the Subcommittees listened to tribal comments about how the bill proviso in the FY 2016 enacted bill effectively denied the CSC carryover authority authorized by the ISDEAA, and appreciates that the proviso was absent from the Consolidated Appropriations Act for FY 2017.

The Tribe nevertheless believes it is important that the indefinite appropriation of CSC funding be mandatory and permanent. Under the ISDEAA, the full payment of CSC is not discretionary, but is a legal obligation of the federal government which has been affirmed by the U.S. Supreme Court. Funding of CSC on a discretionary basis has in the very recent past placed the House and Senate Appropriations Committees, in their own words, in the "untenable position of appropriating discretionary funds for the payment of any legally obligated contract support costs." The Tribe is determined to work together with the appropriate Congressional committees to find a solution for achieving this goal.

Exempt IHS From Sequestration

The Tribe is asking for this Subcommittee's support, and the support of your colleagues, for amending the Balanced Budget and Emergency Deficit Control Act to exempt the IHS from potential sequestration of funds. We are glad that Congress has seen its way fit to fully exempt Veterans Health Administration's programs from sequestration and to limit state Medicaid grants and Medicare payments to a 2 percent reduction. However, we do not see why Indian health, as a federal trust responsibility, is not afforded this same treatment. Indeed, a number of members of this Subcommittee and other members of Congress have publicly stated that it was an oversight that IHS was not included in the exempt category when the Balanced Budget and Emergency Deficit Control act was enacted.

The Tribe is also greatly concerned that the current FY 2018 funding cap for non-defense discretionary spending is lower than the FY 2017 spending cap. When put into the context of the President's "skinny" FY2018 budget outline proposal, which raises defense spending by $54 billion and lowers non-defense discretionary spending by a like amount, the Tribe fears that the stage is set for significant sequestration of funds. Whatever the outcome, Indian health should be made exempt from sequestration.

Special Diabetes Program for Indians (SDPI)

The Tribe, like others throughout Indian Country, continue to support a permanent reauthorization and increased funding for the SDPI, which provides crucial support for diabetes prevention and treatment programs. While we understand that an SDPI reauthorization bill is not under purview of this Subcommittee, the SDPI and the programs carried out with SDPI funding

certain affect the scope and range of our health care efforts and our IHS programs, which this Subcommittee funds. The Tribe would greatly appreciate any help the Interior Appropriations Subcommittee members can provide with your colleagues on this matter.

The SDPI program has been funded at $150 million for many years and we often come to the brink of the expiration of its short authorization period before it is extended. It is set to expire again on September 30, 2017. A permanent reauthorization with annual funding of $200 million would provide stability for our diabetes programs in terms of planning and recruiting and retaining personnel. The program is required to track outcomes, and it has shown identifiable significant outcomes – both in terms of access to treatment and prevention.

Increased IHS Funding For Pharmacy and Physician Services

Pharmacy programs within the IHS, and the funding the Tribe receives through its Hospitals and Clinics funding for carrying out a pharmacy program, are woefully inadequate for serving the needs of the Tribe's pharmacy patients. The funding has failed to keep up with the skyrocketing costs of prescription drugs, even with access to discounted goods and services on Federal Supply Schedules (FSS) and the McKesson Prime Vendor contract. The Tribe previously used its buy back authority to procure pharmacy services from the IHS through McKesson, which was extremely expensive, and moreover, McKesson has been experiencing a limited supply of pharmaceuticals. The Tribe's current funding is insufficient to keep up with rising pharmacy costs. The Tribe has a similar concern about the funding made available through the IHS that the Tribe can then allocate to procuring physician services. The Tribe has been experiencing great difficulty over the past several fiscal periods in recruiting and retaining physicians for carrying out its primary health care programs.

While the Tribe has authority under its ISDEAA self-governance agreement to redesign its compacted programs and reallocate funding in any manner in which the Tribe deems to be in the best interests of the health and welfare of its own tribal community, the reality is that there is just not enough funding for the Tribe to provide necessary services and still have adequate funding for pharmaceuticals and to pay physicians to locate to our remote area. We thus ask for the Subcommittees' support for increasing the IHS appropriation for Hospitals and Clinics funding, and to direct the IHS to allocate additional funding toward pharmacy and physician services.

Funding For Road Maintenance

"Road Maintenance," which is funded under the "Tribal Government" activity in the BIA budget, is critically important to our Tribe. We are located in a rural area with few resources, few well-paved state or county connecting roads, and limited Tribal Transportation Program formula funds. As the Indian Affairs FY 2017 Budget Justification explains, "The amount received in the TPA [Tribal Priority Allocation] portion of the budget has been approximately $24 million per year, which is less than 9% of the deferred maintenance of $289 million for FY 2015." As has been noted in any number of Congressional hearings, written testimony, and federal reports, the roads in Indian Country are some of the most dangerous and poorly funded roads in the Nation. We consider Road Maintenance funding to be a matter of public safety and

we respectfully ask the Subcommittee to increase appropriations for this critical budget sub activity.

Economic Development

Being a rural Tribe means that our members have less access to both employment and job creation opportunities. We also struggle with high energy prices both for individual members and for our tribal government buildings. These conditions are two factors hampering our ability to thrive as a community and we have been exploring a number of options to alleviate them. Through targeted studies, we have determined that we have viable wind and solar resources that can be developed. Developing these resources would provide our Tribe with greater energy certainty, lower energy prices, and economic opportunities for our tribal members. We ask that this Subcommittee increase funding for the Office of Indian Energy and Economic Development which is funded through the "Community and Economic Development" activity in the Indian Affairs budget, particularly the "Job Placement and Training" sub activity, which funds technical and vocational training, and the "Minerals and Mining" sub activity, which promotes and provides technical assistance for the development of renewable energy, conventional energy, and mineral resources. If we in Indian Country are to build a strong economic future for our communities, we must pursue an all of the above energy strategy which for us, includes wind and solar.

Adult Welfare Assistance

Rural areas, both in Indian Country and in non-tribal areas, often experience higher than average rates of unemployment due to a lack of opportunities. As a Tribe, we are working hard to help create opportunities for our Members both in terms of job placement and job creation. Unfortunately, there are some circumstance when welfare assistance is temporarily needed for some tribal members. The "Welfare Assistance" sub activity funded under the "Human Services" activity in the BIA budget provides these critical resources for our people. We, like the BIA and Congress, believe that welfare assistance should be a temporary safety net and ultimately, a bridge to better circumstances and opportunities, but we believe that it must exist. We ask the Subcommittees to increase funding for Welfare Assistance as a way to strengthen and stabilize families so that they are able to pursue opportunities and ultimately become self-sufficient.

* * *

Thank you for your consideration of the concerns and requests of the Duckwater Shoshone Tribe.

Mr. SIMPSON. Thanks, Rodney. I appreciate it.
Mr. MIKE. Thank you.
Mr. SIMPSON. Ted.

WEDNESDAY, MAY 17, 2017.

SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION

WITNESS

TED HOWARD, CHAIRMAN

Mr. HOWARD. Thank you.

Good afternoon, Acting Chairman Simpson, Ranking Member McCollum, subcommittee members. My name is Ted Howard, and I am the chairman for the Shoshone-Paiute Tribes. Our reservation is half in Idaho and half in Nevada and almost dissected down the middle.

Thank you for inviting me to testify here today concerning the fiscal year 2018 budget for the BIA, BLM, and the Indian Health Service. The Shoshone-Paiute Tribes are grateful for this subcommittee's longstanding support for Indian tribes and for sharing your understanding of Indian Country with your House colleagues.

As you have done for fiscal year 2017, I ask that you reject the administration's budget blueprint for fiscal year 2018, which calls for unwarranted reductions in nondefense agency appropriations important to tribes. If enacted, the budget would cause great harm to tribal communities and to Native Americans, who, more than most Americans, rely heavily on Federal appropriations across multiple Federal agencies, not just the Interior and Department of Health and Human Services.

Our priorities for fiscal year 2018 include the following. With regard to the Indian Health Service, we appreciate the $232 million increase provided for 2017 for the Indian Health Service and request an increase in funding for clinical services, including purchase/referred care, contract support costs, and facilities construction.

We are a remote reservation and would like to expand our health programs to our 2,000 tribal members. We urge the committee to continue its current approach of employing a separate and definite appropriation for contract support costs.

With regard to the BIA funding, we ask the committee to continue its commitment to public safety on tribal reservations by providing increases to the BIA public safety and justice program next year. The BIA struggles to provide adequate law enforcement services on the Duck Valley Reservation. We received a modest $250,000 in supplemental funding to fight recidivism on the reservation under the BIA's Special Initiatives Program, and we are seeking—just a minute.

And we are working to develop alternatives to incarceration with limited facilities and program personnel. It is a struggle. An increase in funds would help us renovate FEMA trailers that we plan to use for education, family support, for incarcerated youth, equine

activities, emergency medical services. We estimate a $2.5 million budget for the infrastructure for these programs.

We also request statutory language which authorizes the purchase of temporary trailers and modular units using Special Initiative funds. For rural communities, housing is often the linchpin to program success.

Regarding the BIA Road Maintenance Program, we appreciate the $3.6 million increase and ask the committee to add an additional $10 million in fiscal year 2018. That should be prioritized for the purchase of replacement heavy road maintenance equipment in rural regions like Western Region and BIA Eastern Nevada Agency.

The Western Region has the highest percentage of BIA system roads, 26 percent. Our equipment is ancient, and repair shops do not carry the parts anymore.

While BIA or IHS may not be the primary agency for broadband, we ask the committee to increase funding for this much-needed utility. We require $500,000 in Federal funds to construct a new fiber network.

Regarding the Bureau of Land Management, please provide the funding for the Owyhee initiative, a joint effort by ranchers, recreationists, county and State officials, and the Shoshone-Paiute Tribes to protect sacred lands and manage public lands in the tri-State area of Idaho, Nevada, and Oregon.

Increased recreational use in the Owyhee River Wilderness Area threatens cultural resources. BLM's Boise District has three to four rangers to cover three million acres of land. We seek recurring funds to pay our chief tribal ranger, continue flying patrols, hire an assistant director tribal ranger and part-time youth rangers.

We contribute the vast majority of the required budget, but it is a burden. We seek $600,000 to fully fund these important activities that support our culture.

We also support additional funds for the BLM cultural resources management to protect historic properties on public lands and request Interior funding to expand the native plant program and our greenhouses. We cooperate with the BLM to propagate and make available native seedlings for planting on public lands.

Finally, please increase the BIA's Trust-Natural Management and its Tribal Management/Development Program, and Fish, Wildlife, and Parks Program to support the tribe's program to return salmon to the Duck Valley Indian Reservation, which had been a staple food source for our people up to 1930 when dam construction along the Columbia and the Snake River cut off our reservation from the salmon runs.

And we have returned salmon to the reservation waters in 2015 and 2016 and took them by spearfishing. Please support our trap and haul program.

Thank you.

[The statement of Mr. Howard follows:]

TESTIMONY BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES FY 2018 BIA, BLM AND IHS BUDGETS

Presented by Ted Howard, Chairman
Shoshone-Paiute Tribes of The Duck Valley Reservation
May 17, 2017

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, my name is Ted Howard. I am Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. Thank you for inviting me to testify today concerning the FY 2018 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 House colleagues.

The Duck Valley Reservation is a large, rural and very remote reservation comprising 450 square miles adjacent to Nevada and Idaho. The Reservation is 140 miles from Boise, Idaho, and 100 miles from Elko, Nevada. Many of our 2,000 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 our Reservation.

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. If we fall short in available funding, our tribal citizens suffer. Without sustained growth in these federal programs, we cannot meet the needs of our Reservation.

As you have done for Fiscal Year 2017, I ask that you reject the Administration's Budget Blueprint for FY 2018, which calls for unwarranted reductions in non-defense agency appropriations, including a proposed $12.6 billion cut to the Department of Health and Human Services and a $1.5 billion cut to the Department of the Interior. If enacted the budget would cause great harm to tribal communities and to Native Americans who, more than most Americans, rely heavily on federal appropriations across multiple federal agencies, not just Interior and DHHS.

We encourage this Subcommittee to build on the increases in the Fiscal Year 2017 appropriation for these essential Tribal programs.

Our priorities for FY 2018 include:

1. Increase BIA Road Maintenance Program funds (Eastern Nevada BIA Roads Program of the Western Regional Office). We respectfully ask for at least a $10 million increase in the BIA Road Maintenance Program to the Indian Affairs budget so that the BIA Eastern Nevada Agency Roads Department can purchase a road grader, backhoe, a front-end loader, a D7 Caterpillar dozer and a ten-wheel dump truck. The 1980's blade road grader has broken down again and needs replacing. Likewise, the 1980's backhoe is also outdated, and parts are a challenge to find. The employees are embarrassed to haul the backhoe in for repairs when needed because it is so

old and worn (40 years old – like the grader). The dozer is a 1960's model, and the front-end loader and backhoe are from the 1970's. They need a dump truck because they do not have one. A modern ten-wheel dump truck is needed. Our Region has the largest percentage of BIA-owned roads at 21%. The requested increase we request will help our Region tremendously.

The BIA Eastern Nevada Agency covers the roads maintenance need for the 600 miles of public roads on the Duck Valley Reservation and the road maintenance needs on five other reservations which are hundreds of mile apart throughout northeastern Nevada. The approximately $70,000 received annually to maintain all of these roads is woefully inadequate. Increased Road Maintenance funding will improve road safety.

2. Increase funding for the BIA Public Safety and Special Initiatives Program. The BIA struggles to provide adequate law enforcement on our Reservation. For that reason, we applaud the final FY 2017 enacted appropriations levels for Public Safety and Justice totaling $385.735 million, and urge the Committee to continue support modest increases for the next year. We are one of three tribes in a pilot program funded under the BIA's "Law Enforcement Special Initiatives" program. Under this program, we receive $250,000 in additional recurring funding to reduce recidivism on the Duck Valley Reservation. The Special Initiatives program is essentially funded at the same level for FY 2017 as it was for FY 2016.

We request an increase of funding to the Special Initiatives Program to assist the Tribes with the cost of placing and providing utilities to a number of buildings that the Tribes received from FEMA that will be used to support the Tribes' recidivism pilot program. The buildings will be used for education, support of family members visiting and supporting incarcerated youth, year-round equine activities (which are integral to Native American culture) and emergency medical services, all of which are important components of the Tribes' recidivism pilot program. The cost for the facilities infrastructure work is approximately $2.5 million.

We further urge the Subcommittee to include statutory language to make clear that "Law Enforcement Special Initiatives" 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 Tribal offenders. For rural communities like Duck Valley, housing is often the linchpin to program success. This request will give us the flexibility we need to use Special Initiatives funding for housing law enforcement personnel.

3. 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 what the Tribes know as sacred lands, and to manage and appropriately use public lands in the tri-state area of Nevada, Oregon and Idaho. In 2009, Congress passed the Omnibus Public Land Management Act, Pub. L. 111-1. Since 2010, we have worked jointly with BLM to protect cultural resources and increase public understanding and appreciation of these resources as a part of the Cultural Resources Protection Plan authorized in the legislation referred to as the Owyhee Initiative. Increased recreational use and encroachment by visitors within the Owyhee River Wilderness Area and other federal lands, however, threaten important cultural resources. The BLM's Boise District manages 3 million acres of land in this rough remote area and they have 3-4 Rangers in their entire district. Let us help understaffed BLM officials.

One-time BLM funding a number of years ago allowed us to purchase two Cessna planes and ATV equipment and hire one Chief Ranger to patrol public lands and report violations of cultural and religious sites to BLM officials. I also fly patrols. 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 I also spot and report wildfires to BLM officials before the fires can do great damage to sensitive, remote public lands.

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 is near retirement, and since I was elected Chairman, I have less time to fly patrols. It is essential that we hire and train replacement staff, including a pilot, to continue this important work. We need 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. We hope to construct a hanger at the Owyhee Airport to centralize our operation and increase surveillance flights. 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 additional funding for BLM Cultural Resources Management and other BLM accounts used to manage and protect archaeological and historic properties on public lands. BLM lands contain 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 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. It would be a wise investment to fund 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.

4. Telecommunications (fiber optics). The Tribes continue to need fiber infrastructure over five miles for connectivity among Fish, Wildlife & Parks, Tribal Headquarters, Detention 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 in federal funding to construct new fiber networks and cover construction inspection fees. We urge the Subcommittee to increase appropriations within the BIA and IHS budgets so that Duck Valley can improve our telecommunications networks. Education IT is not the only program in need of an upgrade.

5. East Fork Owyhee Salmon Steelhead Recovery and Reintroduction Project. We return Chinook salmon and steelhead trout to Duck Valley through an innovative "trap-and-haul" program. Dam construction along the Columbia and Snake Rivers eliminated salmon from our Reservation for 87 years. Duck Valley is unique in that it supports two major tributaries to the Snake River. In 2014, we financed a pilot study that found that habitat in the East Fork of the Owyhee River supports a summer rearing capacity of between 3,300 and 43,000 juvenile steelhead trout and from 3,600 to 41,000 Chinook salmon. In 2015 and 2016 we returned nearly

200 Chinook salmon each summer to Duck Valley and spear fished nearly all of them. It is a joyous event to have salmon return to the Reservation. With $210,000 in funding 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 upstream.

In FY 2017, Congress appropriated $200.9 million for the BIA's Trust-Natural Resources Management programs, a $9.1 million increase from FY 2016. We urge the Subcommittee to support an increase in FY 2018 to the BIA's Trust-Natural Resources Management program budget, including the Tribal Management/Development Program and Fish, Wildlife & Parks program. Tribes contract a significant part of the Natural Resources Management funds. An increase to the BIA's budget can help us with this innovative project to return salmon and steelhead trout to the Duck Valley Reservation.

6. Native Plant Program/Greenhouse. In cooperation with BLM, 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 three greenhouses and are growing seedlings (including sagebrush and bitterbrush seedlings) for planting on adjacent public lands. This program assists BLM and other agencies in their efforts to restore lands damaged by wildfires and helps employ tribal members. The Tribes plan to have 80,000 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. The Tribes have already sold plants to a mining company and gifted plants to BLM for reclamation work. We seek Interior Department appropriations of $450,000 in FY 2018 to build additional greenhouses and a facility to house equipment to dry, clean and store seed and to hire part-time greenhouse staff for marketing and finances. The Tribes request $200,000 in each of FY2019 and FY2020 for staff and operations to expand our program and be a reliable supplier of native plants and seedlings on BLM-managed public lands.

7. IHS. The Tribe appreciates the $232 million increase Congress provided for FY 2017 for the Indian Health Service (IHS), and we request an increase in, especially in the area of clinical services, including Purchased/Referred Care, Contract Support Costs (CSC) and facilities construction.

The Tribes continue to support full funding of CSC for IHS and BIA, and thank this Subcommittee for its work to date to fully fund contract support costs without jeopardizing program funding. We respectfully urge the Subcommittee to continue with its current approach of employing a separate and indefinite appropriation.

We urge the Committee to build on the FY 2017 budget to meet tribal health and safety needs that strengthen our community. Thank you for affording me the opportunity to testify today.

Mr. SIMPSON. Thank you all.

Obviously, this is a panel that is near and dear to my heart, being from Idaho and northern Nevada. I know there is a great deal of needs there, and I do hope to get the committee out—we have talked about this for a while—and visit some of the tribal lands out in Idaho and let them see what is going on at the various places.

So I thank you for your testimony. I know that Chairman Calvert and Ranking Member McCollum have done a great job, I think, in this last budget in trying to protect funding for those programs that are vital to Native Americans, and I am sure they will continue to do that in the future. And it has been a bipartisan effort.

So appreciate you being here. I just was coming back to Washington a couple weeks ago, and I was walking through the airport, and there was a book there that had just come out called Thunder in the Mountains. And so I picked it up and read it, and it was the fascinating history of the Nez Perce war and General Howard and Chief Joseph and stuff. It was really very thorough and very interesting, yes.

So, anyway, thank you all.

Betty, did you——

Ms. MCCOLLUM. I appreciate the tribal nations speaking up on behalf of the work that the EPA does, both in land and in water and the Superfund sites, too. Because lots of times when people think of Superfund sites, they think of big industrial area chemical spills and things like that. They are not thinking of what is actually happening out in rural America.

We are going to have the EPA Administrator at some point in to testify, and I really appreciate you speaking up and speaking out about this and the work that they do because, as you know, that budget is one of the ones to be targeted for the biggest cuts.

So thank you very, very much for your words.

Mr. SIMPSON. And while I shouldn't say this. But that has never stopped me before.

Ms. MCCOLLUM. Do you want me to cover my ears?

Mr. SIMPSON. Yes, between me and you and the walls here, I am not too worried about the Trump budget because, frankly, I just don't think it could pass, you know? There are too many things in there that are slashed and burned and things that Members of Congress care about, and our tribal responsibilities are part of that.

So it was interesting to hear the request for funding on the Owyhee Initiative. I want to sit down and talk to you a little bit more about what needs to be done on that. I know that was an effort by Senator Crapo and getting that important bill passed. But now it has to be funded in a variety of ways. So I want to work with you on that.

So, anyway, thank you all for being here, and we will be out as soon as I get—Darren is going to want to come to Idaho again. He has been out once. [Laughter.]

Anyway, I am going to have to adjourn for just about 15 to 20 minutes before we call the next panel. We have two votes, and we will be back ASAP. Shouldn't take more than about 15 minutes, and then we will call our next panel up, okay?

Thank you.

[Recess.]

Mr. CALVERT [presiding]. Good afternoon. Our hearing will come to order.

Our second panel, we are joined by Tony Small, councilman from the Ute Tribe of Utah; Levi D. Carrick, president of the Chippewa Ottawa Resource Authority; and Patrick Roberts, health policy fellow, the National Native American AIDS Prevention Center.

So welcome, and we will start with you, Mr. Small, for 5 minutes.

Thank you.

WEDNESDAY, MAY 17, 2017.

UTE TRIBE OF UTAH

WITNESS

TONY SMALL, COUNCILMAN

Mr. SMALL. Good afternoon, Mr. Chairman and members of the subcommittee. My name is Tony Small. I am the vice chairman of the Ute Tribal Business Committee.

Thank you for this opportunity to testify on behalf of the Ute Indian Tribe and the Uintah and Ouray Reservation. We ask that the subcommittee take action on two issues that are vital to us and many other tribes. We need the subcommittee's immediate support for our new justice center, and we ask for your continued support for Indian energy development.

First, we need $4.85 million in annual funds to staff and operate our new justice center. We have been waiting for BIA to replace our original BIA jail for more than 10 years. In 2006, our BIA operated and funded jail was condemned. We spent many years near the top of BIA's priority list, but nothing happened. Instead, BIA paid to house a few detainees in the county jails.

After it became clear that both the BIA and the Department of Justice had stopped funding the construction of detention facilities, we had no choice but to act. We spent the last 5 years designing and building a new $36 million BIA justice center.

We built this new BIA justice center with our own money. Construction followed strict Federal requirements and was supported by BIA's Office of Justice Services. In August 2016, the new facility was opened. As you can see, we have the justice center, pictures of the justice center there.

The justice center includes our tribal court, our BIA police command center, and is available to be BIA's primary adult and juvenile detention facility. But today, the jail is only partially open. This is due to the lack of BIA operating funds.

This is why I am here. We need our BIA jail money back. We need it updated to accommodate our current needs. Our needs have increased from gangs and drugs being brought onto our reservation. BIA has an average of 39 adult prisoners to 14 beds.

Let me be clear. The UTE Indian Tribe has done its part by funding construction of the BIA's justice center. The Federal Gov-

ernment has a treaty and trust responsibility to provide law enforcement on our reservation.

Our new justice center could be a national leader for providing alcohol and substance abuse treatment, but we can't do any of this without your support. We ask that you open up Medicare and Medicaid funding to help support alcohol and substance abuse treatment for detainees.

Many studies show the relationship between addiction and crime on Indian reservations, but current law prevents Medicare and Medicaid funding from helping to solve the problem. Current law also restricts IHS and the Substance Abuse and Mental Health Service Administration from treating addiction in tribal and Federal jails. How can we fix this problem if we cannot treat those that are most in need?

The Ute Indian Tribe strongly supports Federal policies promoting alternatives to detention. These are cost-effective solutions that treat the real cause of criminal activity, but without Medicare and Medicaid and IHS funding, alternatives to detention will never become a real alternative.

The second issue we need your immediate action on is funding for Indian energy. And we appreciate the subcommittee's support for BIA's Indian energy service center. In fiscal year 2016, the subcommittee provided $4.5 million to establish a service center. The center will support efforts at the local level to process energy permits.

To support the work of the service center, we ask the subcommittee provide $13 million needed to fully fund the service center so that it can open and begin operating as soon as possible. Just like the law enforcement, supporting Indian energy is an area where this subcommittee can make a real impact in the lives of tribal members.

Indian energy funds are government and services we provide our members. It also employs thousands of people and supports economic activity across our region.

Despite these benefits, BIA's budget for oil and gas development is usually about 3 percent of the funding BLM receives for oil and gas development on Federal lands. BIA energy budget is about the same as Fish and Wildlife Service energy budget. This is unacceptable. Tribal governments provide lifesaving and essential services to our communities.

The Federal Government support for tribal law enforcement and justice must be increased to meet the need, and we need a budget bigger than Fish and Wildlife Service budget to unlock the potential of our energy resources.

Finally, we ask that you fund BLM and Forest Service work on Bears Ears National Monument. We understand that Congressman Chaffetz asked that you not provide any funding for agency work related to Bears Ears. Bears Ears is a sacred landscape that needs protection.

Thank you for the opportunity to testify. I am available for any questions you may have. Thank you.

[The statement of Mr. Small follows:]

UTE INDIAN TRIBE
P. O. Box 190
Fort Duchesne, Utah 84026
Phone (435) 722-5141 • Fax (435) 722-5072

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

Testimony of Ute Tribal Business Committee
May 17, 2017

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify. The Ute Indian Tribe asks this Subcommittee for support in law enforcement and energy development which would make a significant impact for the Tribe and much of Indian Country.

FUNDING FOR STAFFING AND OPERATING THE TRIBE'S NEW JUSTICE CENTER

Prior to 2006, the Bureau of Indian Affairs' (BIA) operated a direct service detention program in a federally funded building on our Uintah and Ouray Reservation. This building also housed our BIA operated law enforcement command center and our Tribal Court. BIA was forced to close its detention space in 2006, when it became unsafe for detainees and staff. Fortunately, when that happened, our Tribe was able to come up enough tribal funds to repair the Tribal Court and law enforcement areas of the building, so those programs remained open, but even those repairs were not sufficient to keep those spaces open long term.

When BIA closed its detention area, BIA listed the replacement of our detention/law enforcement facility near the top of its law enforcement construction priority list, and it funded a pre-design study for that new building. That study provided for both adult and juvenile detention. Unfortunately, by the time that the study was complete, Congress had stopped appropriating funds to both BIA and the Department of Justice for Indian detention, law enforcement, and tribal court construction. This left the Ute Indian Tribe with a serious problem. We have the second largest reservation in the United States and on our Uintah and Ouray Reservation criminal jurisdiction over Indians criminal activities is exclusively federal and tribal.

After waiting for years with no federal help in sight and facing an increase in violent crime, drugs and gang activity on our Reservation, the Ute Indian Tribe was forced to expend over $36 million of its own tribal funds to replace the old BIA Justice Center. Knowing that we were building for federally operated law enforcement programs, we started and advanced this construction in full consultation with the BIA and its Division of Facilities Management and Construction (DFMC). We also made a concerted effort to keep this Subcommittee apprised of what we were doing. As a result, our building, which was completed in the late spring of 2016 using BIA/DFMC approved plans, meets all applicable federal size and use specifications. It

also holds a federal certificate of completion, a federal certificate of occupancy, and a federal health and safety compliance certificate.

Throughout the construction process, both BIA and the Tribe have been trying to find out what happened to the money, which had been funding BIA's old detention program on our Reservation, even though we knew that those funds would be inadequate for our new facility. To our disappointment, we learned that the funding for both the staffing and the operation and maintenance of that old building had been lost into the greater BIA budget.

This is understandable to some extent. Given the national need for Indian law enforcement funding, we understand that BIA could not sit on those dollars for eleven years. We did learn, however, that BIA has been using some of these funds to rent bed space in the Fort Duchesne County Jail as a part of its law enforcement responsibilities on our Reservation. As we have noted in our prior testimony to this Subcommittee, that funding is very limited and that agreement only allows for the detention of 14 adults, while our Tribal Court averages 39 or more adult detainees at any one given time. As a result, we are forced to release one serious offender in order to incarcerate another.

Because the need for detention space on our Reservation is so great, when our new building finally received its certificate of occupancy, BIA and the Office of Justice Services (OJS) agreed to reach into their very limited existing detention budget to bring in enough detention officers to open one of the adult holding areas of the building for pre-arrangement detainees. Both sides wanted to open the entire building, but we simply could not do that with existing federal funds. Desperate for this help, the Tribe in turn agreed to expend yet another $1 million of tribal funds to pay for the start-up equipment and supplies needed to open that phase one interim detention program. BIA/OJS also offered the Ute Indian Tribe a Memorandum of Agreement (MOA), which we executed. That MOA authorizes federal occupancy of the detention and law enforcement areas of the building on a temporary basis, in exchange for a federal contribution to the operation and maintenance of those spaces.

Mr. Chairman, BIA, OJS and the Ute Indian Tribe have been doing their part to address the very pressing detention problem on our Reservation. In fact, as of today, the Tribe has paid exclusively from tribal dollars, over $37 million in construction and start-up costs for a facility that would still be at the top of the BIA/OJS construction priority list, if that list were still in place today. Yet, even with this tribal contribution, the Tribe is still being forced to release prisoners in order to incarcerate others simply because BIA lacks the funds necessary to staff the remaining detention areas in our new building.

We respectfully request that this Subcommittee fulfill its treaty, trust and law enforcement obligations to the Ute Indian Tribe and provide the additional $4,844,887 in re-occurring funds to fully staff and open the remaining sections of our adult and juvenile detention areas. We have attached a budget, which was prepared by the OJS Detention Program utilizing the same standards and methodology that has been used for every new tribal detention facility or space opened since the early 2000's. This budget covers personnel, fringe, travel, training, supplies and a small amount of additional equipment. Our eventual long-term goal is to provide our detainees, and other Indian detainees from our region, with detention based treatment for

alcohol and substance abuse, in order to help to insure that we lower the violent crime and drug abuse in our community and on other reservations in our region.

Mr. Chairman, we know that federal funds are tight, but we feel strongly that the Federal government cannot and should not be allowed to simply walk away from a federal law enforcement obligation in a geographic area that is exclusively under federal/tribal jurisdiction. The President has promised safe communities and the detainees that we are trying to manage are involved in serious crimes like domestic violence, drugs, gang threats and other serious offenses. We respectfully request your support for this important justice facility.

PROVIDING TREATMENT SERVICES IN OUR JUSTICE FACILITY

Under BIA's planning procedures, the detention areas in our new justice center were slightly oversized to accommodate increases in population over time. This led us to start thinking early on about how we might be able to utilize this extra space to stop future crime. We have long recognized that in our community, and in the other Indian communities in our region, a sizable percentage of the people who come before our criminal justice systems are there because of alcohol or substance abuse.

BIA has had success in providing detention based alcohol and substance abuse treatment programs to Indian offenders. Despite the success of this program and sizable drop in repeat offenders, BIA is forced to procure these services from private non-Indian contractors when it can find them, and when it can find the monies to do so. Finding any affordable treatment for Indian detainees has become almost impossible now that the privately owned Yuma Detention/Treatment Facility, which the BIA was actively using, has been closed by its owners.

The Ute Tribe had fifteen detainees seeking treatment in that facility on the day that it closed and today all fifteen of those people are now back serving their time in facilities which offer no comparable help. Given the numerous studies showing the relationship between alcohol and substance abuse and reservation crime, why is there no Indian operated detention facility in the country offering a culturally driven, professionally staffed, alcohol and substance abuse treatment program to Indians?

We want to change that by creating the first of these programs at our justice facility and by opening that program up to detainees from around Indian Country. However, Medicare and Medicaid laws prohibit the use of their dollars to treat "sentenced" persons. In addition, federal law does not allow the Indian Health Service (IHS) and Substance Abuse and Mental Health Services Administration (SAMHSA) employees or funded persons, to treat addicted individuals in tribal/federal jails. These laws should be changed, but until they are, we request $750,000 in IHS funding to create this program and a waiver of IHS's existing policies prohibiting IHS funded treatment in tribal detention facilities.

SUPPORT FOR THE INDIAN ENERGY DEVELOPMENT

The Ute Indian Tribe would like to thank the Subcommittee for providing the $4.5 million that BIA requested in FY 2016, to establish an Indian Energy Service Center that will

assist local BIA Agency Offices in processing energy permits. The Ute Tribe have long been a strong advocate for increased funding and streamlined permitting for Indian energy resources and the Service Center that the BIA is currently developing is a direct result of the efforts that we put forth with other tribal energy producing tribes.

As we enter into FY 2018, the Service Center needs additional funding to support and expand its mission. From its inception, the BIA Director and his staff have told us that this Service Center would be set up and staffed over a two or three year period, and that the success or failure of this Service Center will rest squarely on its ability to hire the full complement of staff laid out in its operating plan and adequately fund their efforts. We therefore request that the Subcommittee to add the remaining $13 million necessary to fully fund the Service Center so that it can open and operate at the level intended as quickly as possible.

We ask that the Administration and Congress focus the same attention on energy development on Indian lands as it does for energy development on federal lands. BIA's energy budget should be increased to levels provided for the BLM to manage federal public lands. In past years, BIA's conventional energy budget has been about 3 or 4 percent of BLM's conventional energy budget. This is an outrage!

Congress and the Administration must do more to recognize the value of Indian energy development. Indian energy development provides needed jobs and economic development in Indian Country and often rural areas surrounding our reservations. In addition, we use the funding from Indian energy development to fund our government, make up for BIA and IHS budget shortfalls, provide services to our members, and maintain our infrastructure. The benefits of Indian energy development far exceed the benefits from energy development on federal public lands overseen by BLM.

In our case, the Ute Indian 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 respectfully request that the Subcommittee provide needed funding to fully implement 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.

We also request that the Subcommittee fully support existing federal programs that could support investment in energy projects in Indian Country. There are at least three examples. First, more than a decade ago, the Energy Policy Act of 2005 authorized the Department of Energy to create an Indian Energy Loan Guarantee Program. This Program has never been funded. Second, the Department of the Interior's Office of Indian Energy and Economic Development has a successful loan guarantee program, but that program has never been funded at levels needed to support major energy projects. Third, additional funding should be provided to the Department of Treasury to issue additional Tribal Economic Development Bonds specifically targeted for energy development projects.

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.

Next we have Levi Carrick, Chippewa Ottawa Resource Authority. You are recognized for 5 minutes.

WEDNESDAY, MAY 17, 2017.

CHIPPEWA OTTAWA RESOURCE AUTHORITY

WITNESS

LEVI D. CARRICK SR., PRESIDENT

Mr. CARRICK. Thank you, Mr. Chairman, members of the subcommittee.

My name is Levi Carrick. I am the president of the Bay Mills Indian Community, which is a little reservation fishing village on the east shores, the east end of Lake Superior where the Ste. Marie's River dumps all that clean water down into Lakes Huron and Michigan through an 80-mile river system.

So, but I am here on behalf of Chippewa Ottawa Resource Authority, which is an intertribal resource management organization that was established by the five federally recognized Indian tribes in the State of Michigan whose ancestors signed the treaty of March 28, 1836. This treaty reserved the right to hunt, fish, trap, gather on the lands and waters that were ceded to the United States.

This area encompasses about two-thirds of the State of Michigan, the land mass and the large portions of Lake Superior, Michigan, and Huron. So it is a vast area. CORA provides for the management and preservation and enhancement of all species and habitats which are within this area.

I requested the opportunity to testify today just to personally express CORA's appreciation for the Rights Protection Implementation Program, RPI—easier to say that way, right?—funding request for CORA that is contained in the President's 2018 budget for Department of Interior.

RPI funds enable CORA's tribes and their members to regulate and exercise the reserved right to hunt, fish, trap, and gather on the lands and waters. But I have to say the RPI funds we do receive are nowhere near enough to accomplish what is needed to protect the resources. It seems like every day we hear of a new invasive species that we have to deal with. Whether it be a plant, animal, microscopic, we have to find a way to deal with it, and they are coming more and more.

So we do this management through different funding sources in addition to the RPI. I guess, when we don't really say "climate change" anymore. I think the new administration does not like that term, but that funding that was available was a help. But now in the most recent Green Book, it is on a competitive basis. That makes it difficult. We shouldn't have to compete to try and protect the resources. If something could be cleaned up on that so it would go directly to the tribes, that would be appreciated.

The way things are going lately, we are getting a little more concerned. For instance, the Secretary of Interior recently in a statement somewhere, it was all over the press, said if the tribes had

an off ramp, they would take it, maybe become corporations. Well, we are not interested in that, and I think you probably got 560 other tribes to tell you the same. So we are not interested in that because we are here on a treaty right, and treaty rights are permanent. So we appreciate any assistance that you can offer and when it comes up, if it comes up.

The GLRI went on the chopping block in the President's 2017 budget, where he reduced it by more than 90 percent. It was 97, actually. And he wants to eliminate the EPA.

We give a big thanks to all involved that understood it was not the right thing to do and you put that back in, and I did not even hear an argument about it, basically. It was back in the budget. So we went from big low to big high instantly because it shows you are concerned about the environment and what we have out there. So thank you.

The EPA is the funding agency for many programs under GLRI, and you might consider direct funding some of these to the tribes themselves, the GLRI funds, so that we can especially with the stress it is putting on the EPA, hopefully, they are still here, but we support any fight on that also.

But, as the tribes have proven over and over again that they are protectors of the lands and the waters, and so give them the funding to continue to try at least to go. But CORA, we're operating under a 1980 consent decree with the State and then the Federal Government, which basically comes to a head here in 2020. We have to renegotiate, and we are starting preparing that process now.

But we hold regular executive council meetings with the State and the Feds down at Fish and Wildlife to help manage the resources there in the Great Lakes. This is the Great Lake portion of it.

We just recently had a meeting, one of these such meetings, and NOAA came in and put on a presentation to us about the status of the fisheries in northern Lake Huron and Michigan. And we were there to basically assess the lake draw quota harvest numbers for the year going through to 2020 when this consent decree is up.

When they got done with their presentation, we were all in awe. We were just, you know, jaws on the table because of what they had to offer. The presentation was called the Lower Trophic Food Web, which deals with the microscopic. I hope somebody has seen that. I see the reaction. It is devastating what the zebra and the quagga mussel have done to our lakes out there.

We take and it started out with the phosphorus levels. Way back in the day, there was too much phosphorus in the soap. So they took and reduced it, eliminated it. Now that has plummeted, and it is so low they do not get the algae bloom, the spring algae blooms that come to the surface that is vital to the sustenance of all the organisms out there. That has all changed. The water is so filtered out.

Back in 1994–1995, the zebra mussels hit, and everybody was screaming about it. It was near shore, plugging intake lines and river mouths. But near shore and shallow. By 2000, the quagga mussels showed up, and that turned and that is basin-wide deep,

and that filtered out everything. You know, the sunlight penetrates so much in the water now that there is no different temperature levels. It is all basically the same level as far as the sun will reach.

So this is coming from NOAA's report. It has really messed things up out there. Most important one is like the diaphoria. That, it is a small shrimp-looking thing that lives on the bottom. That is just about eliminated from the Upper Great Lakes of the Michigan and Huron. It was large masses of it, and it just about gone now.

So we are all screaming about Asian carp, keeping them out of the Great Lakes, but I think we have got to work on the quagga mussel, do something with them. I haven't seen any studies where they are even attempting to control them yet.

I thank you.

[The statement of Mr. Carrick 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 REPRESENTATIVES
ON
MAY 17, 2017

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' FY2018 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 the upper three Great Lakes – Lakes Huron, Michigan 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 commercial and subsistence 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, ending in August, 2020. It is that Decree which is listed as "Chippewa/Ottawa Treaty Fisheries" under CORA in the FY 2018 Green Book RPI Programs.

The CORA tribes receive base funding through the "Treaty Fisheries" line item for the following activities: 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, which encompasses the nature and extent of the right to hunt, fish, trap and gather by tribal members as regulated by their respective tribes; establishes 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.

The terms of the Inland Consent Decree envision the following responsibilities for the tribes: significant expansion of the tribes' conservation enforcement programs; creation and maintenance of inland biological monitoring, assessment, restoration and enhancement programs; growth in tribal adjudicatory systems' staffing, administration and financial support; and expansion of intertribal management mechanisms and procedures. It is the trust responsibility of the United States to provide stable, recurrent funding by which the Court Decree can be implemented by the tribes.

This element of the trust responsibility was finally 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. This amount was increased by this Committee to $1,605,714.00 in FY 2016, and is the amount requested by the Administration for these purposes in the FY 2017 Green Book for RPI Programs, listed as "Chippewa/Ottawa Inland Consent Decree".

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 2018 RPI funding at the level of $5,315,439.00 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 2018.

Thank you for your consideration. If you have any questions, I am pleased to answer them.

Mr. CALVERT. Thank you. Thank you, Mr. Carrick.

Next, Patrick Roberts, National Native American AIDS Prevention Center.

WEDNESDAY, MAY 17, 2017.

NATIONAL NATIVE AMERICAN AIDS PREVENTION CENTER

WITNESS

PATRICK ROBERTS, HEALTH POLICY FELLOW

Mr. ROBERTS. Chairman Calvert and members of the committee, I want to thank you for being here today. My name is Patrick Roberts, and I am a Colorado resident and a registered tribal member of the Hopi Nation.

My mother is a member of the Clay Clan with the Hopi Tribe in a village 50 miles north of Winslow, Arizona, called Shongopovi, Arizona.

I am also a member of the LGB, Two-Spirit Native community, and I have been living with HIV for 30 years. I am also a proud survivor of HIV.

I also represent two organizations, the National Native American AIDS Prevention Center in Denver, Colorado, and the Caring Ambassadors Program, located in Oregon City, Oregon, as a health policy fellow.

We encourage members of the committee to immediately investigate the opportunity to save money and eliminate the burden of hepatitis C, utilizing creating financing recommendations and other recommendations that are in a recent report called the National Strategy on the Elimination of Hepatitis B and C by the National Academies of Science, Engineering, and Medicine.

In this report, the report clearly states the elimination of hepatitis B and C as a public health threat is possible by the year 2030 only if Congress and the administration provide strong leadership. Hepatitis C is the most common chronic blood-borne infection in the United States, yet it remains unrecognized in the minds of many Americans. It also is one of the leading causes of death within Native communities.

Annual deaths due to hepatitis C have surpassed deaths of HIV in the U.S. While an estimated 1 million Americans have been infected with HIV virus, at least 2.7 million to 3.9 million Americans are chronically infected with the hepatitis C virus. Native people have both the highest rate of acute hepatitis C infection and mortality than any other racial/ethnic group in the U.S.

From 2002 to 2012, hepatitis C infection increased by 82.6 with Natives, and incident rates of acute hepatitis C have remained higher relative to any other racial or ethnic group in the U.S. Funding for accurate data collection and inclusion of Natives is needed to eliminate this virus.

Data should be streamlined with tribes, State, and national registries, and electronic data collection should be funded in tribal clinics and agencies. We encourage you to review the IHS budget and develop a program which is similar to the Department of Vet-

erans Affairs to test and treat Natives living with hepatitis C, regardless of their stage of liver disease.

The Cherokee Nation's Hepatitis C Elimination Program is a model that can be used within all Native communities. The cost of end-stage liver disease caused by cirrhosis and hepatitis C infection or liver transplants can be avoided through early screening, treatment, ultimately lowering the cost to patients, providers, and the Medicaid programs.

Hepatitis C elimination is possible. In October 2015, Dr. Jorge Mera, Director of Infectious Disease with the Cherokee Nation, developed the Hepatitis C Elimination Program. At the start of this program, an estimated 5,000 members of the Cherokee Nation were infected with hepatitis C.

Within the first 60 days of the project's implementation, eight pregnant women were identified as hepatitis C positive, and increased surveillance or screening resulted in at least one new case of hepatitis C per day. To date, nearly 300 patients have been treated for hepatitis C, and based on a 12-week treatment, 96 percent sustained a positive cure rate.

Three important factors came out of this—increased screening for hepatitis C results in accurate prevalence rates; early intervention to screen, identify, and treat hepatitis C infection works within the Native communities; and the actual rate of infection for the Cherokee Nation was 5.8 as compared to the CDC's estimate of 2.8.

Hepatitis C treatment is cost-effective, but due to the high rate of infection, it puts a strain on Medicaid, NIHS policy, and also within tribal communities. We encourage the committee to adopt the recommendation 6.1 in a National Strategy for the Elimination of Hepatitis B and C.

We ask the following. One, we ask for increased funding to IHS and also for them to participate in the World Health Organization's elimination program of hepatitis C by 2030. We request the committee to investigate the benefits of purchasing the rights of direct-acting antivirals to aid in the elimination of hepatitis C by 2030.

The Cherokee Nation project also highlighted the need for better data. We request increased funding for data collection and data and that data collection include all Natives for more accurate reporting. Datasets must be streamlined with tribe, State, and national registries, and electronic data collection should be funded in tribal clinics and agencies.

And lastly, we ask for the committee to request that the Senate on Indian Affairs Committee conduct an expert hearing to address the state of viral hepatitis in populations that are served by IHS as well as Native community-based organizations. We ask that Native community stakeholders be invited to speak at the hearing so that they may address their firsthand experience of hepatitis C infection within their community.

We have an opportunity that rarely exists within medicine, and that is cure. We need the political will—your political will to ensure cure. Delay in treatment will only result in tens of thousands of deaths and billions in wasted dollars for healthcare costs in tax dollars.

We look forward to hearing from you and making hepatitis history, and I want to thank you on behalf of the Native American

AIDS Prevention Center, the Caring Ambassadors Program, and all Native communities within the U.S.

I want to thank you for the opportunity to speak today.

[The statement of Mr. Roberts follows:]

Patrick Allen Roberts, (Hopi), Health Policy Fellow
National Native American AIDS Prevention Center and the Caring Ambassadors Program

I. INTRODUCTION

My name is Patrick Roberts, I am a Colorado constituent and a registered Tribal member of the Hopi Nation; my mother is member of the clay clan with the Hopi Tribe in a village 50 miles north of Winslow Arizona; the name of that village is Shongpovi. In addition, I am an LGBT (Two-Spirit) Native who has been living with HIV for thirty years.

I also represent two National public charities, The National Native American AIDS Prevention Center (NNAAPC), located in Denver Colorado, and the Caring Ambassadors Program, located in Oregon City, Oregon as a Health Policy Fellow.

We respectfully submit our written comment on the disparities and lack of testing, treatment services related to hepatitis C within rural and urban tribal communities and recommended solutions to aid in the elimination goal for hepatitis C (HCV). We encourage Members of the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies to immediately investigate the opportunity to save money and eliminate the burden of hepatitis C by utilizing the creative financing recommendation contained in the recent report, "A National Strategy for the Elimination of Hepatitis B and C", by the National Academies of Sciences, Engineering, and Medicine. This report states clearly that the elimination of hepatitis B and C as a public health threat by the year 2030 is possible if Congress and the Administration provide strong leadership.

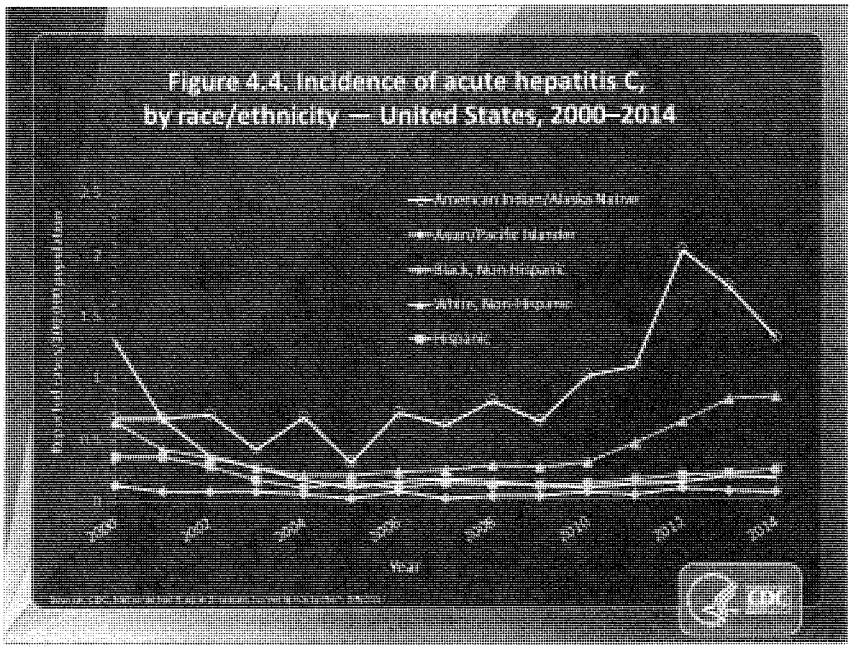
II. THE STATE OF HEPATITIS C INFECTION IN INDIAN COUNTRY

Hepatitis C is the most common, chronic, blood-borne viral infection in the United States, yet it remains an unrecognized threat in the minds of many Americans. Hepatitis C is an insidious and often silent disease for many years. The early quiescent nature of chronic hepatitis C is one of the most fundamental reasons it poses such a perilous public health threat. Significant numbers of people currently infected with HCV are unaware of their infection and are likely to remain so for many years until the complications of chronic liver disease develop. Annually deaths due to hepatitis C have surpassed deaths due to HIV in the US.

While an estimated 1 million Americans have been infected with the human immunodeficiency virus (HIV), at least 2.7 to 3.9 million Americans are chronically infected with the hepatitis C virus. American Indian /Alaskan Natives (AI/AN) people have both the highest rate of acute hepatitis C (HCV) infection and the highest HCV-related mortality rate of any U.S. racial/ethnic group; **in 2014, the rate of acute hepatitis C in AI/AN was 1.32 cases per 100,000. From 2002 - 2012, new hepatitis C infections increased by 82.6% amongst AI/AN. From 2002 - 2013, the incidence rate of acute hepatitis C remained higher for AI/AN relative to other racial/ethnic groups.**

Funding for data collection and inclusion of AI/AN in all data sets for a more accurate reporting is needed to eliminate the virus. Data sets should be streamlined with tribes, state and national registries and electronic data collection should be funded in tribal clinics and agencies.

Patrick Allen Roberts, (Hopi), Health Policy Fellow
National Native American AIDS Prevention Center and the Caring Ambassadors Program



In 2014, rates of acute hepatitis C among AI/ANs; are the highest compared to any other ethnic minority group.

III. THE LACK OF HEPATITIS C TREATMENT ACCESS

We encourage you to review the IHS budget and develop a program similar to what was done within the Department of Veterans Affairs to test and treat all AI/ANs living with HCV regardless of stage of liver disease. Under the current Affordable Care Act, access to hepatitis C medications is limited. And now hepatitis B and C are excluded (as a pre-existing condition) from the proposed American Health Care Act. Hepatitis C is preventable and treatable, yet early treatment is not covered. NNAAPC, through its testing efforts, has identified AI/ANs who are hepatitis C positive and are unable to access lifesaving treatment. Further, American Indians, Alaska Natives, and Native Hawaiians, that rely on IHS Purchased/Referred Care Funds for services, or Medicaid, are not able to access the expensive hepatitis C treatments. The Cherokee Nation's Hepatitis C Elimination Program is a model that can be used within all Native communities. The cost of end-stage liver disease caused by cirrhosis from hepatitis C infection or liver transplants can be avoided through early screening and treatment, ultimately lowering the cost to patients, providers, and Medicaid programs.

Patrick Allen Roberts, (Hopi), Health Policy Fellow
National Native American AIDS Prevention Center and the Caring Ambassadors Program

IV. HEPATITIS C ELIMINATION IS POSSIBLE

In October 2015, Dr. Jorge Mera, Director of Infectious Disease with the Cherokee Nation developed a hepatitis C elimination program; partnering with the University of New Mexico's Project ECHO Program which incorporated multiple providers to screen, treat and cure AI/ANs at risk or who are hepatitis C positive. At the start of the elimination project an estimated 5,000 members of the Cherokee Nation were infected with hepatitis C. Over a period of three years; the goal of the project was to screen 85% of the targeted population who are over the age of 20 years, to treat 85% of those who are positive with hepatitis C, and to cure 85% of those treated. The project was expanded to screen ages to 20 years and older, incorporated rapid testing to all outlying clinics, incorporated dental screening to the targeted age group, and implemented an electronic medical record (EMR) lab "trigger" system reminding medical staff to conduct the HCV rapid screening test.

Within the first 60 days of (the) project implementation the Cherokee Nation's Project, **(8) eight pregnant Cherokee women were identified as hepatitis C positive**. Increased screening resulted in the identification of ***(1) one new hepatitis C positive case per day.***

To date, nearly 300 patients have been treated for hepatitis C. ***Based on 12-weeks of treatment 96% sustained a positive cure rate***. Most importantly, the intention to treat (cure rate) reached 86%, which is 1% over the initial goal to treat HCV. Three very important outcomes stand out:

- Increase screening for hepatitis C results in more accurate prevalence rates
- Early intervention to screen, identify and that hepatitis C infection works in Native communities.
- The actual HCV rate for the Cherokee Nation is 5.8% as compared to the CDC's estimate of 2.8%.

V. FUNDING HEPATITIS C ELIMINATION

Hepatitis C treatment is cost effective but due to the high rate of infection it puts a strain on Medicaid, the IHS budget, and tribal health. We encourage committee members to adopt the committee recommendation 6.1 in A National Strategy for the Elimination of Hepatitis B and C;

> *6-1: The federal government, on behalf of the Department of Health and Human Services, should purchase the rights to a direct-acting antiviral for use in neglected market segments, such as Medicaid, the Indian Health Service, and prisons. This could be done through the licensing or assigning of a patent in a voluntary transaction with an innovator pharmaceutical company."*

Patrick Allen Roberts, (Hopi), Health Policy Fellow
National Native American AIDS Prevention Center and the Caring Ambassadors Program

VI. CONCLUSIONS

(1) We respectfully ask for increased funding to IHS to participate in the World Health Organization elimination goal by 2030. ***(2)*** We respectfully request the committee to investigate the benefit of purchasing the rights to a direct acting antiviral to aid in the elimination of hepatitis C by 2030. ***(3)*** The Cherokee Nation Project highlighted the need for better data with the actual rate of 5.8% compared to CDC's estimate of 2.8%. We respectfully request increased funding for data collection and inclusion of AI/AN in all data sets for a more accurate reporting. Data sets should be streamlined with tribes, state and national registries and electronic data collection should be funded in tribal clinics and agencies. ***(4)*** We respectfully ask this committee to request that the Senate on Indian Affairs Committee, conduct an expert hearing to address the state of viral hepatitis in populations served by the Indian Health Service and American Indian community-based organizations that serve our Native people. We ask that community stakeholders be invited to speak at the hearing so they may address firsthand experience related to hepatitis C infection in their community.

We have an opportunity that rarely exists in medicine (cure), we need your political will to ensure a cure for all. Delaying treatment will result in tens of thousands of unnecessary deaths and billions in wasted health care costs. Curing people puts them back to work, increases productivity, increases the quality of life, and reduces transmission to others. We look forward to working with you to make hepatitis history. Thank you for your time and consideration.

Sincerely,

Patrick Roberts

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

I want to thank all of our witnesses.

The new justice center, it is quite a justice center you put up there. How much money did you spend on that?

Mr. SMALL. We spent $36 million, close to $37 million, Mr. Chairman.

Mr. CALVERT. And you think it is going to cost how much per year to operate that?

Mr. SMALL. $4.8 million.

Mr. CALVERT. And right now, you are not receiving any money?

Mr. SMALL. No, we are not. We are funding it. The tribe is funding it right now.

It is only partially open.

Mr. CALVERT. And before you built that, did they assure you that they would—if you built it, they would pay the operating cost of that?

Mr. SMALL. Yes. It was built to their specifications. So, yes.

Mr. CALVERT. So it was built to their specs with the assurety that they would pick up the operating costs, and they have not done so. So we will follow through on that, see where that is at.

Mr. SMALL. Thank you, Mr. Chairman.

Mr. CALVERT. Certainly we are interested in energy production so we need to take a look at, I think, energy production throughout the West because it seems that we may have some opportunities to work together with both the BLM and with Department of Energy. Maybe we can figure out a way to do this.

Mr. SMALL. We can gather those together.

Mr. CALVERT. I just said that because Department of Energy is under his jurisdiction.

Mr. SMALL. Okay. [Laughter.]

Mr. CALVERT. So maybe we can work together to resolve that.

And certainly, the Great Lakes, I hear a lot about the Great Lakes, Mr. Carrick, because to my left here, we have a great advocate for that, and we have, actually, two of them. That is right. I have got two people here. Plus, we have on our side, we have a few.

So as you notice, in the 2017 bill, we did not cut back on the Great Lakes.

Mr. CARRICK. We noticed, thank you.

Mr. CALVERT. And we are big supporters of all that fresh water, especially if we could export it to California, but they tell me I can't do it. [Laughter.]

Mr. SIMPSON. We need some more medical care.

Mr. CALVERT. Yes, right.

And I guess the good news about hepatitis C and B is that we have a cure for it now?

Mr. ROBERTS. There is a cure for it, right.

Mr. CALVERT. So the bad news is I—just bring that mike up. The bad news, as a matter of fact, I had a close friend—well, he is still a close friend. I mean, happily, he is cured. But he didn't even know he had hepatitis. He got in a traffic accident early in his life, and they did a blood test and found out he had it.

Mr. ROBERTS. Roughly about 70 percent of Natives don't know that they have hepatitis C or have been exposed to hepatitis C.

Mr. CALVERT. So they never had a blood test.

Mr. ROBERTS. Correct.

Mr. CALVERT. But it is, what, $100,000 per treatment to cure. Is that about right?

Mr. ROBERTS. Correct. And the current Medicaid policy for most States is there are five different fibrosis scores that you have to wait for. Most States are fibrosis Stage 3. But at that point, you're already on death's door when it comes to that.

Mr. CALVERT. Right, right.

Mr. ROBERTS. So sometimes treatment is available at that stage, but it is not always effective.

Mr. CALVERT. Right. Yes. But it has been, even with severe cases, over 90 percent effective on cure, right?

Mr. ROBERTS. Yes.

Mr. CALVERT. So that is encouraging. As I think if these drugs are out there longer, the price of these drugs are going to come down. But right now, it is very, very expensive, but we will look into that.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Back to your point, Mr. Roberts, about having a hearing. There are ways. There are health groups, bipartisan, caucuses, that put together hearings quite often. I will get your card afterwards, and we will work with some members, to see if we can have an informal hearing. Staff can attend and figure out some legislation and some policies and that to work forward on it.

It is interesting that you brought this up because I had a health disparities meeting with the different populations within my congressional district last summer. I spent a lot of time with them, and this came up, but it came up very quietly.

Mr. ROBERTS. Yes.

Ms. MCCOLLUM. And the numbers weren't there the way that you pointed it out.

Mr. ROBERTS. I can certainly provide you additional numbers if you would like.

Ms. MCCOLLUM. I am going to go back and talk to my community health clinics and then talk to our State epidemiologist about it because I know this is important—as the chairman pointed out, to be tested for it, to find out you have it before it activates in your system.

Mr. ROBERTS. Correct.

Ms. MCCOLLUM. Stopping that permanent damage is cost savings for the healthcare system, but it is the cost savings to you as a human being, you know, there is no price tag you can put on it like that.

Mr. ROBERTS. And as a community because hepatitis C just not only affects the patient or the person that is infected by hepatitis C, but community at large because we are so engrained in our family and culture and community. This virus really has an effect on community at large and how it affects people's perceptions and emotion and spiritual state.

Ms. MCCOLLUM. So do you have to ask to be tested in most States, or are some States retroactively——

Mr. ROBERTS. Mostly in every clinic, you have to ask, specifically ask for hepatitis C screening. It is not provided. But with the Cher-

okee Nation's elimination program, they are testing anybody 20 or above, and they are also screening in the dental clinic.

So we are trying to adopt that process and that policy across all nations. So it is just a matter of education and making sure that people are aware.

Ms. MCCOLLUM. Because you can always refuse to have it tested, but if no one offers to have it tested, you don't know to ask.

Mr. ROBERTS. Correct, yes.

Ms. MCCOLLUM. Thank you.

Turning to the Great Lakes, I couldn't agree with you more about all the problems that we are having, not only in the Great Lakes, but all of our Lakes, with some of the algae and all the quagga mussels and the zebra mussels. We are just getting really overwhelmed with a lot of invasive species.

The other thing that we are seeing in the north is all the salt runoff accumulating over years, changing the alkaline of our lakes. We are not so sure that that is reversible. So that is another issue that we are starting to have to look at.

Thank you for bringing that up.

Mr. CALVERT. Thank you.

Ms. Kaptur.

Ms. KAPTUR. I just want to thank our witnesses very much for being with us today. Being an Ohioan, I am interested in where the Chippewa Ottawa Resource Authority is located?

Mr. CARRICK. In Sault Ste. Marie.

Ms. KAPTUR. Way up in the Sault.

Mr. CARRICK. Right. Right at the headwaters of all three lakes, where Ste. Marie's River dumps into the other ones.

Ms. KAPTUR. You haven't seen any Asian carp up there, have you?

Mr. CARRICK. No.

Ms. KAPTUR. Okay. We don't want those.

Mr. CARRICK. No, we don't want them. We don't want quagga mussels up there either. We are fortunate in Lake Superior right now they are not there because of the fresh cold water, but don't know.

Ms. KAPTUR. While we have such distinguished witnesses in front of us, I feel obligated to say that we worked very hard over the years with little success with the Department of Interior to try to get interpretation of the tribal history that has been a part of the Northwest Territory, America's first frontier after the 13 colonies.

And I just wish to place that on the record because I think that your life and the lives of those you represent are just as important as those who happened to live west of the Mississippi River and have much fuller interpretation. So I would hope you just know you have an ally on this committee, maybe more than one, to take a look at the entire region.

I represent counties called Cuyahoga, Erie, Ottawa. The lake I represent is called Erie, and there is a huge history that the Department of Interior just puts its hands up like this. I would think that they could put a little more due diligence into the histories of our particular region of the country.

So just thank you very much for coming here today to testify.

Mr. CALVERT. Thank you, and I thank you for listening.

Mr. SIMPSON. Mr. Chairman, let me ask just a really quick question. Tony, it looks like a pretty nice justice center you built. Is the detention part of this for tribal members only, or do you do regional detention?

Mr. SMALL. It is for tribal members only. We were looking at that and maybe bringing in different tribes into the area if we could. And, but basically, it is for tribal members.

Mr. SIMPSON. We have encouraged the Department to use some of these for regional detention, which I think would be beneficial.

Mr. SMALL. Would be.

Mr. SIMPSON. So, okay, thank you.

Mr. SMALL. Thank you.

Mr. CALVERT. Okay. Thank you very much for this panel. We appreciate your attendance. You are excused.

And we are going to ask the next panel to come up. Robert Blanchard, chairman of the Bad River band of Lake Superior Chippewa Tribe; George Thompson, councilman of the Lac du Flambeau Tribe; and Michael "Mic" Isham, chairman of the Great Lakes Indian Fish Wildlife Commission. If you will please come on up.

Boy, you tribal chairmen are getting younger every time. [Laughter.]

We can't call you an elder. No way. Everybody get a seat here.

Well, welcome, and we are going to start with Mr. Blanchard, the chairman of the Bad River band of Lake Chippewa Tribe. You are recognized.

WEDNESDAY, MAY 17, 2017.

BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA TRIBE

WITNESS

ROBERT BLANCHARD, CHAIRMAN

Mr. BLANCHARD. Thank you. [Speaking Native language.] Good afternoon, everyone.

Mr. CALVERT. Oh, move your mike just a little closer. That would be great. Thank you.

Mr. BLANCHARD. I thank you for the opportunity to come before you to testify today.

Bad River Reservation is located in northern Wisconsin on the south shore of Lake Superior, which holds 10 percent of the world's fresh unfrozen water supply. The tribe has over 7,000 enrolled members. About 1,500 live on the reservation.

Our people migrated to the Lake Superior region to what is now called Odanah, Wisconsin, where it was said that we would settle when we came across food that grows on water called manomin, or wild rice. It is our sacred food.

The Bad River and Kakagon Slough area is the largest pristine freshwater estuary in the Lake Superior region and contains the wild rice beds that are important to the people of Bad River.

Four main issues I would like to talk about today that directly affect my people are the environment, our infrastructure, our health, and our drug addiction, mostly opiates and meth.

Our environment is paramount to our survival. The Great Lakes Restoration Initiative allows for investigation, education, and solutions to protect culturally significant water resources, historic harvesting techniques, and healthy food access. GLRI funding helps to restore wetlands, wild rice beds, brook trout habitat, and protects spawning grounds critical to Lake Superior fisheries, such as the lake sturgeon, which are spiritually significant to my people.

The Bad River Tribe requests your support for the continuation of the Great Lakes Restoration Initiative. Bad River is one of 42 tribes with EPA-approved water quality standards. The funding we receive through the EPA program allows us to make decisions based on sound science.

The natural resources management funding we receive through the Bureau of Indian Affairs supports our fish hatchery operations, which releases about 4 million walleye fry annually back into the rivers and streams leading to Lake Superior, which benefits the entire fisheries of the western Lake Superior region. Sustaining or increasing this funding received from the Bureau of Indian Affairs is critical to maintaining the resources.

EPA funding provided through the Safe Drinking Water Act, the Clean Water Act, and through the IHS sanitation deficiency system, which provides vital funds that helps remove critical infrastructure efficiencies which are required to meet the health needs of the Bad River band.

The second issue I would like to discuss is our infrastructure. SAFETEA-LU, which was designed to supplement the Tribal Roads Maintenance Program, is now the main roads funding for a majority of tribes. An increase to this funding is necessary to maintain and improve the transportation infrastructure of the Bad River community.

Roads, bridges, and trails are an important part of our daily lives for access to work and access to recreational activities and the economic benefit they provide. The development of a recreational trail across the reservation is a project that my tribe wants to continue to develop, in part with the use of Bureau of Indian Affairs funding.

A project such as this would have huge positive impact not only for the tribe, but our neighbors as well, as this would connect Iron County and Ashland County and Bayfield County together, and we would have that as a corridor going through. So we ask that you consider the needed increase in funding for needed improvements in our infrastructure.

The final two issues I would like to talk about are healthcare and drug addictions. Our tribe is very proud of our new tribal health and wellness center. However, with the drug epidemic growing, our ability to treat drug addictions and help families which maintaining normal health service has strained our resources to the maximum.

The Indian Health Service alone cannot provide the funds required. Our clinic relies heavily on third-party funding, and a decrease in Medicaid funding would only increase the financial burden on the healthcare system.

The Bad River tribal community has seen an influx of illegal drugs being distributed on the reservation. Meth is the number-one drug.

Our social services programs are experiencing an increase in caseload involving tribal members who are struggling with the drug addiction and violence as well as children suffering from neglect, abuse, and trauma due to violence. Due to the meth epidemic, we ask that the Department of Interior Bureau of Indian Affairs funding be increased to address these issues.

Our Housing Authority recently reported that nine residential homes tested positive for meth. These hazardous waste properties require special staff training and equipment to make the properties livable again. This has cost our Housing Authority an additional $60,000 in the past 90 days.

So it is essential to keep working to honor treaties with my tribe and my neighbor tribes in the western Lake Superior region and to provide funding to support pristine water and air, safe and sanitary housing and related infrastructure, and adequate healthcare through the Indian Health Service.

I would just like to say [speaking Native language]. Thank you for your time, and may the Great Spirit be with you all.

[The statement of Mr. Blanchard follows:]

TESTIMONY OF CHAIRMAN ROBERT BLANCHARD
BAD RIVER BAND OF THE LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS OF WISCONSIN
BEFORE THE U.S HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES
REGARDING FISCAL YEAR 2018 APPROPRIATIONS
MAY 17, 2017

Boozhoo (Greetings) My name is Robert Blanchard, I am the Chairman and Chief Executive Director of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin. I am very pleased and thankful to see that many of the Committee Members have introduced and passed legislation which has had a positive effect on Native Peoples. Again I thank you in behalf of my Tribal Community for those efforts.

A little about my People: The Bad River Band Of Lake Superior of Chippewa Indians is located on a 126,000+ acre Reservation in Northern Wisconsin on the South Shore of the Western Lake Superior Region of the United States. Lake Superior has 10% of the worlds fresh unfrozen water supply. The Tribe has over 7,000 members, the majority living off the reservation, about 1,500 live at Odanah on the Reservation. Our people migrated to the Western Lake Superior Region and what is now Odanah, WI, for it was prophesized that we would settle when we came across food that grows on water, the Manomin or Wild Rice.

Manomin, or Wild Rice as you know it, is our Sacred Food. The Bad River and Kakagon Slough areas are the largest pristine freshwater wetland estuaries in the Lake Superior Region, and contain the Wild Rice beds that my People harvest annually.

Protection of Native gathering, hunting, and fishing rights is a part of federal law throughout the United States. Few places is it more important than in the Western Lake Superior Region, and for my People the Bad River and Kakagon Slough areas. What we call subsistence is not a relic from the past. It continues to be the foundation of my People's society and culture. A vast majority of my Tribe's People still participate in gathering, hunting and fishing for food during the year. Subsistence resources remain central to their nutrition, economies and spiritual connection to each other.

I come to you today, to address four main issues that directly affect my people:

*** The environment**

*** Infrastructure needs**

*** Health**

*** Community's Response to Opiod and Methamphetmine Abuse**

The Environment

The Great Lakes Restoration Initiative allows for investigation, education, and solutions to protect culturally significant water resources, historic harvesting techniques and healthy food access, helps funding to restore wetland, wild rice and brook trout habitats and protect spawning grounds critical to Lake Superior fisheries in addition to creating jobs. The Bad River Tribe requests you support the continuation of the Great Lakes Restoration Initiative.

The Bad River Tribe is one of only 42 tribes with EPA-approved water quality standards. The environmental protection funding we receive through the EPA helps prevent pollution and keep our waters and air clean and our community healthy. It allows us to base our management decisions on sound science. The natural resources management funding we receive through the BIA supports our Hatchery Operations (raising around 4 million walleye annually) Sustaining and increasing the environmental and natural resources BIA funding is crucial at a time

EPA Funding provided through the Save Drinking Water Act, the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act) and the Clean Water Act and IHS funding through the Sanitation Deficiency System, provides vital funds, that helps resolve critical infrastructure deficiencies, which are required to meet the health needs for the members of the Bad River Band of Lake Superior Chippewa Indians.

Infrastructure

The Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy For User (SAFETEA-LU) which was designed to supplement the Tribal Roads Maintenance Programs is now the main funding for roads of the vast majority of tribes. An increase in this funding is absolutely necessary to maintain and improve the transportation infrastructure of the Bad River Community.

The Tribal Road, Bridges and Trails infrastructure serve a critical purpose for access for gathering, hunting and fishing, for access to work, and for access to recreational activities and the economic benefit that access provides. For example, development of a recreational trail across the Reservation is a project that my Tribe wants to continue to develop, and in part with Bureau of Indian Affairs funding if funded.

Health

Our tribe is very proud of the new and modern tribal Medical Clinic & Wellness Center which is available to members and non-members. However, with the drug epidemic growing the ability to treat the drug addict and family while maintaining normal health services is strained to the maximum now. Indian Health Services (IHS) cannot alone provide the funds required. Our clinic is self sustaining and relies heavily on third party

funding. Decreasing Medicaid funding will only increase the financial burden on the health care system.

My Community's Response to Opioid and Methamphetamine abuse

Bad River Tribe is in the midst of an influx of illicit drugs being distributed on the reservation and meth is the number one drug. Our Social and Family Services programs are experiencing an increase in case load involving tribal members who are struggling with drug addiction and violence, as well as, children suffering from neglect, abuse, and trauma due to violence. The meth epidemic requires that The Department of Interior, Bureau of Indian Affairs (BIA) funding is increased to address these hard core issues.

Our Bad River Housing Authority reported as of May 3, 2017, that 9 residential homes have tested positive for the presence of meth with tests on 5 additional homes in process. These potential hazard waste properties require special staff training, equipment, cleaning solutions and manpower to make the properties livable again. This has cost the BRHA an additional $60,000 the past 90 days. It is a staggering challenge for our tribal community. Cutting funding is not the answer.

For my people, we have the potential solution to address these problems. It is essential to keep working to honor treaties with my Tribe and my neighbor Tribes in the Western Lake Superior Region and quickly provide funding to support pristine water and air that we rely on, safe and sanitary housing and related infrastructure, and adequate health care through the Indian Health Service so that we can exercise our protected rights.

The Federal Government has an obligation and duty to level the playing field when it comes to assistance to tribes that are historically disadvantage in large part due to a long history of good interactions and promises made by the Federal Government and Indian tribes by the way of treaties.

In summary it is critical that funding be maintained or improved in the following four areas:

* **Water, Environmental and Natural Resource Protection funding at least at current levels by:**
  - **Great Lakes Restoration Initiative Funding**
  - **EPA Environmental Protection Funding**
  - **EPA Save Drinking Water Act and the Clean Water Act**
  - **IHS Sanitation Deficiency Funding**
* **Improved transportation/roads through adequate funding through**

SAFETEA-LU Act

*** Community Health supported by maintain or increasing Medicaid Funding**

*** The Tribal Community Solutions for Substance Abuse through increased or maintaining BIA Funding**

Respectfully submitted,

Miigwech (Thank You)

Robert Blanchard

Chairman and Chief Executive Director
Bad River Band of Lake Superior
Tribe of Chippewa Indians.
Odanah, WI 54861
May 2017

Mr. CALVERT. Thank you.

Next George Thompson, councilman for the Lac du Flambeau Tribe. Yes, I got it. Okay.

WEDNESDAY, MAY 17, 2017.

LAC DU FLAMBEAU TRIBE

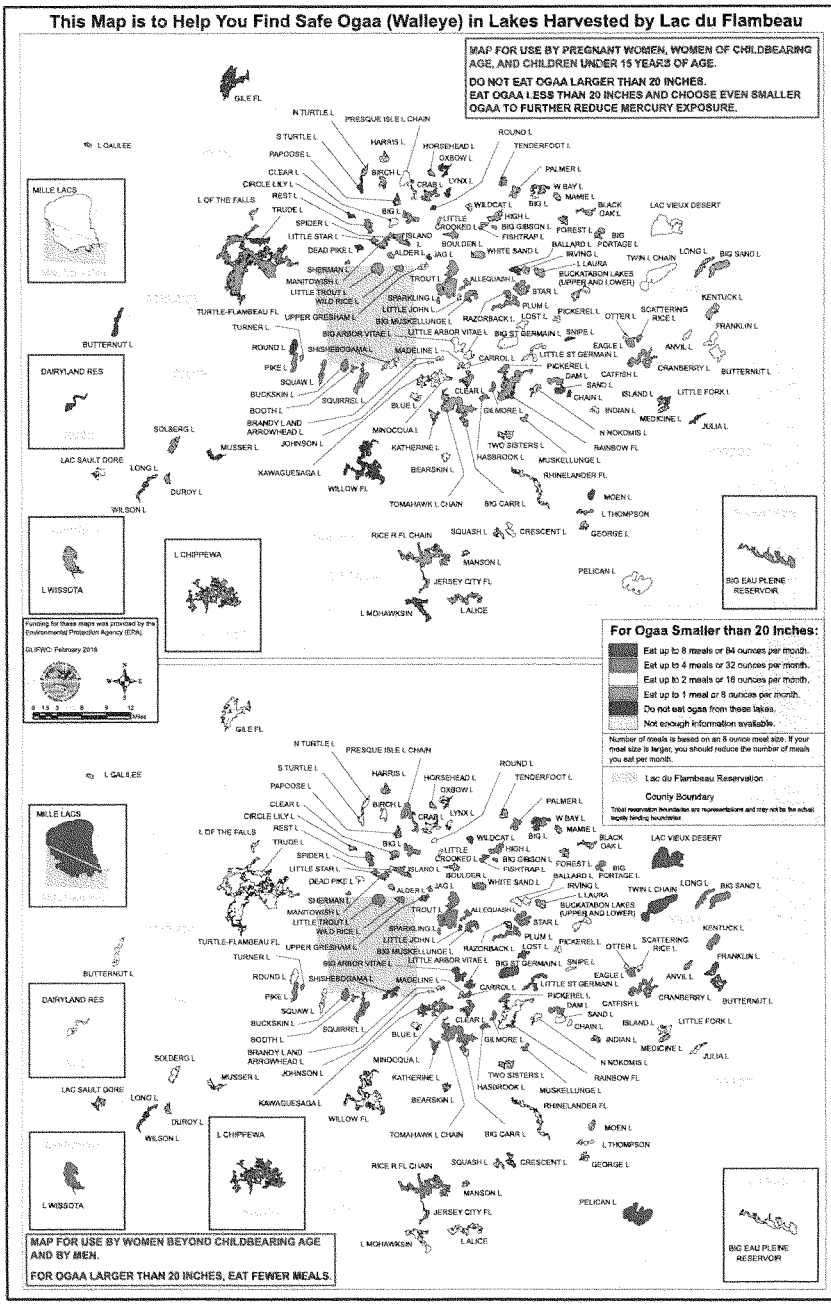
WITNESS

GEORGE THOMPSON, COUNCILMAN

Mr. THOMPSON. I have some additional information.

Mr. CALVERT. Thank you. We will submit that for the record.

[The information follows:]


This Map is to Help You Find Safe Ogaa (Walleye) in Lakes Harvested by Lac du Flambeau
MAP FOR USE BY PREGNANT WOMEN, WOMEN OF CHILDBEARING AGE, AND CHILDREN UNDER 15 YEARS OF AGE.
DO NOT EAT OGAA LARGER THAN 20 INCHES.
EAT OGAA LESS THAN 20 INCHES AND CHOOSE EVEN SMALLER OGAA TO FURTHER REDUCE MERCURY EXPOSURE.
MILLE LACS
DAIRYLAND RES
L WISSOTA
L CHIPPEWA
LAC SAULT DORE
BUTTERNUT L
SOLBERG L
MUSSER L
LONG L
WILSON L
DUROY L
KAWAGUESAGA L
WILLOW FL
JOHNSON L
BRANDY LAND
ARROWHEAD L
BOOTH L
SQUIRREL L
BUCKSKIN L
SQUAW L
PIKE L
ROUND L
TURNER L
TURTLE-FLAMBEAU FL
UPPER GRESHAM L
WILD RICE L
LITTLE TROUT L
MANITOWISH L
SHERMAN L
DEAD PIKE L
LITTLE STAR L
SPIDER L
TRUDE L
REST L
CIRCLE LILY L
CLEAR L
PAPOOSE L
S TURTLE L
N TURTLE L
GILE FL
L GALILEE
PRESQUE ISLE L CHAIN
HARRIS L
BIRCH L
OXBOW L
HORSEHEAD L
ROUND L
TENDERFOOT L
PALMER L
CRAB L
LYNX L
W BAY L
MAMIE L
WILDCAT L
BIG L
HIGH L
BLACK OAK L
LAC VIEUX DESERT
LITTLE CROOKED L
BIG GIBSON L
FISHTRAP L
FOREST L
BIG PORTAGE L
BALLARD L
IRVING L
TWIN L CHAIN
LONG L
BIG SAND L
L LAURA
BUCKATABON LAKES (UPPER AND LOWER)
STAR L
ALLEQUASH L
TROUT L
ALDER L
JAG L
WHITE SAND L
BOULDER L
ISLAND L
L OF THE FALLS
SPARKLING L
LITTLE JOHN L
BIG MUSKELLUNGE L
LITTLE ARBOR VITAE L
BIG ARBOR VITAE L
RAZORBACK L
LOST L
PLUM L
PICKEREL L
OTTER L
SCATTERING RICE L
KENTUCK L
FRANKLIN L
BIG ST GERMAIN L
SNIPE L
EAGLE L
LITTLE ST GERMAIN L
ANVIL L
CRANBERRY L
CATFISH L
DAM L
SAND L
CHAIN L
ISLAND L
LITTLE FORK L
INDIAN L
MEDICINE L
JULIA L
N NOKOMIS L
RAINBOW FL
CARROL L
MADELINE L
SHISHEBOGAMA L
CLEAR L
BLUE L
GILMORE L
MINOCQUA L
KATHERINE L
TWO SISTERS L
HASBROOK L
MUSKELLUNGE L
RHINELANDER FL
BEARSKIN L
TOMAHAWK L CHAIN
BIG CARR L
MOEN L
L THOMPSON
GEORGE L
CRESCENT L
SQUASH L
RICE R FL CHAIN
MANSON L
JERSEY CITY FL
L ALICE
L MOHAWKSIN
PELICAN L
BIG EAU PLEINE RESERVOIR
Funding for these maps was provided by the Environmental Protection Agency (EPA).
GLIFWC: February 2016
For Ogaa Smaller than 20 Inches:
Eat up to 8 meals or 84 ounces per month.
Eat up to 4 meals or 32 ounces per month.
Eat up to 2 meals or 16 ounces per month.
Eat up to 1 meal or 8 ounces per month.
Do not eat ogaa from these lakes.
Not enough information available.
Number of meals is based on an 8 ounce meal size. If your meal size is larger, you should reduce the number of meals you eat per month.
Lac du Flambeau Reservation
County Boundary
Tribal reservation boundaries are representations and may not be the actual legally binding boundaries
MAP FOR USE BY WOMEN BEYOND CHILDBEARING AGE AND BY MEN.
FOR OGAA LARGER THAN 20 INCHES, EAT FEWER MEALS.

Recommended Maximum Number of Ogaa Meals per Month for Lakes Harvested by Lac Du Flambeau

SORTING AND LABELING *OGAA* PRIOR TO FREEZING

When Cleaning *Ogaa*:

- Put *ogaa* under 20 inches in bags labeled "under 20 inches."
- Put *ogaa* over 20 inches in bags labeled "over 20 inches."
- Label bags with the lake name.
- Follow the advice below for maximum number of meals per month.

USING THIS CHART TO FIND SAFER *GIIGOONH*

MAXIMUM NUMBER OF MEALS PER MONTH

Advice is for all lakes combined. For example, if you eat four meals in a month from green lakes you should not eat any other meals of *ogaa* in that month.

MEAL SIZE

Meal size is based on 8 ounces. An average 19 inch *ogaa* will have 8 ounces of meat. If your meal size is larger you should eat fewer meals of *ogaa*. If it is smaller you can eat more meals of *ogaa*.

OTHER *GIIGOONH*

Giigoonh such as muskellunge, largemouth bass, smallmouth bass, and northern pike will have more mercury than *giigoonh* such as lake whitefish, herring, bluegill, sunfish, crappie or perch. Try to choose safer *giigoonh*.

LAKE	COUNTY	Women of childbearing age and children less than 15: Maximum number of meals per month	Women beyond childbearing years and men 15 and older: Maximum number of meals per month
ALDER L	VILAS	8	8
ALLEQUASH L	VILAS	1	1
ANVIL L	VILAS	2	2
ARROWHEAD L	VILAS	2	2
BALLARD L	VILAS	8	2
BEARSKIN L	ONEIDA	2	8
BIG ARBOR VITAE L	VILAS	2	8
BIG CARR L	ONEIDA	1	2
BIG EAU PLEINE RES	MARATHON	1	2
BIG GIBSON L	VILAS	1	8
BIG L (BOULDER JCT)	VILAS	1	8
BIG L (MI BORDER)	VILAS	2	8
BIG MUSKELLUNGE L	VILAS	1	1
BIG PORTAGE L	VILAS	1	1
BIG SAND L	VILAS	1	1
BIG ST GERMAINE L	VILAS	2	8
BIRCH L	VILAS	1	2
BLACK OAK L	VILAS	1	1
BLUE L	ONEIDA	Not Enough Information	
BOOTH L	ONEIDA	1	1
BOULDER L	VILAS	1	1
BRANDY L	VILAS	Not Enough Information	
BUCKSKIN L	ONEIDA	1	1
BUTTERNUT L	FOREST	2	8
BUTTERNUT L	PRICE	8	2
CARROL L	ONEIDA	2	1
CATFISH L	VILAS	1	1
CHAIN L	ONEIDA	8	2
CIRCLE LILY L	VILAS	8	1
CLEAR L	ONEIDA	8	1
CLEAR L	VILAS	2	1
CRAB L	VILAS	8	2
CRANBERRY L	VILAS	1	1
CRESCENT L	ONEIDA	2	8
DAIRYLAND RES	RUSK	8	2
DAM L	ONEIDA	1	1
DEAD PIKE L	VILAS	8	2
DUROY L	PRICE	1	1
EAGLE L	VILAS	1	1
FISHTRAP L	VILAS	1	1
FOREST L	VILAS	1	1
FRANKLIN L	FOREST	2	8
GEORGE L	ONEIDA	1	1
GILE FL	IRON	8	2
GILMORE L	ONEIDA	1	8
HARRIS L	VILAS	1	1
HASBROOK L	ONEIDA	1	1
HIGH L	VILAS	1	1
HORSEHEAD L	VILAS	1	1
INDIAN L	ONEIDA	2	8
IRVING L	VILAS	1	2
ISLAND L	ONEIDA	1	2
ISLAND L	VILAS	1	1
JAG L	VILAS	1	1
JERSEY CITY FL	LINCOLN	8	1
JOHNSON L	VILAS	Not Enough Information	
JULIA L (THREE LAKES)	ONEIDA	8	2
KATHERINE L	ONEIDA	1	8
KAWAGUESAGA L	ONEIDA	2	8
KENTUCK L	VILAS	1	1
L ALICE	LINCOLN	1	2
L CHIPPEWA	SAWYER	1	1
L GALILEE	ASHLAND	1	1
L LAURA	VILAS	1	1
L MOHAWKSIN	LINCOLN	8	2
L OF THE FALLS	IRON	Not Enough Information	
L THOMPSON	ONEIDA	1	2
L WISSOTA	CHIPPEWA	1	1
LAC SAULT DORE	PRICE	2	8
LAC VIEUX DESERT	VILAS	2	8

LAKE	COUNTY	Women of childbearing age and children less than 15: Maximum number of meals per month	Women beyond childbearing years and men 15 and older: Maximum number of meals per month
LITTLE ARBOR VITAE L	VILAS	2	8
LITTLE CROOKED L	VILAS	Not Enough Information	
LITTLE FORK L	ONEIDA	8	2
LITTLE JOHN L	VILAS	2	8
LITTLE ST GERMAIN L	VILAS	2	8
LITTLE STAR L	VILAS	1	1
LITTLE TROUT L	VILAS	1	1
LONG L	PRICE	1	1
LONG L	VILAS	1	1
LOST L	VILAS	2	8
LOWER BUCKATABON L	VILAS	Not Enough Information	
LYNX L	VILAS	8	2
MADELINE L	ONEIDA	Not Enough Information	
MAMIE L	VILAS	1	1
MANITOWISH L	VILAS	1	1
MANSON L	ONEIDA	1	1
MEDICINE L	ONEIDA	1	1
MILLE LACS	MILLE LACS	2	8
MINOCQUA L	ONEIDA	2	8
MOEN L	ONEIDA	1	1
MUSKELLUNGE L	ONEIDA	1	1
MUSSER L	PRICE	8	2
N NOKOMIS L	ONEIDA	1	2
N TURTLE L	VILAS	1	2
OTTER L	VILAS	Not Enough Information	
OXBOW L	VILAS	8	2
PALMER L	VILAS	1	1
PAPOOSE L	VILAS	1	1
PELICAN L	ONEIDA	2	8
PICKEREL L	ONEIDA	8	1
PICKEREL L	VILAS	Not Enough Information	
PIKE L	PRICE	1	1
PLUM L	VILAS	1	1
PRESQUE ISLE L CHAIN	VILAS	2	8
RAINBOW FL	ONEIDA	8	2
RAZORBACK L	VILAS	1	1
REST L	VILAS	1	1
RHINELANDER FL	ONEIDA	Not Enough Information	
RICE R FL CHAIN	LINCOLN	1	8
ROUND L	PRICE	8	2
ROUND L	VILAS	8	2
S TURTLE L	VILAS	8	2
SAND L	ONEIDA	8	2
SCATTERING RICE L	VILAS	1	2
SHERMAN L	VILAS	1	8
SHISHEBOGAMA L	ONEIDA	2	8
SNIPE L	VILAS	1	2
SOLBERG L	PRICE	1	2
SPARKLING L	VILAS	1	1
SPIDER L	VILAS	1	2
SQUASH L	ONEIDA	1	1
SQUAW L	VILAS	1	2
SQUIRREL L	ONEIDA	1	1
STAR L	VILAS	1	1
TENDERFOOT L	VILAS	1	1
TOMAHAWK L CHAIN	ONEIDA	1	1
TROUT L	VILAS	1	1
TRUDE L	IRON	8	2
TURNER L	PRICE	1	1
TURTLE-FLAMBEAU L	IRON	8	2
TWIN L CHAIN	VILAS	2	8
TWO SISTERS L	ONEIDA	1	1
UPPER BUCKATABON L	VILAS	8	2
UPPER GRESHAM L	VILAS	2	8
W BAY L	VILAS	1	1
WHITE SAND L	VILAS	1	1
WILD RICE L	VILAS	1	1
WILDCAT L	VILAS	2	8
WILLOW FL	ONEIDA	8	2
WILSON L	PRICE	1	1

For many native people, *giigoonh* are part of a traditional and healthy diet. If you rely on *giigoonh*, choose safer *giigoonh* with lower levels of mercury by following the advice on this map.

RISKS AND BENEFITS

Risk: Mercury can damage the nervous system, especially the brain. Fetuses and babies are the most at risk because their nervous systems are rapidly developing. Children exposed to unsafe levels while in the womb have been found to experience delayed development in walking and talking, even though the mother was not affected. Mercury cannot be removed by trimming or cooking.

Benefit: Eating even as few as two to three meals of *giigoonh* a month may reduce your risk of death due to heart disease.

If you have questions about finding safer ogaa, call GLIFWC at 1-715-682-6619.
To learn more about mercury in ogaa, visit GLIFWC's website at www.glifwc.org/Mercury/mercury.htm

Mr. THOMPSON. Good afternoon, Chairman Simpson, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee.

I am George Thompson. I am a tribal council member for the Lac du Flambeau band of Lake Superior Chippewa Indians located in northern Wisconsin. I am joined here today by our tribal president, Joseph Wildcat Sr., and Larry Wawronowicz, our tribal natural resource director, and my son Mason, who is here as a part of an educational piece to see what we are working towards for his future here.

Our tribe of 3,400 members is the largest employer in Vilas County. Together with tribal enterprises, the tribe employs 800 individuals. Of that 800, about 25 percent of our workforce are paid full or in part with appropriations made under the subcommittee's jurisdiction.

If Congress were to enact President Trump's proposed budget for fiscal year 2018, the tribal government would have to resort to potential layoffs of these dedicated tribal employees. I am confident the committee will uphold the Federal Government's trust responsibility to Native Americans and oppose the White House's harmful budget cuts.

We are grateful for the bipartisan leadership this committee has demonstrated with enactments of the Fiscal Year 2017 Continuing Appropriations Act, which has increased funding for fiscal year 2017.

To give an idea of the challenges we face on our 86,600-acre reservation, we have 260 lakes, 71 miles of streams and rivers, approximately 4,200 acres of forested land, and roughly 42,000 acres of water and wetlands. Our waters are sacred. Like many rural areas, we are dealing with opioid abuse and the challenges of creating and maintaining jobs for our citizens and our residents.

Please recognize the interconnectedness of IHS, BIA, and EPA programs which help us promote healthy tribal members and healthy communities, the essential building blocks for stable communities. We want to raise our tribal youth in safety and security so that they may realize their fullest potential and contribute to our community's and our Nation's future.

With respect to IHS funding, we greatly appreciate the $232 million increase Congress provided for fiscal year 2017. We operate our own healthcare and dental program, a family resource center, a domestic abuse program, a youth center, a child support agency, and recently opened a drug treatment program. We employ 140 individuals in our healthcare programs. We respectfully ask for increases in fiscal year 2018 so we can continue to engage in proactive, preventive healthcare, which saves lives and saves money.

Wisconsin has seen a large increase in children born addicted as a result of women taking prescription drugs and using illegal narcotics during pregnancy. Vilas County has the second-highest rate of such babies, 2 to 3 per 100 births. Early treatment is critical. Combined with the opioid epidemic, our budget is stretched to the breaking point.

With respect to the BIE and BIA funding, we oppose proposed cuts for fiscal year 2018, which threaten to undermine educational

services for Native youth and adults returning to school. We ask that you please support the important Johnson O'Malley grant program and increase adult scholarships and special higher education scholarships for fiscal year 2018. Education is the key to our tribe's future.

I operate the tribal roads program in Lac du Flambeau. So I want to personally thank you for the $3.6 million increase for BIA road maintenance. A $10 million increase is required for fiscal year 2018 so that the percentage of the BIA system's road maintained in fair condition can increase beyond the current 16 percent. It is a public safety issue, plain and simple, and the BIA funding is inadequate.

Let me conclude my testimony with natural resource needs. We have a vibrant natural resource program that we are proud of at Lac du Flambeau. Our natural resource programs protect our culture, our health, our economy, and is part of Wisconsin's $19.3 billion fishing, recreation, and tourism industry.

Minnesota and Wisconsin lead the Nation with mercury contaminated lakes, and we are a fish culture tribe. To protect our reservation, we ask the committee to, one, maintain funding for Great Lakes Restoration Initiatives at $300 million; increase the fiscal year 2018 funding for BIA's Trust-Natural Resource Management Programs above $201 million and protect funding for Great Lakes Indian Fish and Wildlife Commission; three, protect EPA's Tribal General Assistance Program's grants and support and increase funding for BIA's Circle of Flight program to protect vital habitats.

Thank you for your time.

[The statement of Mr. Thompson follows:]

Testimony of George Thompson, Councilman
Lac Du Flambeau Band of Lake Superior Chippewa Indians
Before the House Appropriations Subcommittee
On Interior, Environment and Related Agencies
Concerning IHS, BIA AND EPA Programs in the FY 2018 Budget
May 17, 2017

Good afternoon Chairman Calvert, Ranking Member McCollum and members of the Subcommittee. My name is George Thompson. I am a Councilmember of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Vilas, Oneida and Iron Counties Wisconsin. I am joined by Joseph Wildcat, President of the Lac du Flambeau Band and Larry Wawronowicz, the Tribe's Natural Resource Director for 34 years. Our Tribe of 3,400 members is the largest employer in Vilas County. Together with tribal enterprises, the Tribe employs 800 individuals, with nearly 25% or 190 employees paid in full or in part with appropriations made under this Subcommittee's jurisdiction. Within our 86,600 acre reservation, there are 260 lakes, 71 miles of streams and rivers, approximately 42,000 acres of forested land and roughly 42,000 acres of water and wetlands. Our reservation has one of the densest concentrations of fresh water in the country and our lands and waters are sacred to the Band and its members. We are working hard to build and maintain a stable, healthy tribal community, amid many challenges. Like many rural areas, we are dealing with opioid abuse and the challenges of creating and maintaining jobs for our citizens and residents.

It has taken many years for the Tribe to reduce our unemployment rate, which spiked considerably after the 2008-2010 economic downturn. Federal expenditures by our Tribe in FY 2016 totaled about $20 million, of which IHS, BIA and EPA funding amounted to $12 million or about 60%. It is critical to our Tribe that Federal funds within this Subcommittee's jurisdiction increase in 2018 to help us address our great health, educational, social and natural resource needs. My testimony today addresses IHS, BIA and EPA programs that are vital to the Lac du Flambeau Band. The Tribe thanks the Subcommittee for its leadership and commitment to Indian tribes which honors the Nation's trust responsibility to the Indian people. The Tribe appreciates that Congress provided increased funds in FY 2017 for BIA, BIE and IHS programs.

As you have done for Fiscal Year 2017, I ask that you reject President Trump's "America First" Budget Blueprint for FY 2018, which calls for unwarranted reductions in non-defense agency appropriations, including a proposed $12.6 billion cut to the Department of Health and Human Services, $1.5 billion cut to the Department of the Interior, and $2.6 billion cut to the Environmental Protection Agency (EPA). The America First budget proposal, if enacted, would cause great harm to tribal communities and to Native Americans who, more than most Americans, rely heavily on federal appropriations across multiple federal agencies, not just Interior and DHHS.

The Tribal Government does not want to inform any one of the hundreds of loyal tribal employees whose jobs depend, in whole or part on federal funds, that the Tribe must lay them off in 2018 because the Federal government did not honor its commitments to Indian people in accordance with the trust responsibility and the special government-to-government relationship. Please continue to educate your colleagues concerning the trust obligation and the important

work that Indian tribes carry out with federal funds. What our Tribe has worked decades to build will be at risk if program funding drops, layoffs occur and families move off the Reservation.

We are grateful that the final spending measure for FY 2017 that Congress just passed. Native Americans, many of whom are low income wage earners, live a fragile existence. Adverse changes can tip them further into poverty and unemployment, which can lead to substance abuse and premature death. I have seen this on our Reservation. Please recognize the interconnectedness of IHS, BIA and EPA programs which help promote healthy tribal members and healthy communities; essential building blocks for stable communities where Tribal parents can raise Native youth in safety and security so that may realize their fullest potential and contribute to their community's and the Nation's future.

I. INDIAN HEALTH SERVICE PROGRAMS

The Tribe greatly appreciates the $232 million increase Congress provided for FY 2017 for the IHS, allocated among such accounts as Hospitals and Clinics, Purchased/Referred Care (P/RC), Mental Health, Alcohol and Substance Abuse, Dental Health, Contract Support Costs (CSCs), construction and maintenance and improvement. The Tribe operates the Peter Christensen Health Center, Dental Program, a Family Resource Center, a Domestic Abuse Program, a Youth Center and Child Support Agency. Our programs ensure the support and preservation of family life and wellbeing by providing such services as outpatient mental health, outpatient alcohol and other drug abuse, and psychological consults. The Health Center provides quality health care and offers a full range of family medical services by Board Certified family physicians, advanced practice nurse practitioner and physician-assistants. The program also provides podiatry, optometry, pharmacy and a range of community-based services. Together, our health programs employ a staff of 140 individuals, about three-quarters of our workforce supported in part by funds appropriated by this Subcommittee. The Tribe asks that Congress increase IHS funding in 2018.

Our rationale for this funding increase is borne of necessity. We are seeing how important proactive and preventive health services are for our community. Wisconsin is seeing a large increase in babies born with Neonatal Abstinence Syndrome (NAS), a result of women taking prescription drugs such as Vicodin or heroin while pregnant. Recent data shows that Vilas County has the second-highest percent of NAS babies in the State, 2-3/100 babies. Early treatment is critical. We urge the Subcommittee to increase funds for preventive health programs, which can save lives and empower our Tribe to help our citizens address addictions and mental health issues, especially targeting our tribal youth. Please prioritize increases in FY 2018 IHS funding for Hospitals and Clinics, mental health, substance abuse treatment and P/RC funds so that we can take a proactive stance by investing wisely in preventive health services.

II. BIE AND BIA APPROPRIATIONS

Indian Education. Congress provided $34.7 million for Adult Scholarships and $2.9 million for special higher education scholarships for FY 2017. We recommend this Subcommittee include a similar increase for FY 2018. As this Subcommittee noted last year: "Indian education remains among the Committee's top priorities because it is a fundamental trust responsibility and because elementary and secondary students in particular have fallen far behind

their peers." We oppose cuts to the BIE and Department of Education in FY 2018 which threaten to undermine educational services for Native youth and adults. Together, these programs provide critical educational resources and services for tribal members that are crucial to meeting the unique educational and cultural needs of our students. If our children are to excel in life, they must be educated in stimulating environments by well educated professionals, transported in modern buses over all-season roads and delivered to safe, loving homes. Our Tribe is doing its part. Education at Lac du Flambeau begins early. We operate the Little Dream Daycare and Zaasijiwan Head Start and Early Head Start programs. We also operate a Home-Based program that serves up to 24 families. Our early education programs include multiple activities designed to promote learning, school readiness and social/emotional wellness. We realize that good nutrition, learning through play and time outdoors in the fresh air are central to health.

The Lac du Flambeau Public School and Lakeland Union High School educate our tribal youth. The High School's 2015/2016 student body was 20% Native American and 86% of high school graduates went on to attend four- and two-year colleges/technical schools, 9% entered the workforce or pursued other activities and 5% entered the military. For this reason, we oppose any effort to eliminate the Johnson O'Malley Program, the goal of which is to address the unique cultural needs of Indian students attending public schools through a supplemental program of services planned, developed and approved by the Local Indian Education Committee, comprised of parents of eligible Indian students. The $14 million JOM Program must be protected, so that Indian children are provided the supplemental programs that honor and celebrate their Native heritage and help them grow into confident, well-adjusted adults who contribute to their families.

Road Maintenance Program. The Tribe appreciates Congress including a $3.2 million increase in funding for the Road Maintenance Program for FY 2017. We believe a $10 million increase is justified for FY 2018. The Tribe receives less than $90,000 to maintain nearly 180 miles of BIA-owned roads. Our budget requirements for road maintenance are closer to $2 million annually. As the Subcommittee noted, appropriations for FY 2016 permitted only 16% of BIA-owned roads to be maintained in "fair" condition. According to the CDC, motor vehicle crashes are the leading cause of death among Native Americans aged 1-44. Native American infants are eight times more likely to be killed in a motor vehicle crash than a non-Native infant. Poorly maintained roads contribute to motor vehicle crashes. Poor roads contribute to absenteeism at work and school and delay police and EMT responders. A year's entire road maintenance budget can be consumed in the winter months removing snow and salting/sanding roads to ensure freedom of movement. Transportation barriers undermine federal and tribal efforts to improve Native health, educate our youth and attract businesses and jobs to remote, rural communities like ours. The "historical" formula for the BIA Road Maintenance Program makes little sense to us. We ask the Subcommittee to include report language for FY 2018 that directs the BIA to explain the allocation methodology, verify each Tribe's road inventory that generate Road Maintenance dollars, and make publicly available to tribes their relative share of funds.

III. NATURAL RESOURCES (EPA AND BIA)

The Tribe has a vibrant Natural Resources program, including a Fish Hatchery for several species of fish, Fisheries Management, Waterfowl habitat protection (Great Lakes Restoration Initiative, Conservation Law Enforcement, Wildlife), Water Resources, Historic Preservation and Land Management. Our Natural Resources Department employs fish biologists, wildlife

biologists, fish hatchery operators, hydrologists, technicians and administrators, many of whom are paid in full or in part with EPA and BIA funds and critical to our work protecting the resources that were promised to us in our Treaties. We urge the Subcommittee not to jeopardize our Natural Resources programs that are critical to protecting our culture, our health and our economy, part of Wisconsin's $19 billion hunting, fishing, recreation and tourism industry. A 31% reduction in EPA funding and cuts to BIA Natural Resources programs would be devastating to our Program. Even with existing funding, we struggle to meet the demands we face to maintain clean air, water and lands from the many contaminants that threaten our community. The highest concentrations of mercury tainted lakes are in the State's northern most counties, including Vilas and Oneida. Minnesota and Wisconsin lead the nation with mercury-contaminated lakes. At present, there are more than 500 fish health mercury advisories in place in Wisconsin. This presents a direct threat to our culture because we cannot eat contaminated fish that are otherwise a staple of our diet.

A. Great Lakes Restoration Initiative. Thank you for funding the Great Lakes Restoration Initiative at $300 million in FY 2017. Do not terminate this vital program. 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 is a necessity.

B. Trust-Natural Resources Management. In FY 2017, Congress appropriated $200.9 million for the BIA's Trust-Natural Resources Management programs, a $9.1 million increase from FY 2016. Our Tribe alone needs nearly a $500,000 increase for our Tribal Fish Hatchery Operations and Tribal Management/Development Program for FY 2018. The Fisheries and Fish Culture Program raises all fish necessary for stocking reservation waters and we benefit from programs carried out by GLIFWC. Our fisheries program also generates Tribal revenues.

C. EPA Tribal General Assistance Program. Days ago, Congress approved $3.527 billion for State and Tribal Assistance Grants, including $2.461 billion for Infrastructure assistance grants and $1.066 billion for categorical grants (maintaining Tribal air quality management grants and Tribal general assistance program (Tribal GAP) grants at $12.8 million and $65.4 million, respectively). The Tribal GAP 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 challenges we face regarding our natural resources. Our Natural Resources Program would suffer in the face of a 31% cut.

D. Circle of Flight: Wetlands Waterfowl Program. We urge the Subcommittee to continue to provide support for the BIA Circle of Flight Program (about $707,000). This modest BIA program supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat within Tribal territories and enhances wild rice gathering, providing expanded hunting and fishing opportunities for economic development.

E. Underground Storage Tank Fund (LUST). We remain concerned that annual reductions to the Underground Storage Tank fund (LUST) permits ongoing contamination of ground waters that threaten tribal and other communities. We encourage the Subcommittee to instruct EPA to give greater consideration to tribal cleanup standards and help Indian tribes remediate unsafe conditions on reservations.

Mr. CALVERT. Thank you. Appreciate your testimony.
Michael "Mic" Isham. You are recognized for 5 minutes.

WEDNESDAY, MAY 17, 2017.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

WITNESS

MICHAEL "MIC" ISHAM, CHAIRMAN

Mr. ISHAM. Chairman and members of the committee, I want to thank you for the opportunity to testify before you this afternoon.

My name is Mic Isham. I am chairman of the Lac Courte Oreilles band of Lake Superior Chippewa Indians and also chairman of the Great Lakes Indian Fish and Wildlife Commission.

In northern Wisconsin, where I am from, it is still the middle of spring, unlike the middle of summer like it is here today, and our tribal citizens have just finished up our main fish harvesting season. Fish is a sacred food to the Ojibwe people. There are four sacred foods that we must have at all feasts, funerals, and ceremonies, and that is wild rice, berries, venison, and fish. Those are the four foods.

Many of our citizens harvest these fish off of our reservation, and we are able to do this for a few reasons. First and foremost, our ancestors told the United States Government that we would not sell our land unless the U.S. guaranteed and wrote into the treaties that our tribe would be able to hunt, fish, and gather as we always have throughout the territory that we ceded.

Another reason we can do this today is that the U.S. Federal courts have agreed with us that our rights that we kept in the treaties never went away in the 150 years since we signed them. And finally, we can do this because we have developed, in partnership with the Federal Government, the institutions needed for us to regulate this activity by our citizens so that we protect the natural resources and public health and safety.

Now the Great Lakes Indian Fish and Wildlife Commission, which I chair, is the intertribal natural resource agency that helps our 11 member tribes implement the Federal court's orders that reaffirmed our right to self-regulation. Our treaty-ceded areas cover over 73 million acres of land and water in what is now known as Michigan, Minnesota, and Wisconsin, and it is in the second last page of the handout there.

We greatly appreciate the decades of funding and other technical support that Congress and each administration have provided to our commissions and member tribes. For over 30 years, the Federal Government has wisely chosen to invest in our program as efficient and cost-effective ways to fulfill the Federal treaty obligations at the appropriate government level.

We respectfully request that Congress and the House continue to support our programs by funding the Rights Protection Implementation line item within the BIA's budget at no less than fiscal year 2017 levels. We also request that funding through that line item be distributed as it has in the past, proportionately based on his-

toric allocations. As the primary mechanism through which the Federal Government supports the intertribal commissions that implement treaty rights in the Great Lakes and Northwest regions, competition has no place within this line item.

As an example of how our RPI funding, how we use it, we will use the fish harvest season that just ended. Our GLIFWC wardens, they are at all the boat landings and they enforce tribal regulations, ensure public safety, and provide for creel teams to count and measure every fish and collect biological data to help ensure population health.

Our population assessments lead to harvest and management policies undertaken with cooperation with State agency partners. These assure that our small, super highly regulated harvest doesn't harm the fishery.

GLIFWC's public information office spreads the word about how our treaty-reserved rights are implemented to calm fears and to encourage the relative social stability that we see today rather than the protests, threats, and intimidation that we have seen at the boat landings in the 1980s.

We also request that you support, as you have heard earlier, and fund the Great Lakes Restoration Initiative at $300 million. This program has allowed for significant progress in the restoration of the Great Lakes and their ecosystems. It has also enhanced interjurisdictional cooperation and coordination in the management of the Great Lakes.

With GLRI funding, GLIFWC and member tribes have been able to restore and protect wild rice beds, control non-native invasive species, test mercury levels in fish, and provide consumption advice to tribal citizens, and bring a tribal perspective to intergovernmental management activities.

The GLRI is bringing on-the-ground results, but it needs to continue so that we can finish the important work that we have begun. These treaty rights are fundamental to who we are as Indian people. They benefit us, and the exercise of our cooperative management responsibilities benefits the natural resources for all people. We ask the subcommittee to continue our partnership by funding the RPI line item at no less than the fiscal year 2017 levels.

And I have sat here through a couple of committees here, and I have heard a lot of the issues that the tribes have, and we share in those issues. We like to say culture is the cure. We really promote the treaty rights to our youth as a way to help with all those issues—diabetes. Obviously, game and fish are much better for our bodies than the Big Macs and such and the USDA commodity cheese. No offense. I know we are in the Ag building here, too. [Laughter.]

But also the exercise of those treaty rights are good physical activity that youth need to be in, and when you can provide a young person like this guy here, can provide that those four sacred foods for the ceremonies, they get their identity as an Ojibwe person rather than getting an identity from a gang.

Thank you for your time.

[The statement of Mr. 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 2018 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 **$39,661,000** provided in FY17 and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT**.
   b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP):** At least the **$11,266,000** provided in FY17 and the TM/DP requests of GLIFWC's member Tribes.
   c. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES:** At least **$6,770,000**, the amount provided in FY17.
   d. **TRIBAL GOVERNMENT, CONTRACT SUPPORT:** Full funding, estimated to be at least **$278,000,000**, as provided in FY17.

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:** The historical allocation of **$300,000,000** including a tribal program of no less than **$15,000,000.**
   b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM:** At least the FY 17 amount of $65,476,000.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); Water Infrastructure Improvements for the Nation Act, Pub. L. 114-322 s. 5005; and treaties cited above.

Funding through these programs fulfills federal treaty, trust and contract obligations to GLIFWC's member Tribes, providing vital resources to sustain their governmental programs. We ask that Congress maintain these programs and provide funding at no less than FY17 levels.

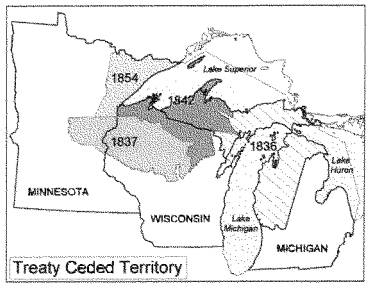
[1] Specifically, the Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC's FY 2018 Funding Request Highlights

1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion as it has currently been receiving.
2. Full restoration of Great Lakes Restoration Initiative funding to its historical $300,000,000 level, with a total tribal set-aside of no less than $15,000,000.
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 and Legal Obligations

For more than 30 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) protect public safety; 2) 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 86 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 consistent with the culture and values of its member Tribes, especially in light of tribal lifeways that the exercise of treaty rights supports. This means not only ensuring that tribal members can legally 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 inter-generational learning and the transmission of traditional cultural and management practices.

[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.

These programs, in turn, promote safe and 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 2018 funding request:

BIA Great Lakes Area Management (within the RPI line item): A proportionate share of the $39,661,000 provided in 2017 for the RPI line item. The FY 2017 increase of $2,000,000 is greatly appreciated, but competition for funding has no place in this line item. RPI provides funding for Tribes and tribal commissions to meet Federal court litigated responsibilities. Fulfilling these obligations cannot be the focus of a competitive process. GLIFWC has always supported allocating increases to the RPI line item in the historically proportionate amounts.

There is a long history of federal funding for treaty rights protection and implementation programs. For more than thirty years, Congress and each Administration have appropriated funding for these programs. 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. The federal government, as a treaty signatory, is required to uphold treaty rights. It has appropriately chosen to invest in our programs as efficient, cost-effective service delivery mechanisms at the appropriate governmental level to implement federal court orders and to protect and restore the natural resources on which the treaty rights are based.

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 2016.

EPA Environmental Programs and Management: $300,000,000. 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, fulfillment of international agreements, and substantive natural resource protection and restoration projects. GLIFWC appreciates the directive in the FY 2017 Appropriations explanatory statement that tribal programs are to be maintained at no less than the FY 2016 level. GLIFWC supports consistent funding for the GLRI at $300 million, the level that has been provided and received unwavering bipartisan support since 2011.

GLIFWC also recommends that at least $15 million be provided through a distinct tribal program to fulfill treaty obligations, meet trust responsibilities, and achieve tribal self-determination and self-governance in protecting and restoring the Great Lakes. A separate tribal component should allow for greater flexibility to allow Tribes to develop the programs that are of the highest priorities to their communities, rather than having priority projects designed for them by federal agencies.

Sustained funding for the GLRI allows 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 provide active support on numerous implementing Annexes, including the Lakewide Management, Aquatic Invasive Species, and Chemicals of Mutual Concern Annexes.

Sustained GLRI funding also allows GLIFWC to augment and leverage its current natural resource protection and enhancement activities, including providing culturally relevant and targeted mercury-based consumption advice for fish. Because of their higher rate of consumption, Tribal members are disproportionately impacted by the presence of mercury in fish. Because of this, contaminated fish threaten the Tribes' ability to exercise their treaty guaranteed right to harvest fish off reservation throughout the ceded territory.

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 2017 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. Thank you. Thank you.

And I know from this whole panel is a great amount of support for the Great Lakes. I even see you wearing a button there signifying the Great Lakes.

Mr. ISHAM. Yes, that is what it is. That is what it is, Ms. McCollum. [Laughter.]

Ms. MCCOLLUM. Mr. Chair, I just have to say for the record that the fact that someone wearing a Green Bay pin would kind of, you know, pooh-pooh cheese was very interesting. [Laughter.]

And being a Vikings fan, I will say no more.

Mr. ISHAM. Cheese is for wearing on your head, not for eating.

Mr. CALVERT. I just thought I would point that out. But a number of the issues that have been pointed out today. The budget, of course, as you have heard, we are waiting for it.

They say May 23rd Mick Mulvaney will be coming up here to submit the budget. I think they will make it public May 22nd. That is supposedly the date. I hear they may slip a couple of days. I hope not.

Mr. ISHAM. Cheese is for wearing on your head, not for eating.

Mr. CALVERT. Yes, you and me both. But the President—you know, that is the way these things go. The President proposes a budget. This is the Congress. The Constitution is pretty clear. We will look at it and go to the Budget Committee, and we vote then on the Budget Committee, and that will be processed. And then we will deal with it. We will see what happens.

As far as EPA is concerned, you know, we want to make sure that EPA does their core functions, and we will be working together to make sure that they continue to do that, especially these programs like the Great Lakes and other areas in the country that we try to clean up and bring back to health.

So we will be working together through this whole process. I am sure I will be hearing from all of you as we go through this and, hopefully, have a successful conclusion.

With that, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. Blanchard, I appreciate the fact that you brought up meth because that still is a problem. The problem besides it poisoning people and destroying people's lives, is the toxic residue you mentioned in the houses. They actually become superfund sites, and the law enforcement sometimes walks unknowingly into those toxic sites. No drugs are good, and I am not saying opioids are any better. They are all terrible, but there is a different legacy issue that actually comes along with meth.

As long as I have the three of you here, let's talk about the role of the EPA. Mr. Thompson, in your handouts, you have a lot of information on watching mercury levels in walleye. That is something that I know many of us pay strict attention to, the mercury levels in our lakes—and I am from Minnesota—especially if you find yourself in a family where someone is planning on becoming pregnant, you are very, very focused on mercury level.

And then sulfates, with some of the mining activity that has been talked about up in the large watershed. As I was telling people, we are on the Laurentian Divide. So where I am in Minnesota,

the water is flowing north at a certain point into the lakes, into the Boundary Waters Wilderness, and that.

The EPA has a role both in sulfate and in mercury regulation—mercury in fish, sulfate affects wild rice. Could you maybe talk a little bit about mercury levels and how that can affect your commercial fishing or your own personal consumption. Why is it important that we actually regulate it?

You know, the three of you can say something or just one of you wants to. I would like to get that on the record because it is the EPA that helps you monitor those levels.

Mr. ISHAM. Yes. You know, just as you mentioned, our people are more susceptible to environmental contamination than the general public because we subsist so much on fish, game, and berries, and things like that out in the environment. And so, it is different if you are just catching a couple walleye or putting a big muskie on your wall. But when you are like us, we just harvested fish, we put them away like a farmer puts corn in a silo, and then we use them throughout the year.

So we did a study, I believe it was in the '80s, when I was director of our conservation department, and did blood testing. And our people were really high in mercury. So what the Great Lakes Indian Fish and Wildlife Commission, and I don't remember what the grant was at the time, but we started doing mercury testing of the fish that we harvest. Different sizes—big, small, medium. And then we make mercury maps, which I think are included.

And so the DNR, the State DNR tested them different than we did. They throw like the whole fish in there. But we tested them with just the filet, without the lips and the scales and the tail and all that. And so ours were a little different. But our members harvest based on those maps, and so that funding was very important to us.

You mentioned meth and all these other things. There is one other thing that tends to get overlooked in tribal housing, not just at LCO, but across the country, and that is mold in housing. And I don't know if this committee deals with that. That might be HUD. But that is another issue that can be a toxic thing in housing.

Mr. CALVERT. Mr. Simpson.

Mr. SIMPSON. I just have one question. What is your name?

MASON. My name is Mason.

Mr. SIMPSON. Mason?

MASON. Yes.

Mr. SIMPSON. Is this the first time you have been to Washington?

MASON. Yes, this is my first time in Washington, and I am enjoying it here.

Mr. SIMPSON. Great. It is kind of a crazy place, isn't it?

MASON. Yes, it is.

Mr. SIMPSON. Welcome, and thank you for bringing your son. Appreciate it.

Mr. CALVERT. Well, we certainly thank you for coming here today and your testimony, and we will try to get up there and try some of that wild rice out. Get up there soon.

Ms. MCCOLLUM. Walleye.

Mr. CALVERT. I love walleye. I was in Cleveland over the summer for a special occasion. You might remember it. And I had some walleye while I was there. So that was fantastic. So thank you very much.

[Pause.]

Okay. Our next panel is Lisa White Pipe, councilwoman; James "Joe" Dunn. Hi, how are you? I think it is just the two of you. So, yes, I think, Lisa, James, that would be fine.

Welcome. Nice to have you, and first, we are going to recognize Lisa White Pipe, councilwoman with the Rosebud Sioux Tribe. You are recognized and start any time.

WEDNESDAY, MAY 17, 2017.

ROSEBUD SIOUX TRIBE

WITNESS

LISA WHITE PIPE, COUNCILWOMAN

Ms. WHITE PIPE. Good afternoon, Chairman Calvert and Ranking Member McCollum and members of the subcommittee. On behalf of the Rosebud Sioux Tribe, I would like to thank you for the opportunity to share our fiscal year 2018 appropriations priorities.

I am Lisa White Pipe, a Rosebud Sioux Tribal Council representative.

We have numerous priorities, and it is a difficult and humbling task to attempt to rank such priorities. Nonetheless, I will discuss a couple of Rosebud Sioux Tribe's priorities with you today.

Despite making gradual progress in its economic development efforts, the Rosebud Sioux Tribe experiences an overwhelming level of unmet need. However, this is not unmet need. It is unmet treaty obligations. The Federal Government has a fiduciary trust responsibility under the Fort Laramie Treaty of 1868 to provide adequate resources to the Rosebud Sioux Tribe.

As of May 5, 2017, the Rosebud Sioux Tribe's enrollment office reported that we have 34,856 living tribal members. It is estimated that 29,628 of our tribal members reside within the reservation. That is 34,856 human beings that the Rosebud Sioux tribal government and the United States Government has the responsibility to provide services to, which include healthcare, law enforcement, justice, education, and infrastructure. And I know that like the Rosebud Sioux Tribe, this is a task that the United States does not take lightly.

I would like to mention our most pressing priority to start with is healthcare. Native Americans have a lower life expectancy than any other racial or ethnic group in the Nation. In fiscal year 2015, the 35-bed Rosebud service unit had 12,760 emergency room visits.

On November 23, 2015, the Centers for Medicare and Medicaid Services, the CMS, delivered a notice of intent to terminate the Medicare provider agreement based on alleged deficiencies. On December 5, 2015, I had just placed the Rosebud on a divert status.

The Rosebud hospital emergency room has been recently removed from the divert status. However, as you may be aware, the

Rosebud service unit continues to struggle and maintain Centers for Medicare and Medicaid accreditation.

The Snyder Act of 1921 and the Indian Healthcare Improvement Act expressly provided legislative authority for Congress to appropriate funds specifically for Indian healthcare. We are grateful for these congressional acts because they reinforce the United States duty to provide healthcare to members of the Rosebud Sioux Tribe.

We recognize and appreciate the $29 million included in the fiscal year 2017 omnibus for IHS units facing CMS accreditation emergencies. We humbly request that the Congress continue to honor—continue this honorable progress, exercise their authority, and fulfill their duty by increasing total funding for the Indian Health Service by at least $7.1 billion for the fiscal year 2018.

We believe that an increase in funding, combined with the IHS reform legislation that has been introduced, will help to recruit and retain medical professionals and purchase updated medical equipment.

For the sake of brevity, I will touch on one more priority. As you may know, the death rate experienced by the American Indian and Alaska Native population is far greater than any other group of Americans, 50 percent greater according to the Centers for Disease Control and Prevention. Unfortunately, the Rosebud Sioux Tribe is not immune to these statistics.

When a loved one is lost, families not only face the emotional hardship associated with the absence of that person, they also face the associated cost of providing their loved one with a respectful burial.

Under 25 CFR 20.100 states that a burial assistance payment is made on behalf of an indigent Indian who meets eligibility criteria to provide minimal burial expenses according to the BIA payment standard established by the Assistant Secretary of Indian Affairs.

The Bureau maximum burial payment standard is currently $2,500. The National Funeral Directors Association calculated the median cost of a funeral in 2014 at $7,181. This has likely increased since.

As you can see, there is quite a disparity between the maximum burial standard payment and the median cost of a funeral. The Rosebud Sioux Tribe has recently experienced an increase in deaths, which has taken a toll on the tribe emotionally and financially.

The adequate maximum burial standard payment for the funding of indigent burial assistance service that has left the tribe scrambling to find resources to help ensure that tribal members are provided with a respectful burial. One of the very few local funeral homes almost had to close its doors due to delays in payments from the BIA of an outstanding balance of $70,000.

In an effort to address this issue, the Rosebud Sioux Tribe enacted a resolution requesting an increase in the BIA burial assistance payment. The superintendent of the Rosebud agency mentioned that there may be funds available elsewhere in the BIA budget. However, a statutory cap has been exercised since 2009 that prohibits a transference of funds from elsewhere in the BIA budget into the burial assistance program.

The resolution also seeks to address this issue by requesting the United States Congress to take the necessary action to lift the statutory cap prohibiting transference and adding additional funding into the BIA burial assistance program.

I would like to thank you once again for your time and this opportunity, and I will attempt to answer any questions that you may have.

[The statement of Ms. White Pipe follows:]

TESTIMONY OF THE ROSEBUD SIOUX TRIBE
COUNCILWOMAN LISA WHITE PIPE
BEFORE THE U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

FISCAL YEAR 2018 APPROPRIATIONS
March 17, 2017

SUMMARY OF ROSEBUD SIOUX TRIBE FUNDING PRIORITIES

1. DOI/*Bureau of Indian Affairs – Base Funded Tribal Priority Allocation Programs:* Increase of 3% to all base funded Tribal Priority Allocation (TPA) programs and an additional 5% increase for certain TPA programs listed below.

2. *Indian Health Service:* Increase of total funding to at least $7.1 billion.

On behalf of the Rosebud Sioux Tribe, I would like to thank the Committee for the opportunity to share our Fiscal Year 2018 (FY 2018) appropriations priorities. My name is Councilwoman Lisa White Pipe, and on behalf of the Rosebud Sioux Tribe, I respectfully submit this written testimony. Despite making gradual progress in its economic development efforts, the Rosebud Sioux Tribe experiences an overwhelming level of "unmet need." However, this is not unmet need; it is unmet treaty obligations. The federal government has a fiduciary trust responsibility under the Fort Laramie Treaty of 1868 to provide adequate resources to the Rosebud Sioux Tribe.

The Tribe has ceded millions of acres of land, fulfilling its treaty obligations. The time has now come for the United States Government to fulfill its treaty obligations. This hearing offers an opportunity to express and receive suggestions as to how funding can be appropriated to better serve some of the poorest citizens in America. To this day, it perplexes me as to how people who once had millions of acres of land holdings including the resource-rich Black Hills can be amongst the poorest citizens in the greatest nation in the world. Let us work together to address these disparities in a manner that leaves us with a sense of pride.

The Rosebud Sioux Tribe is amongst the top ten large land-based tribes in the United States consisting of nearly a million acres of federal/tribal trust acreage in South Central South Dakota. The enrollment count of the Rosebud Sioux Tribe as of May 5, 2017, is:

Living enrolled members: 34,586
(on 04/19/2017, RST Council approved 178 new enrollees)
Live on reservation: 29,628
Live off-reservation: 5,228
*From: *Rosebud Sioux Tribe Enrollment Office*

Rosebud Sioux Tribal Court

The Rosebud Sioux Tribal Court was established in 1975 and is a court of general jurisdiction. The Rosebud Sioux Tribal Court system consists of a Tribal Court, a Supreme

Court, and a Juvenile Court. Statistics provided by the court indicate that approximately 1,801 criminal cases and 595 cases were filed from October 2014 - September 2015. Due to the meth epidemic currently plaguing the Rosebud Reservation, these numbers have increased from 2015 to 2016 and will continue to do so. As you can see, the court stays active.

An assessment of the Rosebud Sioux Tribe Court was conducted by the BIA Office of Special Justice on September 17-19, 2015 and the findings were reported on May 12, 2015. Two of the key recommendations reported in the assessment are listed below

- There remains a real need for sustainable funding for all staff, however, and at least one to two additional clerks to assist with the transition to electronic case-management, another process server, and additional probation staff.
- Strategic planning for a new courthouse is imperative. This is the key to sustaining the Court's development and improvement, and to addressing the Court's security, accessibility, and overall administrative needs.

Documentation exists that illustrates the fact that tribal courts have been historically underfunded by the federal government to the extent that severely limits the effects of their law enforcement operations.[1] The Rosebud Sioux Tribe supports and recognizes the need for an increase in BIA base funding for tribal courts nationally of at least $83 million (which is less than 10 percent of the overall need estimated by the BIA). Now is the time to remedy a history of unfunded mandates. Provide us with the necessary resources to adequately enforce the law and provide justice for our citizens.

Bureau of Indian Affairs Burial Assistance

As you may know, the death rate experienced by the American Indian and Alaska Native population is far greater than other groups of American (50% greater according to the Centers for Disease Control and Prevention). Unfortunately, the Rosebud Sioux Tribe is not immune to these statistics. When a loved one is lost, families not only face emotional hardship associated with the absence of that person, they also face the cost associated with providing their loved one with a respectful burial.

25 CFR § 20.100 states that a burial assistance payment is made on behalf of an indigent Indian who meets eligibility criteria to provide minimum burial expenses according to the BIA payment standards established by the Assistant Secretary of Indian Affairs. The Bureau maximum burial payment standard is currently $2,500. The National Funeral Directors Association calculated the median cost of a funeral in 2014 as $7,181. This has likely increased since. As you can see, there is quite a disparity between the maximum burial standard payment and the median cost of a funeral.

The Rosebud Sioux Tribe has recently experienced an increase in deaths, which has taken a toll on the Tribe emotionally and financially. The inadequate maximum burial standard payment and funding for the indigent burial assistance service has left the Tribe scrambling to

[1] US Commission on Civil Rights. (2003). A quiet crisis: Federal funding and unmet needs in Indian Country. Retrieved from www.usccr.gov/pubs/na0703/na0204.pdf

find resources to help ensure that our tribal members are provided with a respectful burial. One of very few local funeral homes almost had to close its doors due to delays in payments from the BIA of an outstanding balance of more than $70,000.

In an effort to address this issue, the Rosebud Sioux Tribe enacted a resolution requesting an increase in the BIA burial assistance payment standard. The Superintendent of the Rosebud Agency mentioned that there might be funds available elsewhere in the BIA budget, however, a statutory cap that has been exercised since 2009 would prohibit a transference from funds from elsewhere in the BIA budget into the burial assistance program. The resolution also seeks to address this issue by requesting that the United States Congress take the necessary action to lift the statutory cap prohibiting transference of additional funding into the BIA burial assistance program and increase funding for BIA welfare assistance to at least $80 million.

Tribal Priority Allocations (TPA)

Department of Interior funding for TPA programs is a major priority for the Rosebud Sioux Tribe. We are located in a rural area, so our revenue generating opportunities are limited. The tribe depends on TPA funding for many governmental functions. Tribes in the Great Plains Region has requested a general 3% increase to all base funded TPA programs and have identified the following preferred programs for an additional 5% increase:

- Road Maintenance (TPA)
- Tribal Courts (TPA)
- Scholarships and Adult Education (TPA)
- Social Services (TPA)
- Consolidated Tribal Government Program (TPA)
- Other Aid to Tribal Government (TPA)
- Job Placement and Training (TPA)
- Criminal Investigations and Police Services
- Housing Improvement Program (TPA)

The Rosebud Sioux Tribe supports the overall request for an increase of 5% in base funding for TPA programs. Of importance to the Rosebud Sioux Tribe regarding the additional 3% ask is the Tribal Courts, Social Services, and Aid to Tribal Governments TPA programs. The Tribe supports increases above to the TPA portion of the Bureau of Indian Affairs Budget and wants to reiterate the importance of this funding to the day-to-day functions of its tribal government and the numerous services provided to its membership.

Indian Health Service

The Indian Health Service (IHS) has been and continues to be a critical institution in securing the health and wellness of tribal communities. In 2014, the IHS per capita expenditures for patient health services were just $3,136, compared to $8,760 per person for health care spending nationally[2]. Medicaid expansion opportunities offered by the Affordable Care Act have covered some of the IHS funding shortfalls. However, Medicaid expansion should not be an

[2] Indian Health Service, *Briefing* 6 (Apr. 5, 2016).

alternative for acknowledgment and perfection of the federal trust responsibility. And, for the record, South Dakota is not a Medicaid expansion state, so the Rosebud Sioux Tribe has not experienced the benefits. Also, the revised version of the American Health Care Act (AHCA) that recently passed the House of Representatives eliminates Medicaid as we know it. This is alarming considering that Medicaid currently represents 13% of the Indian Health Service budget ($808 M). More than half of all Native children receive Medicaid coverage.

The United States Supreme Court has recognized the special duty assumed by the federal government as part of the over 400 treaties entered into from 1787 to 1871. *See Cherokee Nation v. Georgia*, 30 U.S. 1 (1831); *United States v. Mitchell,* 463 U.S. 206, 225 (1983). The failure to perform this special duty has been felt heavily by the Rosebud Sioux Tribe – especially in regard to functions performed by the IHS. In particular, these failures and the perpetuation of the unmet funding needs of the IHS manifested in a Notice of Intent to Terminate Medicare Provider Agreement delivered to the Rosebud Hospital by the Centers for Medicare and Medicaid Services (CMS) in November 2015. The CMS findings and tribal outrage resulted in a Senate Committee on Indian Affairs hearing on February 3, 2016. At the hearing, Chairman Barrasso stated that the situation was "simply horrifying and unacceptable" and can be "summed up in one word-malpractice." To this day, the IHS Rosebud Service Unit is struggling to regain a status of good standing with the CMS.

An increase in funding for the Indian Health Service combined with agency reform can remedy the type of deficiencies discovered by the CMS within the Rosebud Service Unit. An increase in funding can help ensure that quality health care professionals are hired and retained by the IHS and that quality medical equipment and technology is available for use at IHS service units. The Rosebud Sioux Tribe requests funding for the Indian Health Service of at least $7.1 billion for FY 2018.

Conclusion

On March 13, 2017, President Trump signed a Presidential Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch. The Rosebud Sioux Tribe would like to state for the record that it implores the United States Government to consult with the federally recognized tribes before any reorganization or elimination efforts regarding the Bureau of Indian Affairs or Indian Health Service commence. The Rosebud Sioux Tribe would like to reiterate our appreciation for taking the time to consider the needs of our tribal membership and is grateful to share in an opportunity to remember and honor the promises of our ancestors.

Mr. CALVERT. Thank you, and thank you for your testimony.

Mr. James "Joe" Dunn, you are recognized for 5 minutes. Standing Rock Sioux Tribe.

WEDNESDAY, MAY 17, 2017.

STANDING ROCK SIOUX TRIBE

WITNESS

JAMES "JOE" DUNN, COUNCILMAN

Mr. DUNN. Thank you, Mr. Chairman, committee members.

[Speaking Native language.]

This day I offer my hand with a good heart.

My name is Joe Dunn. I am the chairman of the Standing Rock Sioux Tribe's Judicial Committee. I appreciate the opportunity to testify regarding the fiscal year 2018 Interior/Environment budget.

I especially want to thank Chairman Calvert for his continuous support of Indian Country as the chairman of this subcommittee and for his work on the fiscal year 2017 budget, which did not reflect the deep cuts proposed by the new administration. Although this year's budget gives me some relief, I remain concerned about the next budget cycle and what may come of the new administration's intentions to aggressively shrink discretionary spending.

I am here to remind you that the obligations made in the treaty signed by our grandfathers were not considered to be discretionary, nor were they meant to be subject to changes in administrations or shifts in fiscal policies. The Standing Rock Sioux Tribe has a government-to-government relationship with the United States that is reflected in our 1851 and 1868 treaties. These treaties underscore the United States obligations to the tribe, and our testimony today is submitted with those obligations in mind.

I respectfully ask for the subcommittee's support for three main areas—law enforcement, education, and healthcare. The Federal funding for our tribe has always been inadequate. We are doing our best to develop our economies and rebuild our infrastructure, but our aging facilities and underfunded services place us at a tremendous disadvantage when compared to most of the United States.

For example, regarding law enforcement, the tribe participated in the High Priority Program goal which involved the use of proven, effective law enforcement strategies, and these strategies included providing sufficient police officers to cover our large land base.

As a result of this program, our crime rate decreased by 19 percent. Then the High Priority Program goal ended in 2013 with no explanation other than the BIA had proven its theory that with adequately funded law enforcement, crime decreases.

We would greatly appreciate a more stable and satisfactory funding source for the BIA law enforcement so we can sustain and decrease crime rates for the long term. For example, we are currently staffed at 50 percent of the recommended staffing level for police officers.

So we have about 14 police officers to provide law enforcement services for an area of 2.3 million acres. So our staffing is insufficient. The crime rate continues to increase.

Along with law enforcement, our judicial branch lacks suitable buildings for our court system, and we are in great need of a modernized detention facility. Our current detention facility has an approximate capacity of about 40, but often houses 80 or more prisoners.

So this poses a couple of different risks for the health and safety of the staff and the prisoners as well.

Next I would like to discuss our education. The administration's near flat-line funding for virtually all aspects of Bureau of Indian Education programs fails to consider population growth, increased costs, or inflation. Lack of adequate teacher housing is a great detriment to the community.

When we have this problem with having to import people to work in our school systems, often they lack the commitment that our people would have if they had some stake in the community. So there is a number of ways that is impacted.

First of all, their commitment to the children. Secondly, we lose the economic benefit of having them live in the community. And thirdly, we lose them—their contribution as community members. So this has been a significant concern of mine over the course of my participation in this administration.

So I am grateful for the recent attention on education of Indian youth, but we are still waiting to see how this awareness will translate into actual changes in our school systems. While an increase in construction funding is a positive sign, unfortunately, not a single school in the Great Plains is slated for new construction under the existing methodology for new BIA school construction.

Our Bullhead School is over 100 years old. But it will be decades before the children's needs are fully met in this community, and so we ask you for increased funding for these schools and also direct the Department of Interior to examine and propose a new funding strategy that is both fair and just for our children.

Finally, we are alarmed by the deep cuts proposed to all health programs in fiscal year 2018, and we encourage Congress to continue health investments and prioritize IHS preventive healthcare service programs, such as the diabetes grant program. Increased funding above the modest increase provided for in fiscal year 2017 is also necessary to meet Indian Health Service priorities, especially funding for healthcare personnel.

In many instances, if additional funding for our clinical services and preventive health programs were available, illness and injuries could be treated at their initial stages or prevented altogether. This is especially important at Standing Rock, where many of our members' health program's problems could be addressed if timely preventive care were available.

We have an ongoing methamphetamine and opioid addiction problem that we are struggling to address because of the inadequate funding and availability of facilities and services. We also support fiscal year 2018 increases in dental health, mental health, and purchase and referred care, which has been historically underfunded.

Also we have the same concern that you have heard from others today about the environment and the culture. As you may be aware, the Standing Rock Sioux Tribe has been in the news over the course of this past year, and so we support the sustained funding for EPA programming as well.

And I assure you that all of these needs are very real, and I personally extend an invitation to you to come to Standing Rock.

Mr. CALVERT. Well, we would love to get out there. We would love to get out there.

Mr. DUNN. So on behalf of the Standing Rock Sioux Tribe, I would like to thank you for this time.

[The statement of Mr. Dunn follows:]

TESTIMONY OF THE STANDING ROCK SIOUX TRIBE
JAMES DUNN, COUNCILMAN
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING THE PRESIDENT'S 2018 BUDGET FOR THE BIA, BIE, IHS AND NPS
May 10, 2017

Good afternoon Chairman Calvert, Ranking Member McCollum and members of the Committee. My name is Joe Dunn and I am a Councilman of the Standing Rock Sioux Tribe. On behalf of the Tribe, I submit this testimony concerning the President's FY 2018 budget for the Indian programs within the Department of the Interior and the Indian Health Service. I would like to express our appreciation to this Committee for its support of Indian tribes. I will focus my remarks on law enforcement, education, and health care.

The Standing Rock Sioux Tribe has a government to government relationship with the United States of America, reflected in our Treaties which were signed in 1851 and 1868. These Treaties underscore the ongoing promises and obligations of the United States to the Tribe, and our testimony today is submitted with those promises and obligations in mind.

The Standing Rock Sioux Reservation encompasses 2.3 million acres in North and South Dakota. The Reservation's population – approximately 8,500 Tribal members and 2,000 non-members – reside in eight districts, and in smaller communities. The Tribe's primary industries are cattle ranching and farming. The Tribe struggles to provide essential governmental services to our members. The Tribe's desire is to provide jobs and improve the economic standard of living on our Reservation. We operate two modest Tribal casinos, and a small number of additional Tribal businesses, including Standing Rock Propane and Standing Rock Telecommunications, which provide needed services on the Reservation. Casino revenue is used to help the Tribe supplement services and programs for our members, but those revenues are modest and our challenges and needs are far greater than our resources. Despite the Tribe's best efforts, our unemployment rate remains above 50%. In fact, over 40% of Indian families on our Reservation live in poverty – more than triple the average U.S. poverty rate. The disparity is worse for children, as 52% of the Reservation population under age 18 lives below poverty, compared to 16% and 19% in North and South Dakota, respectively. The federal programs established and promised by treaty to aid tribes and their members are essential. We ask the government to honor its commitments by adequately funding these federal programs enacted for our benefit, so that our members may enjoy a standard of living comparable to that enjoyed by the rest of the Nation.

Our specific requests are as follows:

BIA - Public Safety and Justice. Public safety is a priority for the Tribe. We applaud the final FY 2017 enacted appropriations levels for Public Safety and Justice totaling $385.735 million, and urge the Committee to continue support modest increases for the next year. As you know, funding is essential for public safety in Indian Country.

Law Enforcement: The Tribe has seen firsthand that adequate law enforcement funding was key to reducing crime. A number of years ago, the Standing Rock Sioux Tribe was selected to participate in the High Priority Program Goals initiative, which dramatically increased law

enforcement positions on our Reservation. This had a significant positive impact in reducing crime. Increased numbers of police officers allowed pro-active policing rather than reactive policing. This initiative enabled officers to be assigned within each Reservation community, which meant quicker response time to calls and more positive relationships between law enforcement officers and the communities they served. The increased law enforcement presence and patrols has deterred crime and resulted in our members feeling safer. The data confirms this. When compared to the number of violent crimes (homicide, rape, robbery, assault) that occurred between 2007 and 2009, the additional staffing reduced such crimes by approximately: 7% in 2010, 11% in 2011, and 15-19% in 2012. The initiative demonstrated the critical importance that adequate law enforcement staffing can have in our community. But HPPG ended after FY 2013 and the Tribe's law enforcement personnel were reduced from the numbers that served us so well. We strongly support an increase in funding for BIA law enforcement personnel. It makes no sense that these programs would not be funded in perpetuity since they have been demonstrated to work to reduce crime in Indian country.

Youth Corrections: In December 2010, the Tribe successfully completed construction of a secure 18-bed juvenile detention facility so that Tribal youth offenders may remain on the Reservation and receive culturally appropriate services if they must be incarcerated. After more than five years after the completion of construction, the detention center has finally opened. This facility is called the Youth Services Center. With limited funds, only the secure portion of the plan was completed so the facility is not being utilized as we envisioned for our youth. The Tribe contributed $2 million of Tribal funds to supplement $5 million in Justice Department funds to build this facility. Over time this Tribally-owned facility will save the BIA a great deal of money that now pays other contract facilities to house our youth offenders. Now that the Tribe is operating the detention center, our law enforcement can avoid taking youth offenders hundreds of miles to off-reservation facilities, and depriving our communities of law enforcement officers. We strongly suggest the BIA allow greater flexibility for tribes to use these facilities in innovative ways by supplementing detention with alternatives to incarceration, such as probation with mandatory counseling and substance abuse counseling and treatment. The FY 2017 enacted budget included $96.507 million for the BIA Detention and Corrections. We request that you provide for at least this amount, and include a modest increase to keep pace with inflation and cost of living increases for staff.

Adult Corrections: The BIA Office of Justice Services operates an antiquated 48-bed adult detention center for male and female inmates in Fort Yates on our Reservation. The detention center is a linear style facility which, because of its design, is very staff intensive. The jail was built in the 1960's and has long outlived its utility. Renovated in the 1980's and again in the 1990's, the jail fails to comply with most contemporary detention standards. The jail population is frequently two to three times above the rated bed capacity. To alleviate jail crowding, BIA OJS contracts bed space for long term adult inmates in a facility that is a 772-mile round trip from the reservation. Our Tribal Court is forced to release prisoners early to alleviate jail crowding just to make room for more prisoners. This sends the wrong message to criminals. We request that the committee consider modernizing our detention center and provide for adequate Operation and Maintenance.

Tribal Courts: We support an increase to the modest funding appropriated for the Tribal Courts Program. The Standing Rock Tribal Court is an independent branch of government consisting of a Supreme Court, Civil Court, Criminal Court, and Children's Court. Key positions

in the Tribal Court require licensed attorneys: the Chief Judge, Associate Chief Judge, Chief Prosecutor, and Public Defender. The Supreme Court consists of three Justices, two of whom must be a licensed attorney. Our Tribe cannot effectively support these courts with our small BIA allocation, even when heavily subsidized by the Tribe. And yet in order to use our Tribe's authorities provided under the Violence Against Women Act of 2013, Sex Offender Registration and Offender Act, and the Tribal Law and Order Act, we must continue to meet appropriate standards. Our Tribal courts are also crowded, even when spread across three separate buildings. The main courthouse outgrew its ability to meet our needs years ago and the lack of space severely limits our ability to adequately handle the Tribal Court case load of 2,000 to 3,000 cases per year. Funding is critical to providing a safe and secure center to house justice programs. We request funding to adequately fund the judicial services needed for our tribal citizens and also additional resources to begin planning for an adequate facility to operate our judicial branch.

Bureau of Indian Education (BIE). We support an increase in FY 2018 funding for BIE programs. Standing Rock relies on BIE funding for three Tribal grant schools – the Standing Rock Community School (K-12), Sitting Bull School (K-8), and Rock Creek School (K-8). The Standing Rock Community School is operated through a Joint Powers Agreement between the Standing Rock Tribal Grant School and the Fort Yates Public School District. The Fort Yates Public School District, like other public schools on the Reservation (Cannonball, Selfridge, McLaughlin, McIntosh, and Wakpala), depends on federal impact aid to cover the costs of the public school's share of the school operations. The children in the schools on the Reservation are among the most at-risk students in the Nation. At seven out of eight Public and Tribal Grant Schools on our Reservation, 100% of the students are eligible for the Free or Reduced Lunch Program. At the remaining school, 90% of students are eligible for the Free or Reduced Lunch Program. The high rate of our student eligibility for the Free or Reduced Lunch Program documents that the majority of our families live at or below poverty level.

A critical source of funds for the operation of our Tribal grant schools are the Indian School Equalization Program (ISEP) Formula funds. The funds cover the costs of the schools' instructional programs, including salaries for teachers, teacher aides, school administrative staff and other operational costs. ISEP has not seen any meaningful increase in years, and as a result, there has been a significant negative impact on the effectiveness of the schools' instructional programs. Academic programs are marginal at best and provide limited services to the students. It has become more difficult to attract and retain qualified staff. If the schools serving Indian children are to be effective and if our students are to succeed, and be college and career ready, ISEP funding must be increased.

The Administration's near flat line funding for virtually all aspects of BIE programs does not account for population growth, increased costs, or inflation. Student Transportation funding, intended to cover the costs of buses, fuel, maintenance, vehicle replacements, and drivers, has remained at the same level for years. The substantial increases in fuel costs alone make it impossible to cover these costs. For Standing Rock, funds are further strained because we are a rural community, where bus runs for many of our students may take 1½ to 2 hours each way and can include travel on unimproved roads. These factors result in higher maintenance costs and shorter vehicle life. A substantial increase in funds for Student Transportation is long overdue.

The same is true for School Facility Operations and Maintenance which is drastically under-funded. In fact, O&M budgets are currently constrained at 40 percent of need. This also

holds true for School Improvement and Repair. We urge this Committee to strongly support an increase, not only for Facility Operations and Maintenance and School Improvement and Repair, but for School Construction as well. Indeed, one of our Tribal grant schools, the Rock Creek School, is more than 100 years old and badly needs to be replaced. Federal funds to replace ancient schools – like Rock Creek – are essential. Funding for School Facility Operations and Maintenance and School Improvement and Repair, as well as School Construction should be substantially increased. We are also very concerned about the list of new schools which have been slated to be constructed. Not a single school from the Great Plains made that list, although schools from our region comprise one-third of all BIE schools. It is clear that the Bureau of Indian Education has discretion to select these schools, and they have used that discretion to effectively shut out schools in our region for the next decade. We ask the Committee to investigate and reconsider the existing process which we see as unfair and unlikely to serve our children for decades.

We also urge the Committee to support an increase in funding for Scholarships. Because of the unmet need, the Tribe spends $1 million in Tribal funds annually to supplement this program and gives grants of $3,000-$3,500 to aid our students attending colleges and vocational schools. But even with this, the majority of our scholarship recipients have unmet financial need varying from $100 to $17,000.

Indian Health Service. We greatly appreciate the $232 million increase Congress provided in IHS funding for FY 2017.We depend on IHS to care for our 16,000 enrolled Tribal members, many of whom suffer from diabetes, heart disease and hypertension. We are especially concerned about our region. Although we are not at risk of losing certification under the Center for Medicaid Services, we hope the Indian Health Service can continue to provide quality support and timely processing of the basics such as Human Resources, Budget responses, and Procurement. We also fully support increased funding for behavioral health, especially the youth focused programming.

We recommend that Congress prioritize the IHS preventive health care service programs, such as the diabetes grant program, and increase funding for these programs above the modest increase provided for FY 2017, while supporting and protecting the Administration's other IHS funding priorities, especially funding for health care personnel. In many instances, if additional funding for clinical services and preventive health programs can be made available, illnesses and injuries could be treated at their initial stages, or prevented altogether. This is especially important at Standing Rock, where many of our members' health problems could be addressed if timely preventive care were available. We also support FY 2018 increases in Dental Health, Mental Health and Purchased/Referred Care which has been historically underfunded.

Tribal Historic Preservation Offices. We strongly support an additional $2 million increase for Tribal Historic Preservation Offices out of the National Park Service. This modest increase will help us to protect historic and culturally significant resources throughout the region.

Thank you for the opportunity to present this testimony to the Committee on these important matters.

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

First, I want to say to Ms. Pipe, it is an embarrassment that this accreditation issue occurred, and we need to fix it. I know that was a priority for us to patch this and get that back, your accreditations. But you know, these facilities, as you point out, both Mr. Dunn and yourself, are old and need to be replaced. And we need to come with a methodology to not just replace your health facilities, but also the schools. And we are trying to figure out a way to do that, you know?

We have over a $1 billion requirement in Indian Country for school construction, and certainly, health is a big challenge also. We are going to be working with Chairman Cole, who has significant jurisdiction in Labor-H and, obviously, is very interested in these issues, and so we are going to see if we can't figure out a way to work together and see if we can get more money flowing into resolving some of these healthcare and education issues.

And certainly, law enforcement is a big problem in Indian Country. You hear that consistently with all the tribes. Obviously, drugs is a big problem, and this opioid epidemic is costing 1,000 lives a day in the United States, 1,000.

Ms. WHITE PIPE. We are experiencing a methamphetamine epidemic right now, and it is affecting our housing. They are being tested at high levels, which is leading to evictions or relinquishments of the homes. So right now, our council is working on a strategic action plan to get something in place. But we also need help with the tribal courts, and I have it listed in my list of priorities with the staffing.

And I did talk to somebody at SAMHSA today, and they had informed me that our meth treatment center is underfunded also. And so SAMHSA will provide funding for a meth treatment center if we have a drug court for a year, but we need to find the funding to fully staff our court.

Mr. CALVERT. We will see what we can do to help.

Ms. McCollum.

Ms. MCCOLLUM. Thank you.

I want to point out and ask you to comment on some things. As the chairman said rightly, the President proposes the budget. The Budget Committee, under the Republicans, will come up with a different budget. But one of the things that I know, even within Congress, something often cut is the Low-Income Heating and Energy Assistance Program.

I have to believe that a lot of your tribal members, especially the elders, really rely on that. As you know, that was zeroed out in the President's budget. I don't think it will be at zero in the budget here. I don't get to set those numbers, but I am concerned about any cuts into that.

Maybe if you could explain on the record how many people are reliant on that? Usually, you have one person who administers it. You describe the program because it is a lifesaving program in the areas that you two represent.

Mr. DUNN. This is a great concern to Standing Rock. We have a high number of people because of the state of our economy, we have a lot of people that are unemployed or underemployed. And

so the result is that this program is very helpful to assisting them to make it through. That is a real challenge for a lot of our members.

A lot of them are living in substandard housing. You know, whatever it is that is available, they are living in, and they got to find a way to heat them things through the 30 below wind chill winter. So this is a great, this is a great concern. So any assistance with all fuel assistance program is greatly appreciated, I assure you.

Mr. CALVERT. Were you responsible for that Internet hit that was the one where it showed this cold weather outside? And I don't know.

It was 30 below zero. They said it was colder than Mars or something like that. Don't go outside.

Ms. MCCOLLUM. But we are.

Mr. CALVERT. Yes.

Mr. DUNN. Well, I will give you an example as over this past winter, now a lot of those heating systems that have propane and electricity interdependence, we had during a blizzard that where people couldn't move out of their homes for several days lost their electricity. So they lost their ability to use their propane heating also.

Mr. CALVERT. I can't even imagine it is that cold.

Mr. DUNN. This is an elderly couple, they called me during the second day of the storm, and they said they couldn't even get out of the house because the house had been encompassed in a snow bank, and there was no electricity. So this was after 2 days without heating. They were heating with whatever they could to heat the home.

They were probably using the propane cook stove that they could light with a match or something. Finally, after like the third day, we were able to get some neighbors over there to get the house open.

Mr. CALVERT. Wow. I am from near Palm Springs. We complain when it is 50 degrees. So I can't imagine it being 30 below zero. So——

Ms. MCCOLLUM. These programs are lifesaving.

Ms. WHITE PIPE. Our LIAP program, the monies that we allocated for the 2017 funding have already almost been diminished, and last month we had to supplement the program by I think it was $60,000 or $80,000. Over the winter months, President Kendall does set up a program where he has different individuals come in and cut cords of wood, and we went through so much wood this past winter. Now it is going to start going into our resources, which is our timber reserve.

Mr. CALVERT. Okay. Well, we appreciate it.

Ms. WHITE PIPE. So it is disheartening to hear that the LIAP program will be eliminated.

Mr. CALVERT. Well, again, I am sure we will be going through this process. We will be working all that out, but thank you for coming. I appreciate it.

Ms. WHITE PIPE. Thank you for your time today.

Mr. CALVERT. We will talk to you soon.

Mr. DUNN. Thank you. Very appreciative.

Mr. CALVERT. Thank you.

Mr. DUNN. [Speaking Native language.]

[Pause.]

Mr. CALVERT. All right. Our next panel, Robert Flying Hawk, chairman of the Yankton Sioux Tribe; David Kills-A-Hundred, tribal council member of the Flandreau Santee Sioux Tribe; Troy Scott Weston, president of the Oglala Sioux Tribe; and Cecelia Firethunder, representative of the Oglala Sioux Tribe, Oglala Lakota Nation Education Partnership.

Thank you for coming out here to Washington, D.C. We appreciate that.

We are going to recognize Mr. Hawk first, chairman of the Yankton Sioux Tribe. You are recognized for 5 minutes, sir.

WEDNESDAY, MAY 17, 2017.

YANKTON SIOUX TRIBE

WITNESS

ROBERT FLYING HAWK, CHAIRMAN

Mr. FLYING HAWK. Thank you, Chairman and committee.

I just wanted to greet each and every one of you with a heartfelt handshake and good to see you. Traditionally, we have been sending delegations to the city here, making our asks. And we are here again.

We have some challenges at home, as what you have been hearing, and we at the Yankton Reservation are experiencing those same types of things.

The four areas are our health, our education, our welfare, and our economic development. So those are some of those challenges that we have been sending delegations up here to share those concerns, and we hope we aren't sounding like a broken record. But we, as a people in this free nation, are facing those challenges together, working together as nation-to-nation, and we really thank you for that.

The health challenges are for us at home, it is a hospital that was working as a hospital, but now is just a clinic. So we would ask that we be returned to that emergency care. An example for asking for that emergency care is some of our members, because of billing, do not wish to go in when it is after hours because of paying that bill.

So in some instances, it involves the heart, and it is very critical. But our members would choose not to come in, and there are times when life has been lost.

But that is how serious it is. We, as a people, have lived and understand that we are a strong people. But yet because of the tradition that we have and with Government saying that we are to be taken care of, and we have taken that a little bit too far, but yet we are trying to achieve that balance to understand that we need to get back to that strength as a people.

And with that, it is having these delegations here to share those concerns that we have a life that is a strong life. But with the education of our children, we seem to be missing some history, some

language, some culture, and it is—we have the basics, the sciences, the maths, the biology, and we understand we need those.

But because of that lack in the language, lack in the history of who we are, I think that was mentioned by one of the gentlemen earlier, the identity. That seems to affect us. We need to have that for that self-worth, that self-esteem so that we can continue to be a strong people to get up, to have that work ethic, to go out to rake a yard, to scoop some snow.

But to get up. That traditionally is what we have in our blood that we did these things. But for some reason, through the history, as we worked together, we misconnected there. There was a disconnection, and the understanding wasn't there.

We share, I think one of our leaders had said, I think it was the Sitting Bull said as we go through our life, we pick things up that are good and some things that are bad. We put those things back down that are bad for us and carry those things that are good.

And so that's us as a people. Our economy is always in need, and with the dollars that are there with some of the cuts that were mentioned, we ask that they be maintained where they are at and possibly increased if at all possible.

We need those programs. We have program development for us at home. It is a food service program that is going to be started, and our people need that.

So we have so many challenges, but they are written, and they are given to you for your consideration.

So thank you.

[The statement of Mr. Flying Hawk follows:]

Box 1153
Wagner, SD 57380

(605) 384-3804/384-3641
Fax (605) 384-5687

OFFICERS:
ROBERT FLYING HAWK, CHAIRMAN
JODY ZEPHIER, VICE CHAIRMAN
GLENFORD "SAM" SULLY, SECRETARY
LEO O'CONNOR, TREASURER

COUNCIL:
JASON COOKE
GREGORY COURNOYER Jr.
DIANE MERRICK
ROSEANNE WADE
MONA WRIGHT

Testimony of Robert Flying Hawk, Chairman
Yankton Sioux Tribe
May 17, 2017

Greetings Mr. Chairman and Members of the Committee. My name is Robert Flying Hawk and I am the Chairman of the Yankton Sioux Tribe Business and Claims Committee. I also serve as the Treasurer of the Great Plains Tribal Chairman's Health Board as well as the Great Plains representative on the Centers for Disease Control Tribal Advisory Committee. The Yankton Sioux Tribe appreciates this opportunity to testify today and to discuss matters of great importance to the Tribe.

The Yankton Sioux Tribe is a resilient treaty tribe located in present-day South Dakota in the Northern Plains. We are a member of the *Oceti Sakowin* (the "Seven Council Fires," also known as the Great Sioux Nation). We have approximately 9,000 enrolled members. We value our government-to-government relationship and ask that the Committee consider our testimony as you make decisions that affect our Tribe, our members, and our communities.

Indian Health Services

As you may know, the IHS is the primary if not sole provider of health care for our tribal members living on the reservation.[1] The degree to which our members depend on the services that IHS provides for even the most basic care cannot be understated. We cannot continue to suffer cut after cut.

Service Unit Inpatient and Emergency Room.

In 1992, the IHS hospital at the Wagner Service unit was closed to inpatient care, yet there was no increase in funding for contract health services ("CHS") (now known as purchase referred care). IHS removed services and provided no additional funding to purchase the services elsewhere. It was unthinkable not only to our tribal members that depend on the inpatient care but also on the Wagner Service Unit that was left to balance the books without any increase in CHS or other funding to bridge the gap. The Tribe was against this decision not only as an immediate concern but also with concern for the future viability of the Wagner Service Unit. In spite of the Tribe's objections, the IHS made the decision to stop inpatient care. Next, the IHS made the decision to close the 24-hour ER, and to open an urgent care facility in its place. The Tribe was forced to challenge the closure. While the Tribe was initially successful in its lawsuit, once the IHS met the statutory requirement that it produce a report to the Congress, it was free to close the ER.

[1] Our veterans are eligible to receive care from the Department of Veteran's affairs that does have a small clinic on our reservation, but most of the care for veterans is referred to larger cities like Sioux Falls, South Dakota where there is a VA hospital. There is also a small community clinic that accepts private insurance. Medicaid, and Medicare for those that have coverage.

In 2005, the IHS commissioned such a report to conduct a final evaluation of the Wagner Service Unit. "The Sharpless report recognized there would be significant hardships to tribal members if the emergency room were closed, but nevertheless recommended partial closure of the Wagner emergency room by replacements with an urgent care facility. The report notes that 'it could be forecasted that lives would certainly be lost' if the Wagner emergency room closed." *Yankton Sioux Tribe v. United Stated Dep't of Health & Human Services*, CIV 07-3096 (8th Cir. 2008). In March 2008, the IHS closed the 24-hour emergency room and compensated the Wagner Service Unit budget by adding $64,000 for "Priority I" care for the remainder of the year.[2] There have not been additional funds awarded to the Wagner Service Unit budget since that time to compensate for the additional CHS or purchase referred care services. It then became the norm that tribal members would seek emergency health care at the local non-IHS community emergency room. Tribal members were forced to seek this care even without knowing whether the IHS had the funds available to pay for those emergency services or whether the tribal member would become personally liable for payment of those medical bills. Unfortunately, it is more frequently the latter leading many of our tribal members to simply attempt to wait until the Wagner Service Unit IHS clinic opens rather than face the possibility of medical bills that could cripple their household's finances. Similarly, if tribal members are in need of CHS/purchase referred care and they do not meet the "Priority I" threshold, they are forced to suffer through the pain until funding becomes available. The real-life implications are that it is common-place to meet tribal members that live for months at a time or permanently with broken limbs and other ailments that are not treatable at the Wagner Service Unit clinic and yet do not amount to Priority I. This state of healthcare would be unacceptable in any other context yet it is what our tribal members face every day. Eventually, the prediction contained in the Sharpless report was realized when a tribal member lost his life in the parking lot while waiting for the IHS to open.

It was widely reported that funding was the reason the IHS closed the 24-hour emergency room because the facility did not meet the emergency room criteria as defined by the Center for Medicare and Medicaid Services and therefore the facility would not receive reimbursement from Medicare and Medicaid for those patients eligible for that third-party coverage. I am sorry to report that the sole licensed medical doctor at the Wagner Service Unit has recently retired. IHS allows non-licensed medical professionals that hold degrees from medical schools outside of the U.S. to practice in IHS facilities as long as there is a licensed doctor at the facility. Now, there is no longer a licensed doctor at our service unit. IHS has been bridging this gap by temporarily re-assigning commission corps but that is a temporary fix. We need to attract permanent licensed doctors to our service unit. I would also like to point out that while funding was the reason the IHS closed the 24-hour emergency room, there are more employees at IHS now than there were when the 24-hour emergency room was open. Now, as we know, there is a hiring freeze at IHS that has exacerbated the situation. Together with rumors of anticipated budget cuts in HHS and IHS funding are essentially shutting down recruitment efforts. We already start out at a disadvantage because the salary is often below what a doctor could receive elsewhere, but coupled with the remote location and the possibility of reductions in staff, salary freezes, and limits on procurement, it becomes nearly impossible.

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[2] Pursuant to 42 C.F.R. 136.23(e), each Area establishes the medical priority of care when CHS/purchase referred care is insufficient (it is insufficient every year). Priority I is emergent or acutely urgent care services that IHS defines as "diagnostic or therapeutic services that are necessary to prevent the immediate death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual necessitate the use of the most accessible health care available and capable of furnishing such services. Diagnosis and treatment of injuries or medical conditions that if left untreated, would result in uncertain but potentially grave outcomes." https://www.ihs.gov/chs/index.cfm?module=chs_requirements_priorities_of_care

The Tribe seeks solutions that will serve the best interest of the Tribe and its members and in the context of health care, the Tribe wishes to ask for your help in re-opening the 24-hour emergency care at the Wagner Service Unit as well as help in re-opening the in-patient hospital services even as modestly as a few beds. It is also imperative that IHS recruit and maintain licensed medical doctors.

Doctor's Quarters

One of the ways to attract licensed medical doctors is to have living quarters available solely for IHS doctors. The IHS requested to obtain land from the Tribe in order to build doctor's quarters and the Tribe identified a parcel of land near the IHS facility. At the time the request was made, the Tribe was told by BIA that it would be placed into trust status in approximately three years. The Tribe applied for it to be placed into trust and was soon notified that State of South Dakota challenged the land-into-trust decision. The Tribe approved the lease based upon a letter from IHS that said, "[w]hile it is understood that the Tribe would have to pay taxes on the land if it is not in Trust status, the benefits of having ten (10) staff quarters far outweigh the potential of losing the project funding and ultimately not having any staff quarters built at Wagner." The land is still not in trust status due to multiple challenges by State and local governments. Meanwhile, the Tribe has continued to pay taxes amounting to hundreds of thousands of dollars but the IHS Wagner Service Unit still does not attract licensed medical doctors as mentioned above. The Tribe seeks solutions to address this situation.

Yankton Tribal Shares

The IHS currently utilizes a funding formula that calculates what the IHS calls "shares". These shares are calculated in a non-uniform manner according to each region's own formula. In addition, the funding formula that is administered by the Great Plains area office in Aberdeen, South Dakota has been in place for quite a while. Our concern is that our Tribe has increased the number of patients at the service unit since the implementation of the funding formula without a corresponding increase of shares. As a result, we believe the tribal shares allocated to our Tribe is not reflective of the actual care that is sought at the service unit. While we have repeated sought out information, we often receive no response or information that is not helpful at all. We seek basic information as well as creative solutions to ensure that each service unit is given resources that are reflective of actual need rather than an archaic funding formula that is based upon outdated data. The result of the discrepancy between funding formulas across regions is that some regions have high funding of patients per capita and some regions have significantly less funding of patients per capita.

Referred Care

Because our service unit consists of a small clinic, every day our people receive "referrals" from IHS physicians to specialists, labs, and hospitals. Tribal members used to go to those referrals assuming that any costs incurred would be borne by the IHS. Unfortunately, that is no longer the case. At Yankton, we have an ever increasing number of tribal members who have received thousands of dollars in medical bills in the mail that they did not expect, and that they cannot pay. This has become so prevalent that we not have tribal members who are refusing to seek the referral care that is necessary to protect their health, and in some cases, even their life, because they fear the possibility of being bankrupted by unpaid medical expenses. This is especially true for our veterans. A veteran may not initially want to drive 100 miles or wait three months to see a specialists, especially when the HIS is offering him a specialist which is closer and an earlier appointment. He might feel differently, however, if he knew that he was going to receive a large bill for taking IHS up on its referral offer instead of the Veteran's Affairs.

We are asking that IHS implement a policy that includes a process to notify a patient in advance when IHS is not prepared to pay for a referral care visit and related costs. The IHS needs to acknowledge that

unpaid medical bills can literally bankrupt a family, and our people have a right to make an informed decision about the care that they choose to seek. It can even be as simple as indicating the amount of coverage IHS is offering on the referral form itself. That way our members can make informed decisions.

Funding for Dialysis Center-Related Matters

In 2016, the Tribe opened an 8-chair dialysis treatment facility on our Reservation so our members and non-member Indians living on or near our reservation could gain better access to treatment essential to their health and well-being. In the process, we eliminated over $200,000 in transportation costs of the local IHS service unit. We were grateful for the financial assistance provided by IHS to pay the cost to purchase equipment and retrofit the building. We request continued financial support for the dialysis treatment facility so that we can keep the treatment on the Reservation instead of subjecting those with a fragile health profile to the hours of travel involved in seeking treatment off the reservation.

The Tribe is also concerned about the possibility the following programs will be eliminated:

- ***Low Income Heating and Energy Assistance Program (LIHEAP)*** - Like the surrounding counties, the Tribe receives an allocation of monies from the Low Income Heating and Energy Assistance Program (LIHEAP). This funding pays for one tribal employee who administers the program. Assistance is provided to low income families on the reservation to pay for heating and sometimes cooling costs. Each of the recipients is required to demonstrate need and the payment is provided directly to the utility company. There are also annual limits on the amount and number of times a household can receive assistance. It is imperative that LIHEAP continue to be funded at current or increased levels. For each of the recipients, this assistance has prevented their families from suffering through freezing temperatures and sweltering heat. Oftentimes, it is a matter of life and death in the harsh climate of the Northern Plains.
- ***Tribal Historic Preservation Office*** - The Tribe is the recipient of federal funding for our Tribal Historic Preservation Office (THPO). The THPO employs a Director, an assistant, and works within a modest budget. Our THPO provides culturally competent survey and assumes the functions of State Historic Preservation Officers on Tribal lands. This program was made possible by the provisions of Section 101(d)(2) of the National Historic Preservation Act. We ask that the funding continue to current or increased levels for THPOs across the country.
- ***Tribal Roads*** - The Tribal Roads Department is funded from a combination of formula funding as well as a TIGER grant. These funds are the only source of monies for necessary maintenance to roads, transportations programs that provide public transportation, and roads clearing in the winter months. Our members are heavily dependent on the Tribe's transit program to be able to go to work, attend school, and attend necessary medical and other appointments. We ask that Tribal Roads and TIGER Grants continue to be funded at current or increased levels.
- ***Economic Development Administration*** - The Tribe receives funding to support a single employee in its Economic Development office. This office is responsible for generating economic development opportunities and overseeing projects. It also performs the due diligence necessary to protect the Tribe from predatory and unqualified partners. The office is also responsible for coordinating the preparation of professional studies and generating empirical data that support economic development opportunities and project proposals. The Tribe asks that Economic Development Administration continue to be funded at current or increased levels.

The Yankton Sioux Tribe knows how hard this Committee has fought to preserve tribal priorities including critical needs at IHS and we sincerely thank you for your work. We hope that the testimony we have provided to you is a reminder that the decisions you make impact lives on the Yankton Sioux Reservation. Thank you for the opportunity to appear here today. I will be happy to answer any questions.

Mr. CALVERT. Thank you, Chairman Hawk.

And we will look at all the written statements, and they will be submitted for the record, and we will be looking through them. And we appreciate your testimony.

Next, David Kills-A-Hundred, you are the council member for the Flandreau Santee Sioux Tribe.

Mr. DAVID KILLS-A-HUNDRED. Yes, sir.

Mr. CALVERT. You are recognized for 5 minutes.

Mr. DAVID KILLS-A-HUNDRED. At the risk of maybe breaking protocol, I ask would it be okay if Representative Firethunder and President Weston were heard before me. They are my elders.

Mr. CALVERT. Sure. Just have them have a seat over here.

Mr. DAVID KILLS-A-HUNDRED. They are right here.

Mr. CALVERT. Oh, right here. Oh, I am sorry. I thought it was some additional people. Sorry.

WEDNESDAY, MAY 17, 2017.

OGLALA SIOUX TRIBE

WITNESS

TROY SCOTT WESTON, PRESIDENT

Mr. WESTON. Thank you, David. That was a very, very good sign of respect. Thank you for that.

To the chairman, thank you for allowing us to be here. Representative McCollum, thank you for allowing us to be here in front of you today.

I was given this oral testimony, but I believe Chairman Flying Hawk a precedent here with his knowledge, his caring, and his fight for our people, not only for his tribe, but for ours. Because a lot of what is being said here is pretty much everything across the board of Indian Country today.

Our fights in our healthcare. IHS, for one thing, is our biggest fight. Along with education. Along with our police department, public safety. We have those are our three biggest fights right now.

Within our IHS, we have a system within the Aberdeen area that allows our PRC to allow a contractor to refer all of our emergency, whether if you get a stubbed toe, I mean, it gets to that point. They are being referred out to Rapid City Regional Hospital.

We don't have a specialty doctor. We have P.A.s. The majority of them are P.A.s. We have a couple of M.D.s. No specialties. We don't have any rheumatologists. We don't have a cardiologist. We are just pushing this out.

And to me, it sounds like it is a corporate move. I don't care for it because we cannot allow our people to be burdened with having to be referred out to another facility, thereby having the tribe have to pick up a bill to return them home. And some of the people need to have assistance to go after that family member, and the tribe has to pick up another bill. So there is a lot of inequities that we need to really sit down, and that is one of them.

On another hand, it is our law enforcement. You know, there was another story earlier. I believe it was the councilman from Standing Rock, talked about the law enforcement.

Our law enforcement has issues. Three million acres. Our reservation is approximately 100 miles from east to west and 60 miles north to south. I think that may be four Rhode Islands.

So we need to understand that as big as we are, we have 33 officers. I think that came from the councilwoman from Rosebud. She was in the ballpark.

Within the BIA system, the way everything is recorded, we should be allowed to operate fully staffed at 120 officers, and that is still not enough because we are sitting at 40,000 members. That is just on the reservation. We still have another 30,000 to 35,000 off of the reservation that come back and forth to utilize IHS, law enforcement, land, everything across the board—our education.

Our former president will get in detail about our education problems here, but we have serious issues. I believe you got to come out in 2012 to our reservation. We invited you back in I believe it was 2012, when President Steele invited you, and Representative McCollum, Simpson, and Representative Cole. Yes, yep, yes.

And came out, and they got to see what was going on. They got to see the real picture. Well, that picture hasn't changed because of the fact that we cannot genuinely operate with the amount of money that we are not getting. You know, we are already cut. We were already running at 48 percent.

And then with all of these proposed cuts, we cannot operate. We really cannot operate. What is that going to say to our officers who are already working 12-hour shifts, four per shift per every 12 hours. That is unreal. That is unheard of. That is inhuman.

I am trying to pull at your heartstrings because I know you understand how I feel and how we all, as tribal leaders, feel. And I know you have that same thought and that same mindset because we know what we have to have for our people. And I wouldn't be doing my job if I wouldn't be trying to jerk at them heartstrings.

We need help. We need more money. We need technical assistance. We have to have what we need to have.

I thank you for your time.

[The statement of Mr. Weston follows:]

Testimony of Oglala Sioux Tribe President Troy Scott Weston

"American Indian and Alaska Native Public Witness Hearings on Fiscal Year 2018," House Appropriations Subcommittee on Interior, Environment, and Related Agencies May 17, 2017

Summary—The Oglala Sioux Tribe requests:

- An additional $200 million for BIA law enforcement, including officer training, tribal court personnel, and construction and maintenance of tribal detention facilities;
- $85.3 million for substance use disorder programs;
- $6.2 billion for the Indian Health System;
- Funding for road construction;
- $25 million for water infrastructure;
- Funding for education and recreation facilities, youth safe houses, community centers, including $620,000 for juvenile detention education in BIA-funded facilities; and
- Funding for child protective services.

Introduction

Thank you Chairman Calvert and Members of the Subcommittee for your work on behalf of Indian Country. It is truly appreciated. While we know you have made progress through your hard work, the chronic underfunding of Indian Country programs and treaty obligations over the years is taking an enormous toll. It is quite literally costing lives as needs such as health care, behavioral health, and law enforcement go underfunded. Without adequate funding to operate fundamental government services, such as our court system and child protective services, we face the dilemma of how to continue administering these services ourselves. Underfunding, therefore, threatens our ability to exercise our rights to self-determination and sovereignty.

The Sioux Treaty of 1868 promised certain benefits and annuities each year to the bands of the Great Sioux Nation. Congressional ratification of that treaty cemented into law the United States' obligation to make appropriations for the Oglala Sioux Tribe. We ask you to fulfill those treaty obligations.

Law Enforcement and the Meth Epidemic

In May 2016, our Tribe declared a State of Emergency on the Pine Ridge Reservation because of the shortage of Tribal Police officers and law enforcement resources. This shortage has resulted in a sharp increase in crime and an inability of our Tribal Police to guarantee the health and safety of our citizens, which results in inter-generational cycles of trauma as children are exposed to high rates of violence and substance abuse. We understand that funding in the Office of Justice Service's account for criminal investigations and police services flows more heavily to criminal investigators rather than police officers. We need adequate funding for each of these important positions. Decades of underfunding tribal public safety programs has fueled an unprecedented spike in violent crime and drug trafficking, consistent with the methamphetamine and heroin epidemic throughout the Great Plains Region. With only four officers covering our approximately 3 million acres per 12-hour shift, our Tribe simply does not have the necessary resources for public safety purposes. *Each officer is personally responsible for 700,000 acres,*

Oglala Sioux Tribe ~ P.O. Box #2070, Pine Ridge, South Dakota 57770 ~ (605) 867-5821

without adequate support or backup and at great personal risk. The BIA has acknowledged that we need a minimum of about 95 more officers, but funds are not available to address this need.

Our criminal justice system is in critical need of funding. The Kyle Justice Center has been at the top of BIA's construction priority list for over 15 years. This short-term holding facility, court, and 911 call center is desperately needed but sits 100% complete for design. It is shovel ready. Additionally, our Tribal Court is so severely lacking in funding that we fear facing the dilemma of whether we can continue to exercise this fundamental aspect of our sovereignty.

A Tribe's ability to exercise its sovereignty and protect its citizens should not be dependent on its wealth. In order to fulfill these basic treaty rights, we request an additional $200 million for BIA law enforcement, including officer training, Tribal Court personnel, and the construction and maintenance of tribal detention facilities. We also request $85.3 million for IHS substance use disorder programs.

Indian Health Care in the Great Plains

One of the United States' most sacred treaty obligations is providing for Indian health care. In the Great Plains, this moral and legal responsibility has been very nearly abandoned. Our citizens are among the poorest and most disenfranchised in the country. The *Washington Post* recently reported on a study that demonstrates that Oglala Lakota County has among the lowest life expectancy in the country.[1] Last year the Senate Committee on Indian Affairs held an oversight hearing and a field hearing on the poor quality of care received at IHS facilities in the Great Plains. Despite increased oversight and accountability efforts, our health care crisis continues to unfold. *At the root of the Great Plains Health Care crisis is the glaring fact that IHS is only funded at about 60% of need.* IHS must be able to recruit and retain high-quality employees, and that requires funding for salaries, housing, and training in addition to increased employee accountability. Additionally, there must be adequate facilities. Our Pine Ridge Hospital struggles with inadequate space to serve its user population. The IHS Service Unit profile states that the active user population exceeded the designed user population in 2000, and that the Service Unit currently services a user population of 51,227 in a space that is already undersized to serve the Health Systems Planning estimated user population of 22,000 patients.

Road Maintenance

Current funding, $24 million nationwide, for the BIA Road Maintenance program has been flat for over 22 years. This results in a compounding deferred maintenance backlog. In the Great Plains Region alone, a conservative estimate for deferred maintenance is $10.6 million; nationally, it is $289 million. Funding levels for maintenance on the Reservation of $598 per mile are staggeringly low compared to the average $6,000 per mile that South Dakota spends on road maintenance. Further, snow and ice control can consume up to 50% of an annual budget, a financial dilemma our Tribe faces every winter. Funding is so tight that routine bridge maintenance is not performed until it reaches a state of emergency. Further, a specific road issue is the Allen Road between Allen and Highway 18. The Tribe paid to build this road, but it has no monies to maintain it. The State receives funding for the road, but it is not maintaining it. A private citizen has been plowing this road for free in an effort to keep it safe for school buses.

[1] Joel Achenbach, "U.S. Life Expectancy Varies by More Than 20 Years From County to County," Washington Post (May 8, 2017); Laura Dwyer-Lindgren, et al. "Inequalities in Life Expectancy Among US Counties, 1980 to 2014: Temporal Trends and Key Drivers," JAMA Intern. Med. (May 8, 2017).

This is unacceptable. The Tribe should be provided adequate funding so that we can maintain this road; we stand ready to do the work provided we have the funding.

Water Infrastructure

Our Tribe is the lead sponsor of the Mni Wiconi Project, authorized by the Mni Wiconi Project Act of 1988, P.L. 100-516, as amended. The Project is a monumental clean drinking water project that provides Missouri River water to the Pine Ridge Reservation, the Lower Brule Sioux Reservation, Rosebud Sioux Reservation and the West River/Lyman-Jones Water District. Funding is needed to complete the necessary community systems upgrades on Pine Ridge. The Act provides that the Oglala Sioux Rural Water Supply shall include the purchase, improvement, and repair of existing water systems. However, the Bureau of Reclamation, which funds the Project, will not accept the community systems into the Project until they are upgraded to a certain standard. Funding for these upgrades is necessary.

The Tribe is working with several federal agencies to implement its plan to complete the upgrades. The Tribe, however, needs almost $25 million to upgrade 19 existing systems and transfer them into the Mni Wiconi Project, as intended by the Act. Once transferred they will be operated and maintained through authorized funding under the Mni Wiconi Project Act. Additional monies provided to the IHS's Sanitation Facilities Construction account as well as to the EPA's Revolving Funds are needed to allow for the IHS and EPA to better contribute and participate in the joint federal agency effort to complete the upgrades of the systems in a timely manner so those on the Pine Ridge Reservation can finally receive the clean drinking water they were promised so long ago under the Mni Wiconi Project Act.

Education Facilities and Programming

Total replacement of the Wounded Knee and Little Wound Schools is required. The Wounded Knee School project has been on the BIA's Office of Facility Maintenance and Construction list for many years, and Little Wound was built in the 1950s. School replacement and repairs must include adequate funding for operations and maintenance, necessary components of school infrastructure, so that the investment in construction can be safeguarded and our students can be safe in their learning environment. Currently, these crucial components are funded at less than 50% of the need.

Our youth need safe houses where they can go and where they can get assistance identifying physical and mental health resources available to them. They also need youth centers as safe places to congregate and build a sense of community. Children also need places to play. Currently, our children ask to be driven all the way to Rapid City just so they can play in the park. Our communities need playgrounds, skate parks, and other community spaces. Thus, we request funding for the construction, operation, maintenance, and personnel of youth safe houses, youth centers, and recreational facilities (such as skate parks, athletic fields, basketball courts, art centers, music centers, etc.) to provide spaces where youth can be secure outside their homes.

Also, $620,000 is needed for juvenile detention in BIA-funded facilities. This essential funding provides critical educational services to detained and incarcerated youth. From 2012 to 2016, this need was not funded, and we thank you for supporting the reinstatement of this much-needed source of funds for the education and rehabilitation of some of our most vulnerable youth.

Housing

Pine Ridge has a terrible housing shortage. Many of our citizens—infants, elders, veterans, families—live in conditions that no American should have to endure. Families live packed into two-bedroom homes or families of six try to survive in a one-bedroom. Overcrowding affects the physical, social, and mental state of our people, and it is often impossible to study, to be healthy, and to maintain a strong family unit in such environments. We also have difficulty recruiting and retaining quality IHS staff because of our housing shortage. We currently need 4,000 new units and 1,000 homes repaired. Many homes are also in desperate need of repair, with citizens living in conditions that are not only overcrowded but also unsafe. Our citizens depend on the Housing Improvement Program (HIP), which assists families under 150% of the Department of Health and Human Services Poverty Guidelines that live in substandard housing and have no other resource for housing assistance. HIP funds are separate from the Native American Housing Assistance and Self-Determination Act (NAHASDA) and are not used on homes built by the Department of Housing and Urban Development (HUD). These essential HIP funds are used to build new or replacement homes and to renovate homes for our people who have nowhere to go. Also, expanding the *Tiwahe* Initiative so we may be included is important not only for its comprehensive approach to social services, but also because HIP targets housing improvements at established *Tiwahe* sites.

Child Protective Services

The Child Protection Services (CPS) and Indian Child Welfare Act (ICWA) Program perform an integrated child and family services system to address child welfare and comprehensive family support services for the families on the reservation. The program administers a Social Security Act, Title IV-B grants through block grants and Title IV-E through the State/Tribal Agreement and the Social Security Act. There are 16 full-time positions funded by the State through the State/Tribal Agreement. With the number of cases and the backlog of pending cases, we need four more full time support staff with an annual rate of $38,000 plus fringe benefits for a total of $162,640 for personnel services. CPS is funded through the BIA and currently funds only one full-time director with fringe benefits. CPS needs funding for an administrative staffer. Foster care payments received are welfare assistance funds. With the increase in client caseloads, we need at least $100,000 for foster care payments. The program also has an unmet need for operating costs and staff training for both CPS and ICWA. The total for child welfare services including maintenance payments for foster care, guardianship, and adoption is projected to cost $402,600 annually. The ICWA program funds three full-time employees with fringe benefits, with no funding for operating costs, including staff travel. Further, there is an unmet need of $75,000 for our cases as we anticipate an average of 17 children served every quarter. These are enrolled tribal members throughout the United States for which intervention takes place.

CPS also needs funding for four additional program vehicles with an average cost of $20,000 each. Currently, we only have three vehicles that the staff share. With the constant repairs and maintenance for these older vehicles, we need more new vehicles as staff is on-call staff 24/7.

Mr. CALVERT. I appreciate it. Thank you very much.
Representative Firethunder, you are recognized.

WEDNESDAY, MAY 17, 2017.

OGLALA SIOUX TRIBE, OGLALA LAKOTA NATION EDUCATION COALITION, THE LITTLE WOUND SCHOOL

WITNESS

CECELIA FIRETHUNDER, REPRESENTATIVE, OGLALA SIOUX TRIBE, OGLALA LAKOTA NATION EDUCATION COALITION, PRESIDENT OF THE LITTLE WOUND SCHOOL

Ms. FIRETHUNDER. Thank you very much.

Chairman Calvert, Ranking Member McCollum, and honorable members of the subcommittee, thank you for the opportunity to testify on behalf of the Oglala Lakota Nation Education Coalition.

My name is Cecelia Firethunder, a member of the Oglala Sioux Tribe. I am speaking on behalf of the Oglala Lakota Nation Education Coalition, which represents the Oglala Sioux Tribe's six tribal treaty schools.

We are all Public Law 100–297 tribal grant schools funded through the Bureau of Indian Education under authorization of Public Law 93–638. We are located on the on the Pine Ridge Indian Reservation in southwestern South Dakota, and we have 22,114 eligible students attending our schools, elementary through the 12th grade.

Accompanying me today are members of my tribal school board from across the rails, and sitting next to me is my colleague Dr. Gloria Kitsopoulos, superintendent of American Horse School, also a retired colonel from the United States Army. Well, that tells you something, Congressman Calvert. Somebody keeps us in line.

Mr. CALVERT. There you go. Thanks for your service. Appreciate that.

Ms. FIRETHUNDER. Thank you. All right.

Indian School Equalization Program, ISEP, formula grants are the primary source of educational and residential programs at BIA-funded elementary and secondary schools for instructional services. The most pressing concern we have at our level right now is the underfunding constraints in our facilities' operation and maintenance.

You know what our utility costs are during the winter in the Great Plains region? It gets pretty cold there sometimes. And because we don't have adequate monies in our facilities, we use our ISEP dollars to substantiate and pay for our fuel costs. I am just going to drop down there a little bit here.

One of the greatest challenges we face today, along with the facilities operation and maintenance is our teacher salaries. The base at our salaried schools is $9,000 less than the local South Dakota public schools. As you know, recently the State of South Dakota gave an increase to its teachers within its public school system, which are within 15 miles of our newer schools, who are all on the same land base.

As we use more and more of our ISEP funding to supplement the areas which are drastically underfunded, we have less and less

money to bring these amounts closer to the schools near us and with whom we compete for teachers. The public schools can offer a larger salary base, but also a better health insurance package and a retirement package.

Another area that impacts teacher recruitment and retention is the major use of funds to provide health insurance for our employees. Congressman, we provide really good healthcare coverage for our employees. That allows them not only to use the HIS facility, but if necessary, to leave the reservation and seek healthcare in the surrounding small communities where they have providers.

Public Law 93–638 is the foundation for programs to receive Federal employee health benefits. We have been since 2012 as tribal schools have been seeking a way for our schools to be able to access Federal employee health benefits so we can provide better health insurance at a lower cost.

Congressman, you know, we started to analyze what we are paying in health insurance with the premiums that keep escalating, we could pay for two teachers for some of our schools.

Facilities. Facilities is something that everyone here has been talking about. Yes, we have some old buildings. Maintaining and operating them is very, very costly because they are old.

I am going to ask you to turn to the graph because this graph kind of says everything that I need to tell you. ISEP is the funding that we use for instructional services. However, if you take a look at that graph, we like for you to take because it speaks for itself. So when you begin to take a look at the total ISEP dollars here, when we are over one-fourth of our ISEP dollars are being used.

For example, for Little Wound School, which is a K–12 school, we have 800 students. So when you take a look over here for facilities, we are using $753,300 out of our facilities line item of ISEP to fund facilities and then transportation.

So we wanted to show you that we have taken instructional monies, and supporting those line items to keep our school going takes away from our students. Down here, American Horse School, Dr. Gloria is the superintendent, and I would like for her to address that from a K–8 level.

Mr. CALVERT. And please state your name for the record.

Ms. KITSOPOULOS. Dr. Gloria Coats-Kitsopoulos, and I am an enrolled member of Oglala Sioux Tribe.

Mr. CALVERT. Thank you.

Ms. KITSOPOULOS. Our school is a K through 8. We have a face program, we are a Pre-K up through 8th grade. When I arrived retired from the military and went back home, we had 110 students. We have over 327 now. The big problem we have is recruiting teachers.

They put a new water plant in. I am also—I run a little city. I have the lagoon. I have the water that I have to answer to EPA on.

One of our biggest things is that we are not getting funded enough money. The quarters are falling apart. The water system doesn't work. So I put my teachers on a shower schedule. They have to start at 5:00 in the morning, and everyone has to get in there, get their shower, and be off in 15 minutes so the other teachers in the other buildings can use the shower.

So it is very hard to recruit with saying you don't have facilities there, and we have got no money to fix the facilities. It took me 6 years to get a fire alarm system in my school.

We just need more. We are not asking for anything more. We are just asking for what Congress said we would get. We are not getting 100 percent, and that is what we ask so we can bring that ISEP dollar back, so we can get better education for our students.

This year, I am bringing a teacher from Saudi Arabia and three from the Philippines because I cannot pay the salaries around me.

Mr. CALVERT. Well, I appreciate that, and I hear you. And I need to get—I know that Ms. McCollum has been over there, along with Mike Simpson and Mr. Cole, Chairman Cole, and I want to get out there, too, if I can.

Ms. FIRETHUNDER. I apologize, but this last graph you have, Congressman, is very important because we have been tracking our facility shortfalls for the last 26 years, but we only included this. This is a really important piece of information because if you take a look at the shortfalls, these shortfalls that we are picking up out of ISEP, Congressman, and this is money that is coming out of the classroom to support this.

So, in conclusion, this is what we are going to respectfully ask. Using the 2016-based budget of $33,241,715, for my six schools, we are asking for a 17.7 increase, which brings it up to $43,450,599. And in the spirit of relatives—and thank you, David, for what you did today. In the spirit of relatives, we would like to ask you to consider increasing across the whole United States with our tribal grant school the 17.7 percent to bring us up to part for what we need, and that is all we are asking.

Thank you.

[The statement of Ms. Firethunder follows:]

TESTIMONY OF CECILIA FIRE THUNDER, PRESIDENT OF OGLALA LAKOTA NATION EDUCATION COALITION, TO THE HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

May 17, 2017
Conference Room #2007 Rayburn House Office Building (Formerly B-308)

Chairman Calvert ranking member McCollum and honorable members of the subcommittee, thank you for the opportunity to testify on behalf of the Oglala Lakota Nation Education Coalition. My name is Ceclilia Fire Thunder, a member of the Oglala Sioux Tribe, I am speaking on behalf of the Oglala Lakota Nation Education Coalition, which represents the Oglala Sioux Tribe's six Tribal Treaty Schools. They are all PL 100-297 Tribal Grant Schools funded through the Bureau of Indian Education under authorization of PL 93-638. We are located on the Pine Ridge Indian Reservation in south-western South Dakota and have 2114 ISEP eligible students in Kindergarten through 12th grades.

Indian School Equalization Program (ISEP) formula funds are the primary source for educational and residential programs at BIE-funded elementary and secondary schools for instructional services. The most pressing concern we have at our level right now is the underfunding/constraints in our Facilities Operations and Maintenance. You know what our utility costs are during the frigid winters in our area and because we are receiving 51% of the amount needed to fully fund our Facilities costs, we are increasingly using ISEP funds in order to supplement this area. This unfortunately reduces an already overloaded ISEP budget with our high costs for Health Insurance and other benefits for our staff. When we use our ISEP funds to pay costs for other programs then we reduce available funds for teacher hires and curriculum needs in the classroom which is just unfair to our students who deserve a warm classroom also. The areas of our school that we want to keep you informed about are listed by category below. We speak regularly with Mr. Collins Clifford, Oglala Sioux Tribe Education Committee Chairman and we keep them appraised of these matters.

Teacher Salaries: The base salary at our schools is $9,000 less than the local South Dakota Public Schools (within 15 miles of one of our schools). As we use more and more of our ISEP funding to supplement the areas which are drastically underfunded, we have less and less money to bring these amounts closer to the schools near us and with whom we compete for teachers. The Public Schools can offer not only a larger salary base, but also a better retirement package and affordable health insurance rates due to a larger pool of employees.

Another area that impacts teacher recruitment and retention and is major use of funds is to provide health insurance for our employees. Programs which are only designated PL 93-638 are eligible for Federal Employee Health Benefits however, since we are not specifically mentioned in the law, our schools PL 100-297 Grant Schools are considered ineligible for the Federal Employee Health Benefits.

Facilities: We continue to suffer from constrainment of our Facilities Operations funding. For the 2016 School Year, the percentage of funds received in comparison to the need at our school

was 51%. As a result we must use ISEP funding to pay for custodians, security officers and supplies since the Operations funding we receive is necessary to meet utilities costs. When we have frigid winters and have to use more heating fuel to heat our schools then this runs us into shortages in basic operations so we do not receive enough funds to pay for basic costs of maintaining our school facilities. We had temperatures that reached forty + below zero on numerous occasions and our facilities costs were huge. Even though it is stated in:

> **25 CFR, Chapter I, Subpart L, Section 39.1203 Future consideration of contract school operation and maintenance funding.**
> ***The Assistant Secretary shall arrange for full funding for operation and maintenance of contract schools by fiscal year 1981.***

Since 1981, we have received 100% funding only once and funds to the schools have continued to decrease annually.

None of the schools on the Pine Ridge Reservation have been given any Maintenance Improvement & Repair (MI&R) funding in over a year and a half. Our schools continue to degrade over time, and not having monies or reasonable updates from the Office of Facilities Management only proves that the system is broken and management does not know how to fund Grant schools. Before MAXIMO, when we used a system called FMIS, we at least received some funding. Since the inception of MAXIMO, systems are not tied together and funding has virtually come to a halt. We can continue to enter work orders into MAXIMO to try to increase our schools funding but for our Grant Schools it is a waste of time because the BIE Grant Schools are not tied to the Federal Budget Management System (FBMS), this is how BIE operated schools generate funding for Facilities O & M funds. Deferred Maintenance costs can amount to hundreds of thousands of dollars if not into the millions if they are not funded in time. Deficiencies will always exist and become apparent through normal wear and tear of a facility. It is very frustrating when Headquarters expects results from schools, but does not give them access to the tools to accomplish their goals, nor are we getting any funding to take care of our schools. This is unacceptable and we should not be left wondering if we are ever going to receive funding for deferred maintenance items while our facilities continue to degrade.

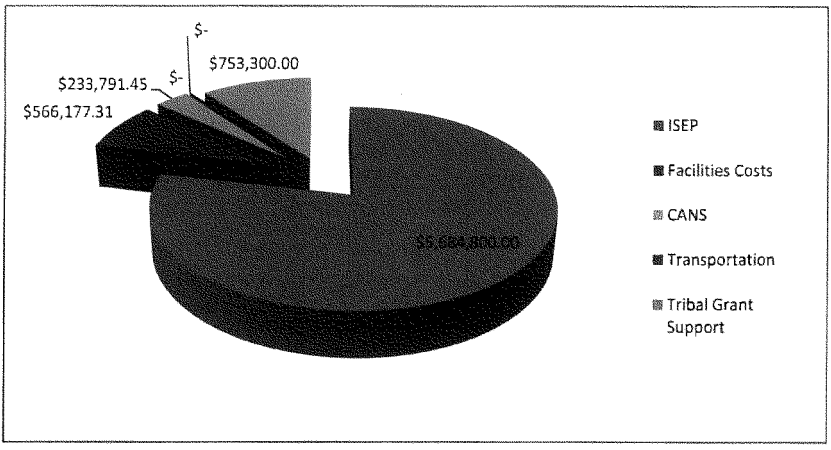
Transportation: All Schools have unmet transportation needs for our students' such as extracurricular activities like after-school academic programs and for sporting activities. One of our schools' busses travel an average of 1684 miles per day to pick up and take students home, with additional after-school routes averaging 1500 miles per day, for which we do not receive funding from the Bureau of Indian Education. Schools are only funded for the AM and PM runs. Any additional bus runs that are needed to take students home for after school activities (Educational or Sporting) are not funded by the BIE, so if transportation programs run out of funds then the schools have to use ISEP funds to cover these expenditures.

Food Service: We receive reimbursements from the National School Lunch Program for meals served to the Students but this is only gives us enough funds to pay for our food costs which includes delivery surcharges for our location. We must pay for food service staff from ISEP funds.

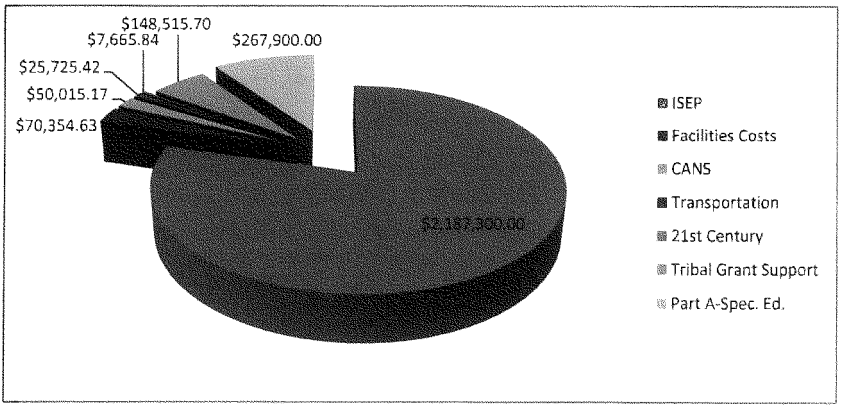
Tribal Grant Support: This program has been under funded for the past 15 years or so. In 2015 it was funded at 64.88% of need and in 2016 we were supposed to receive 100% funding but we

received 83% funding instead. As a result of the underfunding we have had to pay some of our Human Resource costs out of ISEP.

LITTLE WOUND SCHOOL
OTHER USES OF ISEP FUNDS FOR 2015-2016



AMERICAN HORSE SCHOOL
OTHER USES OF ISEP FUNDS FOR 2015-2016



LITTLE WOUND SCHOOL FACILITIES SHORT FALLS

YEAR	CALC NEED	FUNDED AMT	SHORT FALL	CONSTRAINT
2000-01	$1,005,509.00	$792,482.00	$213,027.00	21.19%
2001-02	$1,005,508.00	$875,804.00	$129,704.00	13.20%
2002-03	$899,819.00	$765,354.00	$134,465.00	14.90%
2003-04	$906,861.00	$731,415.00	$175,446.00	19.30%
2004-05	$1,000,257.00	$810,507.00	$189,750.00	18.97%
2005-06	$988,056.00	$732,382.00	$255,674.00	26.00%
2006-07	$1,051,707.00	$708,229.00	$343,478.00	33.00%
2007-08	$1,036,109.00	$705,906.00	$330,203.00	32.00%
2008-09	$1,115,895.00	$742,709.00	$373,186.00	49.00%
2009-10	$1,083,684.00	$709,325.00	$374,359.00	52.00%
2010-11	$988,394.00	$723,296.00	$265,098.00	43.00%
2011-12	$1,358,458.00	$913,303.00	$445,155.00	45.00%
2012-13	$1,192,285.00	$767,303.00	$424,982.00	49.00%
2013-14	$1,177,400.00	$732,000.00	$445,400.00	51.00%
2014-15	$1,250,999.00	$800,270.00	$450,729.00	49.00%
2015-16	$1,250,999.00	$921,895.00	$329,104.00	???
TOTAL	SHORT FALL		**$4,879,760.00**	

The above chart represents the amount of Facilities Operations and Maintenance funds that one of our Grant Schools received over the years, as you can see they have been under funded for a number of years. The constrainment is with the operations portion of the Facilities funding. After the system was switched to MAXIMO we are not able to determine the amount of constrainment anymore.

Oglala Lakota Nation Education Coalition thanks you for giving us this opportunity to provide the Subcommittee our needs directly from our school administration and school boards. In conclusion we would like to respectfully request an increase of 17.7% to the 2018 budget. We would also like to request 100% funding for Facilities Operations and Maintenance

Thank you for your time and attention to our Tribal Grant Schools concerns.

Mr. CALVERT. Thank you. Well, we will be working on our budget this year. We are going to be challenged, as you have probably been reading in the newspapers, but I am hearing from all of Indian Country, and we are going to be working on that, I think.

Did you have any additional comments?

[Pause.]

Okay. Did you have any additional comments to make? You are the last witness to testify. You have 5 minutes.

WEDNESDAY, MAY 17, 2017.

FLANDREAU SANTEE SIOUX TRIBE

WITNESS

DAVID KILLS-A-HUNDRED, TRIBAL COUNCIL MEMBER

Mr. DAVID KILLS-A-HUNDRED. I want to thank you, Chairman Calvert, Ranking Member McCollum, and the members of this subcommittee. It is a pleasure to speak with you regarding our various funding issues relevant to the Flandreau Santee Sioux Tribe, located in South Dakota.

I intend to primarily discuss the funding issue present for our Joint Venture Construction Program healthcare facility and the Flandreau Santee Sioux Tribe tribal police, but will briefly discuss issues of other critical programs if time permits.

For decades, the healthcare service provider to the members of my tribe have been grossly inadequate. We have utilized Public Law 93–638 contracting to operate the tribal health clinic to the best of our abilities, but due to insufficient and untimely funding, unpaid contract support cost, and limited facilities, we are failing our people.

We have a lack of privacy issues in our current clinic, coupled with inadequate space to fully perform necessary program functions. The Joint Venture Construction Program, found at Section 818(e) of the Indian Healthcare Improvement Act, authorizes the Indian Health Service to establish projects that allow American Indian and Alaska Native tribes to construct tribally owned healthcare facilities in exchange for HIS providing the post construction funding for equipment, operations, and maintenance for a minimum of 20 years.

Left without adequate means to self fund the construction of a healthcare facility, in 2007, the tribe made applications to the Indian Health Service to participate in the Joint Venture Construction Program. The tribe was awarded a commitment in 2009 but took several years to organize its efforts under the program.

In 2012, the tribe aggressively pursued the opportunity and hired a Minnesota architect and South Dakota construction manager to plan the project. These groups worked exclusively with the Indian Health Service to design a state-of-the-art facility which met all Federal requirements.

The tribe and the Indian Health Service formalized the arrangement in July of 2014 by entering into a joint venture agreement. There were new provisions to the joint venture agreement itself that left the tribe with fewer options to finance the construction.

Construction was also pushed back over a year because of the miscommunication between IHS area office in Aberdeen and IHS headquarters that kept us out of the President's budget. With financing in sight, the tribe took the risk and began constructing in March of 2016, regardless of the obstacles faced. The tribe was able to successfully sell bonds in June of 2016, and construction has continued under budget and on time, with an expected completion date in July of 2017.

The tribe now faces its largest endeavor. Article 8 of the joint venture agreement provides, "In exchange for the tribe's design and construction of the facility, the tribe's purchase of the initial equipment for the facility, IHS agrees to provide the equipment, supplies, and staffing for the operation and maintenance of the facility for an initial period of 20 years, subject to provision of appropriations by Congress."

The tribe must have funding promised by the IHS appropriated to assure our membership and all nontribal members that we serve that we can operate our new facility. A continuing resolution for fiscal year 2018 would not allow the additional funding promised, causing a possible default on our financial obligations and resulting in a grossly underfunded facility.

The tribe pleads with the subcommittee to fulfill the contractual obligations of the Indian Health Service. We are in the process of needing to hire around 50 new employees to fully staff our facility, and we can simply not afford to use tribal funds dedicated to other critical programs to continuously supplement our clinic.

We further have issues with our police department funding that I would like to expound on as well. Public safety is one of our utmost importance to all tribes, especially in South Dakota, where the State is becoming plagued by methamphetamine. We have stagnant funding for the police while our expenses are rising exponentially.

We have had stagnant funding for the police while all our other expenses are rising exponentially. The tribal police drive arrests of individuals on the reservation, we have to drive them 125 miles away to be detained, which poses serious community exposure during transportation due to gaps in coverage. The facility 120 miles away was the only detention center willing to house our arrestees.

The tribe has two police officers and another who is in the police academy. With our current funding level, we cannot afford to provide coverage that our community needs. Even a modest increase would have an incredible impact on our small, but equally troubled reservation.

We implore the subcommittee to consider all of the programs that our membership depends on and to maintain or increase funding. We are trying to run professional government operations and are doing it in the absence of clarity. The tribe is relying on its funding and cannot provide adequate services and gridlock. And the tribe further demands parity with the States on all funding matters because of the Federal promises of promoting tribal sovereignty and self-sufficiency.

Mr. Chairman, this concludes my prepared remarks and my colleagues and I are prepared to answer any questions you may have.

[The statement of Mr. David Kills-A-Hundred follows:]

Testimony of David Kills-A-Hundred
Flandreau Santee Sioux Tribe
United State House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Wednesday, May 17, 2017

Thank you Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. It is a pleasure to speak with you regarding various funding issues relevant to the Flandreau Santee Sioux Tribe located in South Dakota. I intend to primarily discuss the funding issues present for our Joint Venture Construction Program Health Care Facility and the Flandreau Santee Sioux Tribal Police, but will briefly discuss issues of other critical programs if time permits.

For decades, the health services provided to members of my Tribe have been grossly inadequate. We have utilized Public Law 93-638 contracting to operate the tribal health clinic to the best of our abilities, but due to insufficient and untimely funding, unpaid contract support costs, and limited facilities, we are failing our people. We have lack of privacy issues in our current clinic coupled with inadequate space to fully perform necessary program functions.

The Joint Venture Construction Program found at Section 818(e) of the Indian Health Care Improvement Act authorizes the Indian Health Service to establish projects that allow American Indian and Alaska Native Tribes to construct tribally owned health care facilities in exchange for the IHS providing the post-construction funding for equipment, operations, and maintenance of for a minimum of 20 years.

Left without adequate means to self-fund the construction of a health care facility, in 2007, the Tribe made application to the Indian Health Services to participate in the Joint Venture Construction Program. The Tribe was awarded a commitment in 2009, but took several years to organize its efforts under the program. In 2012, the Tribe aggressively pursued the opportunity and hired a Minnesota architect and a South Dakota construction manager to plan the project. These groups worked extensively with the Indian Health Service to design a state-of-the-art facility which met all federal requirements.

The Tribe and the Indian Health Service formalized the arrangement in July of 2014 by entering into a Joint Venture Agreement. There were new provisions to the Joint Venture Agreement itself that left the Tribe with fewer options to finance the construction. Construction was also pushed back over a year because of a miscommunication between the IHS Area Office in Aberdeen, and IHS Headquarters that kept us out of the President's budget. With financing in sight, the Tribe took the risk and began construction in March of 2016. Regardless of the obstacles faced, the Tribe was able to successfully sell bonds in June of 2016 and construction has continued under budget, and on time with an expected completion date in July of 2017.

The Tribe now faces its largest endeavor. Article VIII of the Joint Venture Agreement provides, "In exchange for the Tribe's design and construction of the Facility . . . , and the Tribe's purchase of the initial equipment for the Facility, **the IHS agrees to provide the equipment, supplies, and staffing for the operation and maintenance of the Facility for an initial period**

of 20 years . . . subject to the provision of appropriations by Congress." The Tribe must have the funding promised by the IHS appropriated to assure our membership, and all of the non-tribal members that we serve, that we can operate our new facility.

A continuing resolution for fiscal year 2018 would not allocate the additional funding promised, causing a possible default on our financial obligations, and resulting in a grossly underfunded facility. The Tribe pleads with this Subcommittee to fulfill the contractual obligations of the Indian Health Service. We are in the process of needing to hire around fifty new employees to fully staff our facility, and can simply not afford to use tribal funds dedicated to other critical programs to continuously supplement our clinic.

We further have issues with our Police Department funding that I would like to expound on. Public safety is of the utmost importance to all Tribes, especially in South Dakota where the state is becoming plagued by methamphetamine. We have had stagnant funding for the police, while all of our expenses are rising exponentially. The Tribal Police drive arrested individuals on the reservation 125 miles away to be detained, which poses serious community exposure during transportation due to gaps in coverage. The facility 125 miles away was the only detention center willing to house our arrestees.

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Mr. Chairman, this concludes my prepared remarks, and my colleagues and I are prepared to answer any questions.

Mr. CALVERT. Thank you. Thank you. Sorry I missed you for a second.

One thing I wanted to mention to Chairman Hawk. There are some other programs, too, that we will be working with. For instance, in earlier testimony on saving languages in Indian Country all around the country, the National Endowment for the Humanities is very much involved. And I don't know if they are involved with your tribe or not, but certainly, you should look into that because there are grant programs that are available through the National Endowment for that purpose, you know, to put together a vocabulary of your language, which would be kept for prosperity.

So you might want to look into that. They have done that for a number of tribes.

Mr. FLYING HAWK. Okay. Will do. Thank you.

Mr. CALVERT. And so that is something important. And I hear consistently the three major problems in Indian Country, of course, law enforcement, education, and healthcare. And I get it, and we have a challenge, and we need to meet that challenge, and we are going to do what we can.

I know Chairman Cole is going to work with us. He has the committee that has the primary jurisdiction over healthcare in the United States, but I have the jurisdiction over Indian healthcare. So, but he has a much bigger budget than I do. So, hopefully, we can work together to help resolve some of these issues.

Infrastructure is another issue. I know in your part of the world, you are working with so many, you know, 3 million acres. That is a lot of land. And when we do an infrastructure bill, which I hope we do later this year, I hope Indian Country helps us and pushes that there should be a section in that bill for infrastructure on tribes all around the United States.

And that would be very helpful to us to push that to get that section in the bill that we can go in and fix a lot of these problems.

Same thing with school construction. We would like to figure out a way, similar what we did with DOD and is to fix that problem universally across Indian Country. It is $1 billion that we have that we need to spend to fix this problem throughout Indian Country.

I was curious. On your new health facility, you said you sold bonds. What kind of bonds were they?

Mr. DAVID KILLS-A-HUNDRED. On that one, I would refer probably back to the treasurer.

Mr. CALVERT. Yes, I was wondering because I used to—you usually have to have an income stream. What is the income stream you are using to pay for the bonds?

Mr. DAVID KILLS-A-HUNDRED. I want to say it was a third-party, I think. Third-party billing. In truth, a lot of this stuff with our clinic was done before I came on. I was just elected back in August. This was done before that.

I do believe it was third-party billing.

Mr. CALVERT. Okay. I would be just curious to see how that. Well, maybe the gentleman can? Please state your name for the record, and grab that mike from Chairman Hawk and say your name for the record.

Mr. RYAN KILLS-A-HUNDRED. My name is Ryan Kills-A-Hundred. I am the treasurer for the Flandreau Santee Sioux Tribe and tribal member as well, and now my newly elected little brother is my boss now.

Mr. CALVERT. Okay, great. [Laughter.]

I figured you guys were related.

Mr. RYAN KILLS-A-HUNDRED. So, yes. Yes, we are using our third-party revenue streams to take care of that.

Mr. CALVERT. Can you define what third-party revenue stream means?

Mr. RYAN KILLS-A-HUNDRED. That is what we bill out for tribal members or for who have insurance.

Mr. CALVERT. I see. Okay.

Mr. RYAN KILLS-A-HUNDRED. So if we can get that revenue in, which, again, closes the problem. We are using that for our new facility and we can't get funding for our new facility, and we are stuck operating out of the same tin can that they are doing the best job they can in right now, the money that we are using to help subsidize that, our third-party revenue is taken up.

So, now we have to pay for a new building and try to carry the load of what we are already having problems with.

Mr. CALVERT. Okay. Thank you. I appreciate that.

Okay, Ms. McCollum.

Ms. MCCOLLUM. So your officers go 125 miles, then they have to go back to court, right?

Mr. DAVID KILLS-A-HUNDRED. Yes.

Ms. MCCOLLUM. They could be in court all day before they get on the stand, and so now you are down an officer with only two officers. If you have one in court, you are down to one officer for the whole reservation.

Mr. DAVID KILLS-A-HUNDRED. That is correct. And court does not need to get involved. If there is an arrest and they have to take them to Sisseton, one officer, that could take an entire shift. And while he is gone, there can be another arrest that requires the other officer to go to Sisseton as well.

Ms. MCCOLLUM. I know policies for States are different and courts are different, but do you have video facilities where one of your officers could be sworn in over video and testify over video, or do they have to drive all the way in?

Mr. DAVID KILLS-A-HUNDRED. No, we do not. But the problem is, is we have to bring them back. The offense happened in Flandreau. So we have to drive up there, bring them back to our court system, which again poses that manning problem. And if they have to go back to jail, then you know, we take them back up there.

So it is not that we are taking them that long, you know, that many miles so they can be arrested, detained, and they go to court there. We have to drag them all the way back to Flandreau for court.

Ms. MCCOLLUM. I understand what you are saying, but you don't have mutual agreements or anything between the courts? Sometimes you can have cross jurisdiction, yes?

Mr. RYAN KILLS-A-HUNDRED. Not amongst the courts, no. We have our own tribal court system. So I mean, no, we don't have that. That being said, we have assist agreements with local law en-

forcement, but that is assist only during the problem. They are not going to help cover our shortfalls.

Ms. MCCOLLUM. Sure.

Mr. RYAN KILLS-A-HUNDRED. If they only assist when the extra men——

Ms. MCCOLLUM. Yes, I know how mutual aid works. Okay. The question that I have for you, Ms. Firethunder and your school board: you have these three teachers, two from the Philippines and one other?

Ms. KITSOPOULOS. We will be bringing in five teachers, three from the Philippines and—I guess four from the Philippines and one from Saudi Arabia.

They are pre-certified.

Ms. MCCOLLUM. Got it. They are pre-certified by whom?

Ms. KITSOPOULOS. By the teacher exchange out of Austin, Texas. St. Francis School has used the program, and they are already certified. Several of them have master's degrees, and they come through, get a visa and come over here and work. They can work up to 5 years.

Ms. MCCOLLUM. So they are certified by an international exchange in Austin, Texas?

Ms. KITSOPOULOS. Yes.

Ms. MCCOLLUM. And do they teach to subject? I don't have a master's degree, but I taught social studies. If I had a master's degree in social studies, you wouldn't want me for your trig teacher.

Ms. KITSOPOULOS. Yes. No, we brought them in by subject that we needed. The BIE had taken basically social studies and science out of our schools for about 6 years. Now that we are building back up, we are finding that is a shortage. So I am bringing in two social studies teachers, one science, and one intermediate math, and one elementary, kindergarten teacher, and they are all specialized in those areas.

Ms. MCCOLLUM. Okay. I am going to talk to you afterwards for a few minutes because I am afraid my questioning is going to sound not as supportive as I want to be on the teacher licensing.

Ms. KITSOPOULOS. Well, we started with Teach for America, but it is such a cost to bring them in. By the second year, they have got it, and then they are gone. And so when we do our professional development, if we include them, we are figuring maybe $5,000 for 2 years in professional development, then they are gone.

Ms. MCCOLLUM. So who pays for this? You are paying these teachers $9,000 a year. Are you providing housing?

Ms. KITSOPOULOS. The ones that are coming over?

Ms. MCCOLLUM. Yes.

Ms. KITSOPOULOS. They are on our salary scale, and yes, we give quarters, the quarters that we have.

Ms. MCCOLLUM. That is why you were talking about you have to sign up for your shower at 5:00 in the morning.

Ms. KITSOPOULOS. That has been going on since they changed the water power out. We needed a lift station at each one of the houses and the apartment complex, and it was approved 2 years ago. But nobody ever sent the money.

Ms. MCCOLLUM. You basically have to live on the reservation close to the school to teach there?

Ms. KITSOPOULOS. Yes, yes.

Ms. MCCOLLUM. So that is another hardship, right?

Ms. KITSOPOULOS. Yes, yes. They have to live there because when the weather gets bad, and we are kind of down in a canyon and we get a lot of snow. So we basically make our staff that do not have homes there in the county live right there at the school.

Ms. MCCOLLUM. And do you have any telecommunications? I know some of the schools are working with doing some distance learning. Do you have that available to you with a broadband hookup?

Ms. KITSOPOULOS. We are on a BIE server, and we are working with the other schools. The one thing that all of our schools now, all six of us are using the Common Core standards, and we are allowed to infuse at 15 percent with our language and our culture. So that is what we are using, and our curriculums are all scientific-based research. And my specialty is a reading specialist, and basically, we are all six schools are using the same foundations for reading.

Some of use different math programs, but they all, you know, meet the Common Core standards.

Ms. MCCOLLUM. Well, I know you are trying really hard, all of you, and I live in the cities, but coming from Minnesota, I understand the rural community. I understand a grandfather driving a grandmother 2 hours to get to dialysis, to get to Williston and all that. And I know you are trying your level best, and we are going to try to do what we can to support you.

Thank you, Mr. Chair.

Ms. KITSOPOULOS. One of the things is I had two tours in D.C.—one at the Surgeon General's office, one at Fort Belvoir. And we used to care for the prisoners from Lorton. They would bring them up from Fort Belvoir, and their facilities are nicer than my teachers'.

Ms. FIRETHUNDER. I would like to just make a real quick comment on what we are working collectively to get our students to prepare for a future to be a teacher. So we have got these programs going to really encourage our young people to consider being a teacher.

A second thing we are doing is based on the healthcare provider shortage area for not only Pine Ridge, but the whole State of South Dakota, we started health careers club so we can start getting our young people to take a look at a career once they get out of high school. So it is strengthens our science and math capabilities, and it starts getting them hands on, taking them to Rapid City to radiology, wherever so they can get a real sense of a career and they start preparing for it.

So out of high school, they could go right into training as our solution, one of our solutions to fulfilling the health career shortage area.

Mr. CALVERT. Yes. The last point I was going to make. In the rural States like South Dakota, North Dakota, Alaska, they have a problem statewide in getting specialists. I mean, they can't keep them in the State.

They come out to California. They go to Texas, you know, the large urban population where they can make money, and so it is

a real challenge to get docs to, especially specialists, to stay in those areas. That is a problem we have nationwide.

So, anyway, I appreciate your testimony, appreciate your attendance. This will conclude 2 days of hearings on American Indian and Alaska Native programs on the trust responsibility that all Members of Congress share. Talk to all your Members of Congress, you know, not just this committee.

Thank you so much for being here today.

This hearing is adjourned.

Written Testimony from Individuals and Organizations

FY 2018

HOUSE 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 (BIA) under its Trust-Natural Resources Management-Rights Protection Implementation (RPI) budget.

- **The Authority supports funding of the BIA Rights Protection Implementation Program at the approved FY 2017 level and a proportionate share for the Authority. We believe that the funding (as well as any increase in funding) should be allocated in the same proportions as it has historically been distributed.**

- **The Authority supports the full finding of contract support for its P.L. 93-638, Self-Determination contract.**

- **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 been involved with a variety of inter-agency efforts to study the effect of invasive species, climate change, and other activities that impact treaty resources.

Although it has significant responsibilities in a geographic area the size of Massachusetts, the Authority has only seventeen (17) 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. The challenges facing all natural resource

management agencies mean that we need to continue cooperative research and restoration at the present level or risk setbacks that have a negative impact on future generations.

The successes of the Authority are overshadowed by the challenges facing the trust resources that are at the heart of the Treaty rights. For reasons unknown, the Minnesota moose population has declined significantly in just a few years and both terrestrial and aquatic invasive species and climate change threaten the Treaty fishing and wild rice production areas across the ceded territory. In addition, 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.

Statement of Justin Ireys, AML Program Manager, Alaska Department of Natural Resources On Behalf of the National Association of Abandoned Mine Land Programs re the FY 2018 Proposed Budget for the Office of Surface Mining Reclamation and Enforcement before the House Interior, Environment and Related Agencies Subcommittee – June 1, 2017

My name is Justin Ireys and I serve as AML Program Manager within the Division of Mining, Land and Water within the Alaska Department of Natural Resources. I am providing this statement 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 and based on current OSMRE projections, the states and tribes should receive $321.5 million (before sequestration) in FY 2018. OSMRE's proposed budget includes this amount, but also reduces grants for AML economic development pilot projects by $90 million.

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 are committed to addressing 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 protecting public health and safety, enhancing the environment, providing employment, and adding to the economies of communities impacted by past coal and noncoal mining.

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 OSMRE 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 OSMRE 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 how the State Share funds can be used 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 OSMRE. 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.

OSMRE's budget includes a discretionary funding request that would provide $2.6 million for "reclamation program management and programmatic guidance to States and Tribes." OSMRE notes in its budget justification document that, among other things, this funding would support the agency's efforts to insure compliance with the National Environmental Policy Act (NEPA). In this regard, OSMRE notes that every project must be evaluated by OSMRE personnel under NEPA regulations prior to approval and asserts that this analysis goes above and beyond what the states and tribes are already providing to OSMRE as part of project authorization.

While the states and tribes understand and appreciate OSMRE's role in the NEPA process, we caution against OSMRE either second-guessing state/tribal assessments related to NEPA compliance or requiring supplemental information that is unnecessary or sometimes borders on nonsensical. Rather than having OSMRE simply engaging in more oversight, the states and tribes would benefit more from OSMRE taking greater ownership in undertaking the NEPA tasks that are within their scope of responsibility. The same is true with regard to the development of "guidance" documents related to NEPA compliance and other AML program elements. The states and tribes are often better served by a more collaborative relationship with OSMRE in completing the hard work associated with these program requirements. In addition, we believe the proposed increase in funding for technical assistance and 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 OSMRE'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 2018 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 OSMRE's training program and TIPS, including moneys for state/tribal travel. These programs are central to the

[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. These sites are routinely updated on e-AMLIS.

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 maintaining 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.

The states and tribes continue to monitor progress of the H.R. 1731, the *Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act of 2017* (otherwise known as RECLAIM Act) as it works its way through the legislative process. While the states are supportive of the spirit of this bill and have in fact designed many projects around these types of purposes using local contractors whenever the opportunities and partnerships exist, we continue to be concerned about 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 OSMRE 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 legislation 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, including emergencies. 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.

At this juncture, we believe that it would be in everyone's interest to allow the economic and community development pilot project that was approved as part of the FY 2016 and FY 2017 Omnibus Appropriations Acts to play out over the next year before launching a more extensive program. To date, the states of Kentucky, Pennsylvania and West Virginia have initiated several projects using the $90 million appropriated in FY 2016. These states will be joined by three additional states (Ohio, Virginia and Alabama) in receiving pilot project funds pursuant to the appropriation of $105 million in the FY 2017 Appropriations bill. Each step in this process informs the potential success of a measure like RECLAIM. As such, NAAMLP opposes OSMRE's reduction of funding for the pilot projects in its proposed FY 2018 budget. Instead, NAAMLP supports continuation of this valuable funding stream as part of the FY 2018 appropriation.

Of increasing concern to the states and tribes is the application of sequestration reductions to AML grants distributed under SMCRA Title IV. Since 2013, Title IV AML appropriations have been subject to sequestration under the Balanced Budget Emergency Deficit Control Act (BBEDCA). This means that each year, OSMRE must apply an across-the-board reduction, which so far has been around 7%, to the grant amounts appropriated to the states and tribes. In 2016, a sequestration reduction of 6.9% translated to $13 million in AML grants withheld for a total of approximately $84 million since 2013. According to OSMRE grant specialists, the specific amounts that have been withheld from each state or tribe are being held in the federal AML Trust Fund and are being tracked so that, once OSMRE has authority to

distribute those funds, they can be returned to the state and tribal AML programs for which they were originally intended. Currently, according to OSMRE, there is no authority to distribute those funds unless authorized by Congress.

The Balanced Budget Act of 2015 extended sequestration through 2025, meaning that unless steps are taken to exempt the AML fund from these reductions, a very significant amount of money will be prevented from benefitting the AML-impacted communities for whom it is intended. NAAMLP and OSMRE have each taken the position that AML funding should be exempted from sequestration reductions. The primary argument is that because the AML fee is paid by the coal mining industry for the exclusive purpose of AML remediation, withholding that funding does not actually benefit federal budget deficit reduction. This means that the sequestration of AML funding's only practical effect is to delay desperately needed AML work. NAAMLP recommends that Congress consider the exemption of the AML fund from sequestration a priority as it pursues legislative initiatives related to AML, as the benefits are patent, and every dollar of AML funding is needed. NAAMLP also recommends that the Subcommittee explore mechanisms to release the growing balance of withheld AML moneys related to sequestration as part of the appropriations process.

Thank you for the opportunity to submit this statement regarding OSMRE's proposed budget for FY 2018. I would be happy to answer any questions you may have or provide additional information.

Testimony of Laura L. Lott
President and CEO, 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
May 24, 2017

Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for allowing me to submit this testimony. My name is Laura Lott and I serve as President and CEO of the American Alliance of Museums (AAM). We urge your support for at least $155 million each in fiscal year 2018 (FY 2018) for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH), as well as sufficient funding for the Smithsonian Institution. We also request your support for the Historic Preservation Fund (HPF), including at least $55 million for State Historic Preservation Offices (SHPOs), $15 million for Tribal Historic Preservation Offices (THPOs) and $28 million to preserve the sites and stories of the Civil Rights Movement. We request restored funding of $30 million and $4.6 million respectively for the Save America's Treasures (SAT) and Preserve America programs.

Before detailing these funding priorities for the museum field, I want to express my deepest appreciation for the increases enacted by the Subcommittee in the Consolidated Appropriations Act, 2017, Public Law 115-31. The additional funds for the NEH, NEA, Smithsonian Institution and historic preservation activities will enhance museums' work to enrich their communities and preserve our many heritages. The Subcommittee's choice to make these investments in FY 2017 despite a very limited 302(b) allocation speaks volumes about its commitment to our nation's cultural institutions. The American Alliance of Museums is deeply troubled by proposals from the Trump Administration to slash many of these priorities, and we look forward to working with you—our bipartisan allies—to reject them. While the Subcommittee will once again have to make very difficult decisions this year, I contend that each of the priorities outlined below will both protect our nation's cultural treasures and provide a tremendous economic benefit.

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. We are honored to work on behalf of the nation's more than 33,000 museums, which employ 400,000 people, invest more than $2 billion annually in 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 their 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 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 US Conference of Mayors and the National Governors Association agree that cultural assets like museums are essential to attracting businesses, a skilled workforce, and local and international tourism. Travelers who participate in cultural or heritage activities spend 60 percent more than other tourists.
- 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 resources to digitize 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 2016, through Preservation & Access, one of NEH's national program divisions, 43 peer-reviewed, competitive grants totaling over $2.5 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 150 awards totaling over $21.3 million. Demand for humanities project support, as demonstrated by NEH grant application rates, far exceeds available funding. In FY 2016, NEH received 5,304 competitive grant applications representing $518.2 million in requested funds, but was only able to fund 16 percent of these peer-reviewed proposals.

NEH also provides approximately forty percent of its funding directly to states through grants to humanities councils located in every state and US territory. In 2016, 55 state councils supported

2,419 exhibitions, 280 preservation projects, and 1,612 local history programs, attracting a total audience of 5.5 million people.

Here are just two examples of how NEH funding was used in 2016 to support museums' work in your communities:

- The Minnesota Historical Society in Saint Paul, MN received a $600,000 Public Programs grant in 2016 for implementation of a traveling exhibition, a website, and public programs examining the history of World War I and its impact on America.
- The Museum of Idaho in Idaho Falls, ID received a $500,000 Challenge grant in 2016 for a much-needed expansion, which will allow it to once again display a Columbian mammoth exhibit that has been called an "anchor of Idaho history." This grant will also leverage at least $1.5 million in matching funds.

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 2016, more than 2,000 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 more than 923,000 people, while many other museums offer military discounts or free admission throughout the year.

In 2016, NEA made more than 180 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 benefit from these funds 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 more than nine dollars from other sources.

Here are two examples of how NEA funding was used in 2016 to support museums' work in your communities:

- The Oak Grove Center in Murrieta, CA—a nonprofit residential, educational and treatment center for at-risk children—received a $10,000 Challenge Grant to support a visual and performance arts program. In addition to hosting guest artists and producing a public exhibition, the students also participated in field trips to exhibits, galleries, and museums.
- The Colby College Museum of Art in Waterville, ME received a $25,000 Art Works grant to support transportation costs of an exhibition about Maine native Marsden Hartley's relationship with his home state, featuring paintings of Maine's rugged coastline and iconic Mount Katahdin.

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 American taxpayer.

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. Every year, its 20 museums—including the National Zoo—attract over 28 million in-person annual visitors. Its websites reach more than 100 million unique visitors, while its content and curriculums are used by teachers all over the country. The recently opened National Museum of African American History and Culture has captivated audiences from around the world, underscoring the power of our national museums to educate and inspire. We support funding that would allow these world-class museums to undertake critical collections care, make needed technology upgrades, conduct cutting edge research of every type, and increase access for all.

The Historic Preservation Fund is the funding source of preservation awards to states, tribes, local governments, and nonprofits. State and Tribal Historic Preservation Offices 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. Historic preservation programs are not only essential to protecting our many heritages; they also serve as economic development engines and job creators. We urge you to provide $55 million for SHPOs and $15 million for THPOs through the Historic Preservation Fund.

We enthusiastically applaud the Subcommittee's FY 2017 restoration of funding for the Save America's Treasures program, and urge you to fully restore it to $30 million in FY 2018. From 1999 to 2010, federal funding of $315 million for 1,287 Save America's Treasures projects leveraged an additional $400 million in non-federal funds, and created more than 16,000 jobs nationwide. These projects protected some of America's most iconic and endangered artifacts, including Ansel Adams' prints and negatives, Frank Lloyd Wright structures including *Fallingwater*, and the American flag that inspired the *Star Spangled Banner*. We request $4.6 million for the Preserve America program, which has not been funded in recent years.

We also applaud the Subcommittee's FY 2017 investment in competitive grants to preserve the sites and stories of the Civil Rights Movement. The initial round of grants for this initiative is currently helping museums and historic sites around the country conserve endangered structures, document stories, and share resources with the public. We support FY 2018 funding of $28 million for these Civil Rights Movement grants.

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 of
Rebecca Turner, Senior Director of Programs and Policy, American Forests
To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 26, 2017

Dear Chairman Calvert, Ranking Member McCollum, and Honorable Committee Members:

American Forests appreciates the opportunity to submit public testimony regarding our FY 2018 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 Consolidated Appropriations Act of FY 2017. Our nation's forests yield a significant return on investment, 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 continued federal investment. American Forests' funding recommendations are modestly above the FY 2017 enacted levels.

Founded in 1875, American Forests is the oldest national nonprofit conservation organization in the United States. Its mission is to inspire and advance the conservation of forests. We do this by protecting and restoring threatened forest ecosystems, promoting and expanding urban forests, and increased the understanding of the importance of forests. American Forests has planted more than 50 million trees in 1,000 forest restoration projects and works in cities across the country helping to increase urban forest canopy, demonstrating innovative greenspace creation.

American Forests is conscious of the federal budget challenges, and greatly appreciates the FY 2017 funding levels provided by this Subcommittee. Respectfully, we ask you to reject the drastic cuts proposed in the President's FY 2018 budget. We are deeply concerned by the zeroing out of important and effective programs like Urban and Community Forestry, Landscape Scale Restoration, Community Forests and Open Space Conservation, and Collaborative Forest Landscape Restoration. Defunding or severely cutting these programs will have profound and lasting repercussions on people and communities across the country—particularly those in rural areas where these funds are essential.

USDA FOREST SERVICE (USFS)

State and Private Forestry

Urban and Community Forestry (U&CF): U&CF plays an integral part in promoting sound stewardship of our nation's urban and community forests and trees. By providing important technical and financial support, U&CF helps cities and towns across the nation enhance tree and forest cover, prepare for storms and other disturbance events, contain threats from native and invasive pests, and maximize the economic, social, and ecological benefits of their tree resources. U&CF is a smart investment as federal support is often leveraged 2:1 (or in many cases significantly more) by states and partner organizations. As a model federal program, U&CF consistently increases communities served, brings together diverse partners and resources, and shows that federal investment can have lasting impacts on communities of all sizes. *American Forests recommends U&CF be funded at $31.3 million.*

Forest Stewardship Program (FSP): Administered in cooperation with state forestry agencies, this program plays a fundamental role in keeping forests as forests. A forest landowner with a

forest stewardship plan is almost three times more likely to actively manage his or her land than one without a plan, leading to jobs and rural economic stimulus. Those who have stewardship plans are actively managing their lands for wildlife, clean water, and forest products. American Forests is concerned by the $3 million cut to FSP in the FY17 Consolidated Appropriations Act. Often States are able to leverage multiple programs under Cooperative Forestry to enact landscape-scale forest management plans and restoration efforts. *American Forests recommends funding for Forest Stewardship at $29 million.*

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 million.*

Community Forests and Open Space Conservation Program (CFP): CFP has made substantial progress in preserving forests by increasing opportunities for Americans to connect with forests in their own communities and fostering new public-private partnerships. CFP has supported nearly three dozen community forest projects in cities and towns across 17 states and territories. In the latest round of CFP grants, project partners leveraged $10.6 million in federal funds to secure $34.5 million in non-federal funding, resulting in more than 15,000 acres of community forests. This impressive leveraging ratio demonstrates the willingness of local entities to match federal funding with significant commitments of funding and other resources. *American Forests recommends an increase in funds to $5 million in FY 2018.*

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 $59 million for federal lands and $48 million for cooperative lands.*

Forest Legacy Program: Since authorization in 1990, the Forest Legacy Program has protected 2.61 million acres of private forests through voluntary conservation easements. It is imperative to continue protecting our nation's forests for future generations. Although still in private ownership, these lands provide a myriad of ecosystem services to Americans today. *American Forests supports $62.35 million allocated through the Land and Water Conservation Fund.*

National Forest System

Collaborative Forest Landscape Restoration Program (CFLRP): CFLRP was created to promote job stability, a reliable wood supply, and forest health while reducing emergency wildfire costs and risks. This program is developing a successful track record and operating at a scale that demonstrates landscape impact. *American Forests recommends the FY2017 enacted level of $40 million.*

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 focus 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. We urge the Subcommittee to continue including language in Interior Appropriations reports encouraging the Forest Service to maintain a strong and vibrant urban forest research program. *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.*

BUREAU OF LAND MANAGEMENT (BLM)

Public Domain Forest Management: The BLM is entrusted with the management of 58 million acres of forests and woodlands across 12 western states, including Alaska. 14 million acres — or 24 percent — of BLM forests are overstocked, increasing insect and disease attacks and catastrophic wildfire. Increased funding to address these serious risks is necessary across all land management agencies. *American Forests supports $10.08 million.*

National Conservation Lands: The National Conservation Lands 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, 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 $50.65 million.*

FISH AND WILDLIFE SERVICE (FWS)

Ecological Services: Ecological Services achieves conservation of FWS trust resources, focusing on imperiled species, and works closely with external partners and agencies for the conservation of natural resources across the landscape. The Ecological Services Program facilitates implementation of the Endangered Species Act. *American Forests supports $252.29 million for Ecological Services.*

National Wildlife Refuge System: The National Wildlife Refuge System, with 563 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. Refuges are visited by 48.5 million people each year, contribute $4.5 billion to the economy, and support 35,000 jobs. Investment in the Refuge system is an investment in our communities. With 101 refuges within 25 miles of major population centers, the Refuge System is a vital component of our urban forests, as well. *American Forests supports $508.20 million with FY2017 enacted level requested for urban wildlife refuges.*

State and Tribal Wildlife Grant Program (STWG): Created in 2000, the STWGP provides grant funds to States and Tribes to develop and implement programs for the benefit of fish and wildlife and their habitats. The program is a proactive solution and important complement to the Endangered Species Act by supporting the creation and implementation of comprehensive wildlife conservation strategies or more commonly, State Wildlife Action Plans, to conserve declining wildlife and avoid the need for federal listing. Actions must link to the plans which have helped conserve 1.9 million acres of habitat for species of greatest conservation need including 131,000 acres of habitat protected through land acquisition or conservation easements. *American Forests supports $66.98 million for State and Tribal Wildlife Grants.*

NATIONAL PARK SERVICE

National Park System: During this historical centennial year of the National Park Service, American Forests' requests improved funding for the agency's operations, construction, and partnerships. Specifically, the National Park Partnerships (a.k.a. Centennial Challenge) is an economically wise program that leverages private dollars to match federal funds. The funds support projects to improve the visitor experience at national parks which often involves time spent in iconic forest habitats of the U.S. *American Forests supports the President's FY 2017 request of $2.524 billion for 'Operations', $252 million for 'Construction' and $35 million for National Park Partnerships.*

Outdoor Recreation Legacy Partnership Program (ORLPP): The State and Local Assistance 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 urban forests in parks and open space, and neighborhood recreation resources. This nationally competitive program complements the existing state and local assistance program by creating opportunities for outdoor play as well as developing or enhancing outdoor recreation partnerships in cities. *American Forests supports the President's FY 2017 request of $110 million for the state and local assistance program, which includes $12 million for ORLPP.*

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Clean Water State Revolving Fund (CWSRF): Green infrastructure is a cost-effective and resilient approach to stormwater infrastructure needs that also provide many other community benefits. American Forests supports EPA's goal of strengthening green infrastructure activities to further its sustainability goals. *American Forests request that not less than 20 percent the CWSRF funding be made available for green infrastructure or environmentally innovative projects that promote watershed protection, restoration and build community resilience.*

LEGISLATIVE LANGUAGE REQUESTS

Wildfire Suppression Funding

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. Unfortunately and again in FY 2015, the ten-year average was not enough to meet the USFS suppression needs, forcing the agency to transfer $700 million from non-suppression accounts to make up for the shortfall. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management, among many other activities. Additionally, the increasing ten-year average to has not met annual suppression needs since before FY 2002, which is why we are thankful to the Committee for the full transfer repayment and increased suppression funding in FY 2016. However, DOI and USFS need a long-term fire funding solution that would result in stable and predictable budgets each year.

We appreciate the Committee's support of the bipartisan Wildfire Disaster Funding Act, which addresses federal fire funding challenges as well as other bipartisan Congressional efforts in this regard. We respectfully request a bipartisan fire funding solution that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over

time, with the goal of reinvesting in key programs that proactively restore forests to healthier conditions.

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 permanent authorization of $900 million in mandatory funding for LWCF programs in the Departments of Interior and Agriculture.*

Testimony of the
American Geophysical Union
Prepared by Carissa Bunge, Public Affairs Specialist
Phone: 202.777.7334; E-mail: cbunge@agu.org
2000 Florida Ave, NW, Washington, D.C. 20009

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on the Interior, Environment and Related Agencies
24 May 2017

Regarding the
U.S. Geological Survey
FY 2018 Budget Request

The American Geophysical Union (AGU), a non-profit, non-partisan scientific society, appreciates the opportunity to submit testimony regarding the fiscal year 2018 (FY18) budget request for the United States Geological Survey (USGS). **The AGU, on behalf of its 60,000 Earth and space scientist members, respectfully requests Congress to appropriate $1.2 billion for the USGS in FY18.** Restoring strong funding to USGS will allow the agency to sustain current programs and invest in geologic, environmental, and ecological data needed by decision makers across the country.

The USGS is uniquely positioned to provide informed responses to many of the nation's greatest challenges and has a mission that positively impacts the lives of all Americans. The Survey plays a crucial role in assessing water quality and quantity; reducing risks from natural hazards; providing emergency responders with live-saving data; assessing mineral and energy resources; and managing our nation's ecosystems. Through its offices across the country, the USGS provides 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.

Monitoring and Evaluating Water Quality
The USGS collects information on water availability and quality to inform the public and decision makers about the status and history of freshwater resources. According to the American Society for Microbiology, up to 900,000 people fall ill and up to 900 die annually from waterborne infectious diseases in the U.S. alone. The data collected by USGS helps officials understand how to avoid, prepare for and mitigate water quality problems that affect communities around the country. 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 public health, agricultural, commercial, recreational, and ecological purposes.

Predicting and Observing Natural Hazards
The USGS works to reduce 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 analyses 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 gauges enable the National Weather Service to issue flood and drought warnings. The USGS and its federal partners monitor seasonal wildfires and provide maps of current fire locations and the potential spread of fires. In domestic and global events, emergency managers and public officials rely on USGS to inform them of risks and hazards posed to human and natural systems, saving millions of dollars and safeguarding American lives and property.

Mapping and Assessing Mineral and Energy Resources
USGS assessments of mineral and energy resources – including rare earth elements, coal, oil, unconventional natural gas, and geothermal sources– are essential for making decisions about the nation's energy future. The USGS identifies the location and quantity of domestic mineral and energy resources and assesses the economic and environmental effects of resource extraction and use. USGS also maps domestic supplies of rare earth elements to be used in 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 that are essential to support America's energy landscape now and in the future.

Collecting and Assessing Land Use Data
Research and data collected by the USGS are vital to predicting the impacts of land use and climate change on water resources, wildfires, and ecosystems. For 44 straight years, Landsat satellites have collected the largest archive of remotely sensed land data in the world, allowing for access to current and historical images that provide insights relevant for global agricultural production and for understanding the impact of natural disasters on communities and the environment.. A 2013 National Research Council study found that the economic benefit of Landsat data was estimated to be $2 billion for 2011 alone. The consistency of data sets like those provided by Landsat is vital for advances in science, more efficient natural resource management, and profitable applications of data in commerce and industry.

Developing and Providing Mapping for the Nation
The USGS utilizes unique technologies that enable the collection of accurate nationwide terrain information. This information improves our knowledge of water supply and quality issues; better prepares emergency responders for natural disasters; and provides businesses with more accurate data. Modernized, high-resolution topographic maps are provided by the USGS through their 3D Elevation Program (3DEP). 3DEP leverages funds from the private sector and other federal agencies, providing open-access elevation data for a wide variety of users. From better flood-inundation maps, to cost-effective precision farming, to the development of renewable energy projects, 3DEP data supports cutting edge resource management and energy projects.

Maintaining and Evaluating Public Health

The USGS helps to maintain public health at the local, state, and national level. By monitoring changes in ecosystem and environmental health, the Survey can evaluate human susceptibility to contaminants, pathogens, and environmental disease. This unique perspective into the intersection between the physical environment, living environment, and humans allows the USGS to provide valuable insights regarding public health concerns. For example, the agency assesses negative health effects caused by the dispersion of contaminants after natural and man-made disasters, such as hurricanes and oil spills. In one such instance, after Hurricane Sandy, the USGS provided soil, water, and sediment information to public health agencies to help them protect citizens from toxic contaminants.

Engaging the Next Generation of Scientists

The USGS meets monthly with other Department of Interior (DOI) bureaus to collaborate on projects that will engage the next generation of scientists. Collectively, the DOI is actively working to provide at least 10 million students with educational, work, and training opportunities. In 2015, the USGS offered learning opportunities to over 100,000 students and teachers in activities such as science fairs, mentoring opportunities, camps, and hands-on learning experiences. Programs such as the USGS's Cooperative Research Units (CRU) provide under-represented undergraduate students with mentoring and hands-on experiences designed as a pathway to DOI recruitment.

Conclusion

AGU was pleased to see that the USGS received a 2% funding increase in the FY17 Omnibus Appropriations Bill. Nevertheless, the agency has been historically strained by a large workload and too few resources. As the nation faces unprecedented challenges, such as demand for limited energy, vulnerability to natural hazards, and the need for clean water, a substantial funding increase for USGS will allow the agency to maximize support for the nation's environmental, economic, and national security.

AGU respectfully requests that Congress appropriate $1.2 billion for USGS in FY18. We appreciate the opportunity to submit this testimony to the Subcommittee and thank you for your thoughtful consideration of our request.

Written Testimony
American Geosciences Institute

Testimony Submitted by
American Geosciences Institute
Allyson K. Anderson Book, Executive Director

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

May 24, 2017

Thank you for this opportunity to provide the American Geosciences Institute's perspective on fiscal year (FY) 2018 appropriations for geoscience programs within the Subcommittee's jurisdiction. We ask the Subcommittee to support and sustain critical geoscience functions at the United States Geological Survey (USGS), and related work at other agencies and bureaus.

Specifically, we ask that you support funding of $1.2 billion for USGS. AGI also suggests $175 million for Energy and Minerals Management at the Bureau of Land Management; $75 million for the Bureau of Ocean Energy Management; $83 million for the Bureau of Safety and Environmental Enforcement; $8.1 billion for the Environmental Protection Agency; $863 million for the Smithsonian Institution; and $2.95 billion for the National Park Service.

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, maintain energy and water supplies, and improve the quality of the environment while reducing risks from natural hazards.

AGI is a nonprofit federation of 51 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.

Importance of understanding Earth's subsurface

The next great frontier lies under our feet. We know relatively little about the 2 miles of the Earth's crust immediately below the surface even though we rely on it for many of our energy, mineral, and water supplies; we use it as a disposal site for a variety of waste products; and it is the source of damaging earthquake and volcanic hazards. Scientific and technological

innovations now equip us to identify the wealth that may lie in the shallow subsurface and to avoid destabilizing or contaminating the Earth's crust. By collaborating together, federal agencies with expertise in the subsurface can help usher in a new era of understanding and wise development of the Earth and its resources.

The U.S. Geological Survey has primary responsibility for examining the geological structure of the national domain. The Geoscience Directorate at the National Science Foundation funds basic geoscience research. State geological surveys play a vital role in geological mapping. NASA and NOAA provide important remote sensing and Earth monitoring data. The Department of Energy is already coordinating its own subsurface activities through the SubTER cross-cut.

We respectfully suggest that the time has come for a coordinated national effort to examine and characterize the shallow subsurface of the country. Federal agencies should work together to combine fundamental science with advanced technologies to create a publicly available, national-scale, characterization of the shallow subsurface that would be the basis for private-sector investment and informed decision making in both the private and public sectors. This budget can lay the scientific, technological, and administrative foundations to explore the next frontier.

U.S. Geological Survey

AGI supports $1.2 billion for USGS to support the agency's scientific mission. We recommend a balanced portfolio of research, monitoring, and assessment, including geologic mapping and geophysical surveys, that supports smart use of the nation's energy, mineral, water, and land resources.

Importance of Geoscience Functions at 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 maps, 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.

Optimizing USGS facilities: Some USGS facilities are in extremely bad condition, others do not meet current requirements. AGI supports additional FY 2018 funding for USGS Facilities to maintain essential monitoring, observation, and analytical instrumentation, and to consolidate facilities to best serve the agency's mission. **Investing in USGS infrastructure now will increase efficiency and yield considerable savings in the coming years.**

Core Science Systems:

- ***National Cooperative Geologic Mapping Program (NCGMP):*** This important, decades-long partnership between the USGS, state geological surveys, and universities has a proven track record of delivering cost-effective geological maps. **AGI asks that Congress increase funding for the National Cooperative Geologic Mapping Program to $30 million in FY 2018 to meet growing demand from many sectors for geologic maps.**
- ***National Geospatial Program:*** Topographic mapping has been a core activity at USGS since its inception. 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 requests $69 million for the National Geospatial Program.**

- ***Data Preservation:*** 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.**

Energy and Mineral Resources:

- ***Mineral Resources Program:*** We are concerned at the dearth of investment in identifying and characterizing domestic mineral resources, which can play a vital role in the security of our national supply chains. USGS minerals and mapping programs provide the baseline geologic information needed to stimulate and target renewed interest in domestic mineral resources. Funding these programs will support national defense and economic priorities.
  The National Minerals Information Center (NMIC) continues to provide financially and strategically vital information on the global supply of, demand for, and flow of minerals and mineral materials. We are impressed by the increase in timely analyses, in addition to the regular collection and dissemination of accurate data, generated by NMIC. **AGI supports increased funding of $60 million for the Mineral Resources Program.**
- ***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. **AGI supports funding of $25 million for the Energy Resources Program.**

Land Use Change:

- ***Land Remote Sensing Program:*** 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 $97 million for Land Use Change, which includes Landsat and other Earth observing systems.**

Water Resources:

- Drought and challenges in water supplies and water quality highlight 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 $215 million for FY 2018.**

Natural Hazards:

- Natural hazards can cause substantial damage throughout the nation but, with the right information, communities can take action to avoid and mitigate potential harm. USGS landslide, earthquake, volcano programs, plus the agency's work on geomagnetism and coastal and marine geology, strengthen our national resilience and save our

communities and citizens from harm. **AGI supports robust funding of the Natural Hazards Program and urges Congress to appropriate $145 million to this Mission Area.**

Bureau of Land Management

AGI supports efforts by the Energy and Minerals Management program to modernize its data systems and administrative processes. **BLM needs staff with appropriate skills to carry out energy and minerals inspections, data collection and analysis, and administration. AGI supports funding BLM's Energy and Minerals activities at $175 million and we urge investment in BLM's workforce to ensure efficient technical and administrative service.**

Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement

In order to administer and oversee offshore energy development effectively and efficiently, BOEM and BSEE need sufficient, skilled staff. AGI recommends continued investment in workforce development to avoid delays in the functions of both bureaus. **AGI supports $75 million in federal funds for BOEM, and $83 million for BSEE.**

Environmental Protection Agency

We respectfully request Congress to consider the value of many EPA science programs, especially their value to States, tribes, extramural partners, and grant recipients, when making budget decisions. **EPA provides many benefits to the nation, we request funding of $8.1 billion for the agency.**

Smithsonian Institution

The Smithsonian's National Museum of Natural History (NMNH) plays a dual role in communicating the excitement of the geosciences to the public and enhancing knowledge through research and the preservation and sharing of geoscience collections. **AGI supports funding of $863 million for the Smithsonian Institution, with $49.2 million for the NMNH.**

National Park Service

National parks are unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for research, education, and outdoor activities. **AGI supports $2.95 billion for the National Park Service and we note its important role in educating students and the public about all aspects of Earth and human history.**

Thank you for the opportunity to present testimony to the Subcommittee. If you would like additional information for the record, please contact Maeve Boland at 703-379-2480, ext. 228, 703-379-7563 fax, mboland@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

Testimony in Support of FY 2018 Funding for the United States Geological Survey, United States Forest Service, Environmental Protection Agency, United State Fish and Wildlife Service, and Smithsonian Institution

May 24, 2017

Submitted by:
Julie Palakovich Carr
Public Policy Manager
and
Robert Gropp, Ph.D.
Co-Executive Director

American Institute of Biological Sciences
1201 New York Ave, NW, Suite 420
Washington, DC 20005
Phone: 202-628-1500
E-mail contact: jpalakovichcarr@aibs.org

Submitted to:
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the United States Geological Survey (USGS), United States Forest Service (USFS), Environmental Protection Agency (EPA), United States Fish and Wildlife Service (USFWS), and Smithsonian Institution for fiscal year (FY) 2018. We encourage Congress to provide the USGS with $1.2 billion in FY 2018 and $173.9 million for the Ecosystems mission area. We further request that Congress provide the USFS Forest and Rangeland Research program with at least $296.0 million and EPA Science and Technology with at least $715 million. We also request the restoration of funding for Science Support in USFWS to the FY 2017 enacted level of $17.0 million. Lastly, we support $729.4 million for Smithsonian salaries and expenses, the same as in FY 2017.

The AIBS is a nonprofit scientific association dedicated to advancing informed decision-making that advances biological research and education for the benefit of science and society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to and use information that will guide them in making informed decisions about matters that require biological knowledge. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. Today, AIBS has individual members and more than 130 member organizations with a combined individual membership and staff of more than 200,000.

U.S. Geological Survey

The USGS provides unbiased, independent research, data, and assessments that are needed by public and private sector decision-makers. Data generated by the USGS save taxpayers money by enabling more effective management of water and biological resources, and providing essential geospatial information that is needed for commercial activity and natural resource management. The data collected by the USGS are not available from other sources and our nation cannot afford to sacrifice this information.

The Ecosystems activity within USGS underpins the agency's other science mission areas by conducting the research required to understand the impacts of water use, energy exploration and production, and natural hazards on natural systems. The USGS conducts research on and monitoring of fish, wildlife, and vegetation—data that informs management decisions by other Interior bureaus regarding protected species and land use.

Biological science programs within the USGS gather long-term data not available from other sources. The knowledge generated by USGS is used by federal and state natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Examples of successful USGS Ecosystem initiatives include:

- Development of comprehensive geospatial data products that characterize the risk of wildfires on all lands in the United States. These products are used to allocate firefighting resources and to plan wildfire fuel reduction projects.
- Identification and evaluation of control measures for Asian carp, sea lamprey, Burmese pythons, and other invasive species that cause billions of dollars in economic losses annually.
- New insights on the spread of avian flu, chronic wasting disease, and other diseases spread by wildlife in North America.

The President's FY 2018 budget request would cut the Ecosystems mission by 17 percent relative to the FY 2017 enacted level. Simply put, there is no way the agency can absorb these cuts without negatively affecting research and jeopardizing data quality. As a science agency, much of the USGS budget is dedicated to staff as well as equipment and facilities 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. The leadership of the USGS is doing all they can, and has been for a number of years, to contain costs while continuing to deliver high quality science.

Among the proposed reductions are:

- *Elimination of curation of and research on biological collections at the Smithsonian Institution.* USGS has more than a million specimens of birds, mammals, amphibians, and reptiles that are housed at the Smithsonian. This arrangement goes back to 1889.
- *Elimination of research on the ecological effects of fracking.* Research by the USGS on this topic compliments research conducted by EPA on water quality issues associated with fracking. This information is vital to federal and state management of energy development.

- *Reduce wildlife and fisheries research.* USGS conducts this research for the benefit of federal and state stakeholders. Without these research programs, USFWS, the National Park Service, and other Interior bureaus will not have the scientific information needed to fulfill their agency missions to manage wildlife, as these agencies do not have the scientific capacity of the USGS.
- *Reduced research on ecosystems of concern.* This research is a critical component of efforts to restore important national treasures, such as the Everglades and the Chesapeake Bay. The Arctic ecosystem research and monitoring program addresses the needs of Native communities, and also promotes public health throughout the US through monitoring avian flu.

Although we are pleased that the Invasive Species Program and Cooperative Research Units were spared from cuts in the Administration's request, we urge Congress to reject the deep cuts to other parts of the Ecosystems mission area.

U.S. Forest Service

USFS research provides scientific information and new technologies to support sustainable management of the nation's forests and rangelands. These products and services increase the basic biological and physical knowledge of the composition, structure, and function of forest, rangeland, and aquatic ecosystems. This research also saves lives and prevents property damage from wildfires.

Forest and Rangeland Research is proposed for a 10.2 percent cut in the FY 2018 budget request. Because the administration's request specifies that forest inventory and analysis be held at the FY 2017 enacted level, the remaining six research areas would be subject to a collective 14 percent cut. This would negatively impact research on wildfires, invasive species, and forest management, and will have negative consequences for Americans' safety, health, and enjoyment of public forests.

We ask Congress to fund the Forest and Rangeland Research program at $296.0 million, the same amount as in FY 2015. Continued cuts to research will hinder the USFS's ability to fulfill its mission to sustain the health, diversity, and productivity of the nation's forests and grasslands.

Environmental Protection Agency

Funding for EPA Science and Technology supports valuable research that is used to identify and mitigate environmental problems facing our nation. EPA research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. In short, this program provides the scientific basis upon which EPA monitoring and enforcement programs are built.

Despite the important role of the Science and Technology appropriation, the proposed funding level for FY 2018 is roughly half of what the program received in FY 2002. The EPA Science Advisory Board has expressed concern repeatedly about the long-term decline in research

funding at EPA. "These limitations pose a vulnerability for EPA at a time when the agency faces significant science questions with long-term implications for protecting the environment and public health."

We are especially concerned to see the proposed eliminations of the Science to Achieve Results (STAR) Research Grants and climate change research. These programs are important parts of the federal government's ability to ensure clean air and water for its citizens.

We ask Congress to fund the program at $715.0 million in FY 2018.

U.S. Fish and Wildlife Service

The President's budget request would eliminate the Science Support program within USFWS. This program provides scientific information needed by USFWS, such as research on conservation of priority species prior to Endangered Species Act listing, on the impacts of energy production on wildlife, and best management practices for combating invasive species. For this program to be eliminated in conjunction with significant reductions in USGS biological research would mean that USFWS will have very little scientific information available as it tries to fulfill its mission to conserve, protect, and enhance the living resources of the United States for the benefit of the American people.

Smithsonian Institution

The Smithsonian Institution is a valuable federal partner in the curation and research on scientific specimens. The scientific experts at the National Museum of Natural History care for an astounding 140 million specimens and ensure the strategic growth of this national treasure. To increase the availability of these scientific resources to researchers, educators, other federal agencies, and the public, Smithsonian is working on a multi-year effort to digitize its collections. That effort will substantially increase the scientific uses of these collections.

The Smithsonian has also been working to strengthen curatorial and research staffing and to backfill positions left open by retirements and budget constraints. The current staffing level is insufficient to provide optimal care for the collections. Future curatorial and collections management staffing levels may be further jeopardized given the proposed funding cuts at science agencies that support staff positions embedded at Smithsonian, such as the U.S. Geological Survey.

Conclusion

We urge Congress to reject the Administration's budget request for FY 2018 and to continue the bipartisan tradition of investing in our nation's scientific capacity.

Thank you for your thoughtful consideration of this request.

Written Testimony in Support of FY 2018 Appropriations
For the National Endowment for the Arts
Submitted by Robert L. Lynch, president and CEO, Americans for the Arts
House Appropriations Subcommittee on the Interior, Environment and Related Agencies
May 24, 2017

Americans for the Arts is the leading nonprofit organization for advancing the arts and arts education in America. With offices in Washington, D.C. and New York City, we have more than 55 years of service and are dedicated to representing and serving local communities, and creating opportunities for every American to participate in and appreciate all forms of the arts.

I am pleased to submit written testimony **supporting federal funding for the National Endowment for the Arts (NEA) at the level of $155 million for FY2018**. Thank you to Chairman Calvert, Ranking Member McCollum, and members for the opportunity to provide public comment on the budget request for the NEA, on behalf of arts and culture across the country.

I am deeply troubled by the Trump Administration's proposed FY2018 budget calling for the elimination of the NEA. President Trump is the first and only American president who has made such a recommendation. Our nation's parents, teachers, community leaders, arts advocates, government officials, and even economists will not accept this proposal. For more than 50 years, the NEA has expanded access to the arts for all Americans, awarding grants in every congressional district throughout all 50 states and U.S. territories, as well as placing arts therapists in military hospitals to help returning military heroes heal from physical and traumatic brain injuries. Republican and Democratic leaders alike deeply value the work of the NEA.

The Administration's budget proposal shows a lack of understanding of the important role that the NEA plays in America today. With only a $150 million annual appropriation, the NEA's investment in every congressional district in the country contributes to a $730 billion arts and culture industry in America, according to the U.S. Bureau of Economic Analysis at the U.S. Department of Commerce, representing 4.2 percent of the annual U.S. GDP. This arts and culture industry supports 4.8 million jobs and yields a $26 billion trade surplus for our country.

Beyond those numbers, the NEA work is critical to America's future, generating substantial economic, educational, and direct community impact. In fiscal year 2016, NEA grants resulted in $500 million in matching support. These are additional dollars investing in projects, services, and programming, like access to arts education, teacher training, and preservation of historic artifacts.

In total, throughout its 50 years, the NEA has made over 147,000 grants totaling more than $5 billion dollars, leveraging up to ten times that amount through private philanthropies and local municipalities.

By law, 40 percent of both the NEA's grantmaking budget goes directly to states. States make the decisions on where these dollars go in their states.

This cost? Approximately 0.004 percent of the federal budget.

Here are some outcomes if the cultural agencies were terminated:

1. **States would lose funding**. There would be the immediate, direct loss, but also the leveraging loss. In Alabama, for example, the Alabama State Council on the Arts receives about $775,000 from the NEA annually. From that $775,000 that the NEA gives, the Alabama State Council on the Arts can typically leverage another $4.6 million in donations that wouldn't otherwise occur.
2. National initiatives would end. Just to highlight a few:
    a. **Creative Forces**: Since 2011, the military healing arts partnership has supported creative arts therapies for service members with traumatic brain injury and associated psychological health issues. With your leadership and congressional support, in 2016, the initiative expanded to ten additional sites nationwide and increased access to therapeutic arts activities in local communities for military members, veterans, and their families.
    b. **Big Read**: Over the last decade, the NEA has funded more than 1,300 Big Read programs, providing more than $18 million in grants to organizations in every congressional district. In turn, these organizations have leveraged nearly $42 million in local funding to support their NEA Big Read programs. More than 4.8 million Americans have attended an NEA Big Read event, approximately 79,000 volunteers have participated at the local level, and over 37,000 community organizations have partnered to make Big Read activities possible.
    c. **Mayors' Institute on City Design**: A leadership initiative in partnership with the United States Conference of Mayors. Since 1986, the Mayors' Institute has helped transform communities through design by preparing mayors to be the chief urban designers of their cities.
    d. **Shakespeare in American Communities**: Since its inception, over 100 theater companies have taken part in the program, benefitting more than 2.8 million individuals, including 2.3 million students in all 50 states.
3. Improving access to the arts would be stymied. Currently, 40 percent of NEA-supported activities take place in high-poverty neighborhoods; 36 percent of NEA grants go to organizations that reach underserved populations such as people with disabilities, people in institutions, and veterans; and more than half of NEA-funded art events take place in locations where the median household income is less than $50,000. Moreover, a non-federal funding model will leave too many communities behind. **Philanthropic giving as a whole in the United States is geographically disproportional, with rural**

areas receiving only 5.5% of foundation grant dollars. Public funding for the arts plays an essential role in making sure all American communities may benefit.

The administration's proposal also comes on the heels of recent passage of a funding increase of nearly $2 million for the agency, bringing its budget to nearly $150 million. **Thank you to Chairman Calvert and the members of the committee for supporting that funding request and matching that funding increase in your mark last year**—including its successful passage on the U.S. House floor last July by a vote of 231-196. As before and as always, we stand ready to assist and remain focused on getting the Endowments fully funded again in the coming months.

I thank you for your support and recognition of the valuable contributions of cultural institutions to every community across the nation, and the role that federal agencies such as the Institute of Museum and Library Services (IMLS), National Endowment for the Humanities (NEH), the NEA, and the Corporation for Public Broadcasting (CPB) play in invigorating communities and promoting lifelong learning. **These are indeed core federal responsibilities.**

Thank you for your consideration and support of $155 million for the NEA in the FY2018 budget, which I am proud to say is also **publicly supported by 154 members of Congress, including 11 Republican members, in the recent letter to your committee delivered on March 30, 2017, led by the Congressional Arts Caucus and its bipartisan co-chairs, Reps. Louise Slaughter and Leonard Lance.**

Animal Welfare Institute
900 Pennsylvania Avenue, SE, Washington, DC 20003
awionline.org phone: (202) 337-2332 fax: (202) 446-2131

Testimony to the U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies for Fiscal Year 2018
Nancy Blaney, Director, Government Affairs May 24, 2017

We ask the Subcommittee to reject the Administration's FY 2018 budget, which represents a wholesale abdication of responsibility to protect the nation's wildlife and the environment.

Bureau of Land Management (BLM) – Wild Free-Roaming Horses and Burros Act
The BLM continues to mismanage America's wild horses and burros emphasizing their removal from public lands instead of implementing humane solutions, including the use of immuno-contraception to control fertility rates, that manage the animals on the range. We ask the Committee to fund the BLM at FY17 levels and to urge it to continue exploring more effective and longer lasting fertility control agents. Alternatives to warehousing tens of thousands of healthy wild horses are needed but we oppose Sec. 116 "Humane Transfer of Excess Animals" of the FY17 omnibus (PL 115-31). This language is unnecessary and could result in once-protected wild horses ending up in slaughter, a practice this Committee has long opposed, despite the directive to the contrary. Thousands of healthy and viable wild horses, not bound by limitations of the Act and currently being held by the BLM, are already available for sale to other federal, state, and local entities. Finally, we oppose the budget directive regarding euthanasia and unrestricted sale of unadopted wild horses and burros and strongly support the continued inclusion of the Committee's "no-kill" language to ensure that BLM does not kill healthy wild horses and burros: *"Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the case 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."*

Fish and Wildlife Service – National Wildlife Refuge System – Signage and Reporting
We appreciate the Committee's increase for the NWRS in FY17 and request that FY18 funding be maintained at this level. Given the NWRS's stated purpose of conserving wildlife (including species threatened with extinction) and to ensure that these refuges are safe for the millions of Americans who visit them, we ask the Committee to maintain the language in its FY17 report (HRpt 114-632) regarding signage for body-gripping traps. Such signage and other public alerts are needed to promote public safety and greater transparency regarding the use of such devices on wildlife refuges. Currently, over half of the System's 563 refuges allow trapping. Steel-jaw leghold traps, Conibear traps, and strangulation snares pose distinct risks to humans, wildlife, and other animals (e.g., pets) given their indiscriminate nature and the trauma such devices inflict upon those caught in these traps.

Fish and Wildlife Service – Office of Law Enforcement (OLE) – $75,053,000
The FWS OLE is one of the most important lines of defense for wildlife both at home and abroad. OLE enforces over a dozen federal wildlife and conservation laws that frequently impact both domestic and global security. OLE protects the public against the illegal trade in wildlife and wildlife products and, in so doing, also provides a defense against the introduction of dangerous pathogens that could harm animal and/or human health. We ask that the Committee maintain its approved level of $75.053 million OLE.

Fish and Wildlife Service – International Affairs – Wildlife Trafficking – $15,196,000
We thank the committee for allocating an additional $500,000 to this function for FY17 to combat wildlife trafficking and ask that the current funding be maintained in FY18. US assistance combating wildlife trafficking is essential for species conservation and national and global security given its close association with terrorism and criminal syndicates. Congress has demonstrated a strong bipartisan commitment to this work and it is important to ensure adequate funding to implement PL 114-231, the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016. With poaching and illegal wildlife trade reaching unprecedented levels, governments and private entities here and abroad have turned to FWS for leadership in coordinating, guiding, and implementing a response. Continuing to fund this important work will help provide financial assistance to projects in foreign countries that counter wildlife trafficking activities as outlined in the National Strategy for Combating Wildlife Trafficking and actions articulated in the associated Implementation Plan. Specifically, the activities/actions build further capacity and develop partnerships for species conservation, which also facilitates cooperation between the US and foreign governments fighting terrorist organizations and international crime syndicates that profit from wildlife trafficking.

White-Nose Syndrome (WNS)
U.S. Fish and Wildlife Service – $4.5 million total; $2 million in Endangered Species Recovery; $2.5 million in Service Science | **U.S. Geological Survey** – $1.6 million in Ecosystems/Wildlife | **National Park Service** – $3,155,000 in Natural Resource Stewardship | **Bureau of Land Management** – $500,000 | **U.S. Forest Service** – $2.5 million, Research & Development; $500,000, Forest Systems.

Eleven years after the first-known observation of **white-nose syndrome**, this bat disease remains at the heart of North America's most precipitous wildlife die-off of the past century, but federal agencies and their partners are making progress in addressing this crisis. Caused by an invasive species of fungus, *Pseudogymnoascus destructans* (*Pd*), WNS has killed at least 5.7 million bats, and has spread from its first site in upstate New York to 31 states and 5 Canadian provinces. Mortality has been so severe that some populations have declined by over 90 percent. WNS has struck nine species, including the federally endangered Indiana and gray bats. The disease is also responsible for the population crash of the northern long-eared bat, leading to its 2015 designation as threatened under the Endangered Species Act. The fungus *Pd* also has been found in an additional two states, and on another seven bat species, including the endangered Virginia big-eared bat. WNS has the potential to affect 25 of our country's 47 bat species.

Since the last appropriations cycle, two events have taken place that are significant for the WNS outlook. First is the discovery of WNS and *Pd* in Washington State last year, the first known incidence of WNS or *Pd* in western North America, occurring 1,300 miles from the previous westernmost detection of the disease or fungus. Second is the discovery of *Pd* in Texas earlier this year. Texas has the greatest diversity of bat species of any U.S. state. It is also located at the intersection of the ranges of eastern, southern, and western bat species. Two of these species have extensive distributions in the western United States and Central America. If WNS were to spread further, the number of species and ecosystems affected by the disease would escalate. Moreover, bat ecology in the West poses additional challenges for managing the disease. Western bat species roost and hibernate singly or in small groups, making the bats hard

to locate for surveillance or treatment purposes. This is compounded by the difficulty of finding or accessing potential bat roosts or hibernacula in the West's mountainous, rugged topography.

These developments have implications for WNS response. The WNS community is revisiting the WNS surveillance process in order to address questions that the westward movement poses, such as whether WNS's/*Pd*'s appearance in Washington was a true jump from East to West or whether existing surveillance methods failed to detect the disease or fungus in the intervening regions, and how to conduct surveillance in western habitats where bats are difficult to locate. The new incidences of the disease and fungus also underscore the need—heretofore unmet—for standardized bat population counts and trend monitoring across the nation. The North American Bat Monitoring Program (NABat), a nascent initiative to which staff from several agencies contribute, aims to fill this gap by developing and implementing a plan for monitoring and tracking bats continent-wide in a coordinated and statistically rigorous manner.

The loss of bats from WNS is expected to have serious implications for our economy and environment. Bats 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 and lower food production costs; in this way, save U.S. farmers an average of $22.9 billion per year. Bats also perform ecological services for 66 plant species that produce timber.

Thanks to consistent funding from Congress, the federal government and its partners have made great strides in the response to WNS. Accomplishments in the past year include:

In addition to making grants to states and other entities for WNS research, monitoring, and management, the **U.S. Fish and Wildlife Service,** the lead agency for WNS response, created a new WNS funding initiative in partnership of FWS and the National Fish and Wildlife Foundation: the Bats for the Future Fund. The BFF will provide grants for developing and deploying WNS treatments. NFWF will administer the fund and match government contributions with private-sector monies. FWS provided $1 million to launch BFF. In collaboration with partners, the agency also began developing a structured decision making model for prioritizing WNS scientific efforts. In this way, FWS hopes to help federal, state, and other entities working on WNS get the best results possible with limited funds. In the last year, FWS also released a number of products for the WNS-related community: an updated gear-decontamination protocol, aimed at preventing *Pd* spread, for cavers, wildlife/public lands managers, and others who access caves; informational postcards on gear decontamination and unusual bat behavior for audiences considered at secondary risk for *Pd* exposure and contact with bats, to be distributed at sites such as recreation stores and public-lands visitor centers; and recommendations for natural resources managers on minimizing human disturbance of bats. FWS also coordinated an update to the nationwide WNS surveillance plan, which guides nationwide sampling for WNS and *Pd*; included in the plan are steps to begin addressing the surveillance issues raised by last year's westward spread of the disease and fungus. Finally, FWS lent funding, collaboration, or other support to more than five trials of potential treatments carried out by various entities.

The **U.S. Geological Survey** continues its role in WNS research and data-gathering. The agency supports state WNS and *Pd* surveillance, particularly in regions on the edge of the disease spread. USGS hired a coordinator for NABat, with additional funding from FWS. The agency is validating software for acoustic detection of bats, which in the western United States is one of the only bat-survey methods available. This supports not only the goals of NABat but also FWS's requirements for monitoring listed bat species. Topics of current USGS WNS-related research include: the fungi normally found on various species of bats and possible correlations to the differential WNS susceptibility of those species; determining ideal environmental conditions

for bat refugia in case populations must be taken from the wild to ensure their survival; and evolving hibernation behavior in post-WNS bats. USGS staff also are lending expertise to the development of the structured decision making model led by FWS.

Since 2013, the **National Park Service** has funded more than 158 WNS-related projects in 78 park units. The Service monitors bat populations on its lands, both in post-WNS areas to assess the disease's impacts and species' survival, and in unaffected areas to gather baseline data on bat populations and ecology. NPS's Bat Acoustic Survey Database is a repository for acoustic monitoring data gathered from these activities, providing guidance for collecting acoustic data, allowing for standardization and data comparability across the Service. Furthermore, the database is designed to allow for integration of data into NABat. NPS supports NABat in other ways as well. The agency conducts some of its surveys under the NABat framework, and in FY 2016 NPS's Upper Columbia Basin Inventory and Monitoring Network hired a NABat coordinator for the Northwest—a region where there is a paucity of knowledge about bat populations and ecology. In addition, as the federal agency that welcomes the largest number of visitors every year, NPS plays an key role in educating the public about WNS, through ranger outreach, visitor infrastructure, and multimedia materials. Finally, NPS continues to fund research into WNS.

Congress has never allocated money for the **Bureau of Land Management**—the majority of whose lands are in the western United States—to respond to WNS. Pursuant to directive language in FY12 and FY14, the agency did undertake some WNS work. But the disease's and fungus's westward movement, as well as the 3,000-plus caves and estimated 31,000 abandoned mines on BLM lands, underscore the need for the agency to increase its WNS response. In a limited number of sites, BLM is conducting the following WNS-related actions: WNS surveillance; planning and implementation of NABat monitoring; English- and Spanish-language signage installation to educate visitors about WNS. The agency also is providing funds through a small-grants program for field offices to get equipped for WNS response.

Congress also has never allocated money for the **U.S. Forest Service** to engage on WNS, despite the fact that since the early days of the crisis the agency has contributed proactively to research and on-the-ground management to address the disease. Ongoing USFS research includes: DNA sequencing of bats across eastern and midwestern states, looking for possible adaptive selection of immune systems and comparing them; silencing WNS-related genes to increase bat resistance to the disease; the effects of UV light to treat WNS-stricken bats; and a so-called electronic nose to identify WNS and *Pd* without direct contact with bats. In addition, a USFS scientist conducted research that was critical to the updated decontamination protocol that FWS issued. Drawing on USFS's successful treatment in FY 2015 of WNS-afflicted bats with airborne volatile organic compounds released by the native soil bacterium *Rhodococus rhodochrous*, and subsequent release of those bats to the wild, future USFS research could focus on similar treatment agents that can be deployed without physically handling the bats. From a lands-management perspective, USFS is purchasing bat acoustic monitoring equipment to implement NABat in multiple National Forests; staff from the National Forest System and Research and Development branches are collaborating on implementation details for specific locations. It is clear that the Forest Service has made and continues to make major contributions to our understanding, detection, and treatment of *Pd* and WNS, but it has been doing so at the expense of other programs. We believe that the redirection of surplus funds from other accounts (such Forest Inventory and Analysis), as well as new funds, are more than justified.

House Committee on Appropriations

Subcommittee on Interior, Environment and Related Agencies

Written testimony in support of funding levels for the

FY18 Department of Interior/US Forest Service budgets

June 12, 2017

Susan Arnold, Vice President for Conservation
Appalachian Mountain Club

Chairman Calvert and members of the subcommittee, thank you for the opportunity to submit written comments from the Appalachian Mountain Club (AMC) regarding the Interior and related agencies budgets for Fiscal Year 2018. Founded in 1876, AMC is the oldest conservation and recreation organization in the nation. We currently represent more than 350,000 members, volunteers and supporters who share our mission to *"promote the protection, enjoyment, and understanding of the mountains, forests, waters and trails of the Appalachian region."* Each year millions of people visit these natural areas for recreation, primarily on public lands that have been protected for future generations and are managed by federal and state agencies in order to ensure public access.

AMC is a strong supporter of the Land and Water Conservation Fund (LWCF), which has helped create and sustain national forests, parks and wildlife refuges – as well as state and local parks – to ensure all Americans can enjoy the outdoors. LWCF, funded by receipts from offshore oil and gas leases with no burden on taxpayers, has been a successful and popular program that protects and provides public access to priority natural resources in states, territories and on tribal lands.

AMC is disappointed that the Fiscal Year 2018 (FY18) budget proposed by the administration severely diminishes the capacity of LWCF to continue to build on its 50-year legacy of success. Despite available revenues to fund acquisitions and programs, the administration has chosen to cut LWCF spending more than 80 percent from FY17 levels. Also at risk are the front line men and women who protect America's resources and ensure high quality experiences for all who visit our public lands. Funding levels for operations at the Department of Interior and the US Forest Service are woefully inadequate.

First, AMC wants to thank members of the subcommittee and full Appropriations Committee for including $400 million for LWCF in the spending bill for FY17. And now we ask that you look beyond the administration's FY18 request and provide funding for the priority projects and operations that LWCF should fund in FY18.

In addition to the unacceptable reduction in LWCF funding requested by the administration, we are concerned that agencies did not submit to the Committee their priority projects, which typically have been ranked through a competitive and transparent process. We note the language from previous budgets, *"Secretaries of the Interior and Agriculture follow a rigorous merit-based based evaluation process to select collaborative landscapes for investment. After evaluating and prioritizing multiple ecosystems, they selected landscapes for funding.* (FY16 Budget Request)

It appears this process has been lost or ignored for FY18, making it difficult to determine the precise priorities for the Department of Interior and the US Forest Service for land acquisition.

AMC renews our call for full funding of LWCF at $900 million. This appropriations level would support priority acquisitions and public access projects, including:

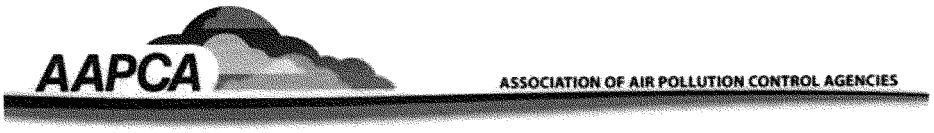
- $289 million for the National Park Service ($155 million for State Grants)
- $100 million for the Forest Legacy Program
- $137 million for the US Fish and Wildlife Service
- $108 million for the US Fish and Wildlife Service, Cooperative Endangered Species Program
- $128 million for the US Forest Service
- $10 million for the Highlands Conservation Act, to be distributed in Pennsylvania, New Jersey, New York and Connecticut

We appreciate the fiscal restraints this subcommittee faces. However, the commitments made when LWCF was established by Congress in 1965 remain today. Protecting natural resources as mitigation for oil and gas extraction is expected by the American public. And, as this subcommittee has proven each year, it is a wise investment in the future that also leverages significant non-federal dollars.

Finally, AMC supports the following funding levels for important conservation and public recreation programs that directly impact local, state and volunteer activities:

- $4 million for the Community Forest and Open Space Conservation Program, USFS
- $10.2 million for Rivers, Trails and Conservation Assistance Program, NPS
- $300,000 New England National Scenic Trail operations, NPS

Thank you for this opportunity to present AMC's priorities for FY18 and to reinforce our strong support for the Land and Water Conservation Fund.



Testimony of Sean Alteri
President
Association of Air Pollution Control Agencies
U.S. House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding Fiscal Year (FY) 2018 Appropriations for the U.S. Environmental Protection Agency (EPA) State and Local Air Quality Management Grants
May 23, 2017

The Association of Air Pollution Control Agencies (AAPCA)[1] appreciates the opportunity to provide written testimony on the FY2018 proposed budget for U.S. EPA, including state and local air quality management grants under the State and Tribal Assistance Grant (STAG) program. AAPCA's state and local air agency members believe that stable, adequate resources, including state and local air quality management grants at a level at least equal to FY2017, are critical to core Clean Air Act activities.

We appreciate the Subcommittee's recognition of these investments in the H.R. 244, the *Consolidated Appropriations Act, 2017*, which funded STAG at $3.527 billion, categorical grants at $1.066 billion, state and local air quality management grants at $228.2 million, and separate funding for the targeted airshed and Diesel Emissions Grant programs (prior to rescissions).

Grants to state and local air agencies, including under Section 103 and 105 of the Clean Air Act and funds negotiated by states and U.S. EPA to be taken off the top for critical training needs, provide essential inputs for activities on planning, modeling, monitoring, developing emissions inventories and rules, permitting, inspections, and enforcing key elements of the National Ambient Air Quality Standards (NAAQS), air toxics, and regional haze programs. These are core Clean Air Act functions, and state and local agencies have found creative ways to amplify these federal grant resources.

Through the Clean Air Act's framework of cooperative federalism, hard-working state and local air quality agencies have made tremendous progress in virtually every measure of air pollution control[2] and a critical ingredient in these success stories has been stable, adequate resources. As EPA Administrator Pruitt remarked on Earth Day, successful implementation of

[1] AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. AAPCA represents more than 40 state and local air agencies, and senior officials from 20 state environmental agencies currently sit on the AAPCA Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of The Council of State Governments. You can find more information about AAPCA at: http://www.cleanairact.org.
[2] http://www.csg.org/aapca_site/documents/GreatestStory4-17-17.pdf.

national air quality standards depends on essentially important investments in ambient monitoring and compliance activities.[3]

We look forward to examining the President's detailed budget request for U.S. EPA, and recognize that your Subcommittee is in the early stages of the FY2018 appropriations process. On May 23, the White House released *A New Foundation for American Greatness - President's Budget FY 2018*, which requests $5.7 billion for the U.S. EPA in FY2018, 31 percent below the 2017 annualized continuing resolution level.[4] This budget also requests a reduction in categorical grants of $482 million, or a nearly 45 percent reduction from 2017 annualized CR levels. Further, U.S. EPA's FY 2018 Justification of Appropriation Estimates for the Committee on Appropriations includes the elimination of a variety of air-related programs as well as a reduction in state and local air quality management grants over 30 percent from FY2017 levels.[5]

These figures stand in contrast to your Subcommittee's recognition of the value of stable funding levels for state and local air agencies. Over the last 15 fiscal years, through multiple administrations and competing priorities, there has never been a double-digit percent swing in funding for state and local air quality management grants. The average year-to-year change for these grants has been less than three percent. Since FY2008, funding for state and local air quality management grants has averaged nearly $230 million.[6]

Each state or local air agency may be affected differently by instability in funding these key grant programs. Other key considerations include whether U.S. EPA places certain monitoring activities under Section 103 or Section 105, and, as noted in the explanatory statements accompanying the *Consolidated Appropriations Act of 2017*[7] and the *Consolidated Appropriations Act of 2016*,[8] the manner in which U.S. EPA updates the formula determining the allocation of state and local air quality management grants to U.S. EPA's regions in order to "take into account recent population and demographic shifts."

AAPCA members echo the recent calls from the Environmental Council of the States (ECOS) to "meaningfully invest in state environmental agencies through robust" state grants,[9] as well as from the National Governors Association to consult with states when "considering any reduction or elimination of federal funding that will shift costs to states."[10]

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[3] S&P Global Market Intelligence, "'We'd still do our darndest': States prepare for likely cuts to EPA grants," May 1, 2017.

[4] https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/budget.pdf.

[5] https://www.epa.gov/planandbudget/fy-2018-justification-appropriation-estimates-committee-appropriations.

[6] Figures assume dollars not adjusted for inflation.

[7] https://rules.house.gov/sites/republicans.rules.house.gov/files/115/OMNI/DIVISION%20G%20-%20INT%20SOM%20FY17%20OCR.pdf.

[8] http://docs.house.gov/meetings/RU/RU00/20151216/104298/HMTG-114-RU00-20151216-SD008.pdf.

[9] https://www.ecos.org/wp-content/uploads/2017/03/Passback-Letter-from-ECOS-3_1_17-FINAL.pdf.

[10] https://www.nga.org/cms/home/federal-relations/nga-letters/executive-committee-letters/col2-content/main-content-list/governors-principles-for-federal.html.

Thank you for the attention to this testimony. AAPCA and its members look forward to working with your Subcommittee as Congress develops its priorities for FY2018 appropriations. If you have any questions, please contact cwoods@csg.org or (859) 244-8040.

Sincerely,

Sean Alteri
Director, Kentucky Division for Air Quality
President, AAPCA

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

Regarding the National Endowment for the Arts, the National Endowment for the Humanities, and the U.S. Fish and Wildlife Service

The Association of Art Museum Directors (AAMD) 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 2018. 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 temporary public exhibition.

ARTS AND ARTIFACTS INDEMNITY PROGRAM

AAMD again thanks the Subcommittee for revising the statutory caps for exhibition indemnity agreements under the Arts and Artifacts Indemnity Act, which is administered by the NEA on behalf of the Federal Council on the Arts and the Humanities. The Council is composed of the Chairpersons of the NEA and NEH, the Director of the Institute of Museum and Library Services, the Secretary of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, the Assistant Secretary for Aging, a member designated by the Secretary of State, a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House. In the indemnity program's more than 40 years of existence, it has facilitated the presentation of more than a thousand significant exhibitions.

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. A few examples of recent grants to art museums listed on the NEA's website include:

Tacoma Art Museum, Tacoma, WA: To support the exhibition and catalogue "In Search of Lost History: Zhi Lin and the Legacy of Chinese Railroad Labor." The exhibition will address Chinese history in the Puget Sound region, featuring approximately a dozen newly commissioned paintings by Lin that explore issues related to the treatment of late

19th-century Chinese laborers. Lin's work will reflect the difficult history of the Chinese Exclusion Act of 1882 and, a few years later, the forced expulsion of all Chinese residents by rail in 1885. Education and outreach programs, including a festival, artist talk, docent tours, public programs, free admission days, lectures, and workshops, will accompany the exhibition. The exhibition opens on June 27.

Walker Art Center, Minneapolis, MN: To support a series of multidisciplinary events celebrating the work of choreographer Merce Cunningham. Activities will include production residencies and world premieres of commissioned performance works by choreographers Beth Gill, and Rashaun Mitchell/Silas Riener working with media artist Charles Atlas. A series of musical concerts by collaborators of Cunningham and composer John Cage will also be presented.

Portland Museum of Art, Portland, ME: To support the exhibition "A New American Sculpture: Lachaise, Laurent, Nadelman, and Zorach." Co-organized with the Amon Carter Museum of American Art, the exhibition will explore the relationship between early 20th-century modernism, classicism, and popular taste in American art. Object labels, text panels, an audio tour, and gallery guide content will encourage visitors to expand their understanding of American modernism and sculptural techniques. The exhibition opens May 26.

Akron Art Museum, Akron, OH: To support the exhibition and catalogue "Intersections: Artists Master Line and Space." Designed to improve the public's understanding of contemporary sculpture, the exhibition featured dozens of sculptures and installations by the artists alongside works on paper, which are key elements of the artists' creative process. A variety of educational activities were included, such as workshops and artists' talks. The catalogue featured essays to further amplify the artists' diverse studio practices.

AAMD commends NEA for its commitment to the Blue Star Museums initiative, now in its eighth year. AAMD members have responded with overwhelming enthusiasm to Chairman Chu's invitation to offer free admission to active duty military and their families at least from Memorial Day through Labor Day. In 2016, approximately 90 percent of AAMD members in the United States either formally joined the program or already offered free admission to all. According to a survey conducted by Blue Star Families, 900,000 people took advantage of the program, and fifteen percent of participants reported that it was the first time they had visited a museum. AAMD is grateful to Blue Star Families and the NEA for the opportunity to serve this new audience.

Comments to Blue Star Families from museums included:

"Blue Star allowed us the extra opportunity to reach out to our local marine corps logistics base and other service members as a way to thank them for their role in our nation and community."

"Offering free admission and other programs to vets and blue star families is the least we can do to thank these brave men and women and their families who sacrifice so much. It is our honor to do this small thing."

"Loved seeing families come and being able to offer them free admission as a thank you for all they've done for the country."

NATIONAL ENDOWMENT FOR THE HUMANITIES

This important agency assists art museums in presenting humanities scholarship to the general public and in strengthening the teaching of humanities in our nation's schools. NEH also plays 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.

AAMD commends the NEH for two initiatives in particular. The Common Good is designed to demonstrate the critical role that humanities scholarship can play in public life. This is especially suitable for museums, which have developed expertise in presenting complex ideas to non-specialists. Standing Together, the Humanities and the Experience of War, supports programs that explore war and its aftermath, promote discussion of the experience of military service, and support returning veterans and their families.

U.S. FISH AND WILDLIFE SERVICE

The AAMD has had extensive conversations with the 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 and the new requirements at 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.

ABOUT AAMD

The purpose of the Association of Art Museum Directors is to support its members in increasing the contribution of art museums to society. The AAMD accomplishes this mission by establishing and maintaining the highest standards of professional practice, serving as forum for the exchange of information and ideas, acting as an advocate for its member art museums, and being a leader in shaping public discourse about the arts community and the role of art in society.

Christine Anagnos, Executive Director
Association of Art Museum Directors
120 East 56th St., Suite 520
New York, NY 10022
canagnos@aamd.org
(212) 754-8084

FY 2018 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 Keith Owens, Chair of the Board on Natural Resources; and Associate Vice President, Oklahoma Agriculture Experiment Station, Oklahoma State University, keith.owens@okstate.edu

On behalf of the APLU Board on Natural Resources (BNR), we thank you for your support of science and research programs in FY17 of the United States Geological Survey (USGS) and the Environmental Protection Agency. We appreciate the opportunity to provide the following recommendations: $9 million for the USGS Water Resources Research Institutes and $20 million for the USGS Cooperative Fish and Wildlife Research Units, and $754 million for EPA's Science and Technology.

APLU BNR requests $9 million for the Water Resources Research Institutes (WRRI). The APLU BNR request is based on the following: $7,500,000 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. 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:

- In California, the **Institute for Water Resources** is working with communities in southern California, like the city of Glendora, to help city officials better predict and respond to debris flow from the San Gabriel Mountains. Communities like Glendora are experiencing costly and damaging flows after high intensity rainfalls and these flows often affect water quality downstream. By partnering with local governments and other stakeholders, the Institute is working to help these communities with debris basin management.

- The **Arizona Water Resources Center** has initiated nine programs to promote and educate the public about water conservation and management. The Arizona Water Education program has reached over 32,400 students and 500 k-12 teachers with a projected water savings over 3.7 million gallons per year from student-installed devices. Other programs address desert water harvesting, water for drylands systems, and water quality research.

- A team of researchers from the **Minnesota Water Resources Research Center** designed a novel bioreactor which when installed in agricultural ditches, treats water from subsurface tile drains, removing nitrogen (N) and phosphorus (P) from the water leaving the farm fields. Unlike other bioreactors this new version removes both N and P, preventing nutrients from entering surface streams and rivers in the Midwest. This project should lead to greater sustainability of agricultural production in Midwestern regions where corn and soybeans are produced. Again, this could decrease the need for additional regulations on agricultural producers.

- Researchers with the **Idaho Water Resources Research Institute** have collaborated with community stakeholders to develop satellite based remote-sensing technology for assessing crop-water usage and aquifer depletion modeling, to investigate and help resolve water rights conflicts, and for stream flow management. This technology is also being adopted by ten western states and in parts of Africa, Europe, and Australia.

- Research being funded through the **Maine Water Resources Research Institute** will help determine what remediation efforts might be required by drinking water utilities in the wake of an increase in the rate and intensity of precipitation events and associated rapid runoff. These extreme events wash organic matter into lakes that can ultimately cause a buildup of organic carbon that can trigger disastrous algal blooms, taste and odor problems, and may form unhealthy by-products. Their work will inform the development of management and adaptation strategies to ensure sustained high water quality.

APLU BNR requests $22.5 million for the Cooperative Fish and Wildlife Research Units (CRU). The CRU program embeds federal scientists in public universities to: 1) train the next generation of fisheries and wildlife managers; 2) conduct research on our nation's fish and wildlife populations and habitats; and 3) provide 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. There are currently 25 vacant CRU scientist positions spread over 21 states. This request is a $4 million increase that would enable the CRU program to become fully staffed. The CRUs provide valuable mission-oriented research for the U.S. Fish and Wildlife Service and cooperating state agencies. Today, there are 40 Cooperative Research Units in 38 States but there are many vacancies.

Each unit is a true federal-state-university-private sector collaboration as 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** in collaboration with Oklahoma State University and the Oklahoma Department of Wildlife Conservation conducted an economic analysis on the impact of protecting the lesser prairie chicken (LPC). The political and legal controversy surrounding the use of the Endangered Species Act (ESA) to protect imperiled species raises questions about the development restrictions and opportunity costs the ESA imposes on private landowners and industry. The economic effects of protecting the LPC have been small and there is no strong evidence that regulations affected land values. However, after looking for macro-level effects in employment data, regulations did modestly reduce the number of jobs, although primarily in priority habitat areas.

Finally, APLU BNR requests $754 million for EPA's Science and Technology portfolio. While the S&T portfolio covers a wide range of topics, we will cite one historical, but still vitally important component of EPA Science. The work done to support pesticide regulations, including developing the suitable analytics for measuring pesticides in food and feed residue and enforcing tolerances, remains absolutely necessary so long as farmers need to control pests, local governments need to control mosquitos, or schools, hospitals, restaurants, and other venues need to be kept free of rats, cockroaches, and other pests. It currently costs life science companies, such as Dow AgroSciences, $250,000,000 to develop a new molecule (pesticide) for the market. Some of the cost can be attributed to complying with EPA regulations on pesticides. It would be highly deleterious to such companies and the consumers of their products if new chemicals could not be brought to market because the regulatory agency was unable to develop suitable analytics for a new product on time.

BNR thanks you for the opportunity to provide our views to the Subcommittee. We look forward to working with you through the FY 18 appropriations process.

About APLU and the Board on Natural Resources

APLU's membership consists of 236 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, and conduct $43.2 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 FY 18 EPA Funding
Submitted by Alan Roberson, Executive Director, ASDWA

Summary of Request: *The Association of State Drinking Water Administrators (ASDWA) respectfully submits the following recommendations for Fiscal Year 2018 appropriations on behalf of the drinking water programs in the fifty states, five territories, District of Columbia, and Navajo Nation. ASDWA requests that, for FY 18, the Subcommittee appropriate funding for two 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 and* ***$1 billion*** *for the Drinking Water State Revolving Loan Fund (DWSRF) program. These requests are based on demonstrated need and the reality of the job that state drinking water programs are expected to do. 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 sustained 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 water system security and resiliency that include working with all public water systems to ensure that critical drinking water infrastructure is protected, including cyber security; 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 safe and 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.*

In addition to the water we drink in our homes, water produced by public water systems is also used by businesses for a variety of purposes, including processing, cooling, and product manufacturing. Public water systems – as well as the cities, villages, schools, and businesses they support -- *rely on state drinking water programs* to ensure they comply with all applicable Federal requirements and the water is safe to drink. State drinking water programs must have adequate funding to protect public health and maintain the economic

health of communities. Incidents such as the chemical spill in Charleston, West Virginia where residents were without safe drinking water for more than a week; unsafe drinking water in Toledo, Ohio for more than a day due to the presence of algal toxins; and the leaching of lead from lead-containing pipelines into the water supply in Flint, Michigan all serve as stark reminders of the critical nature of the work that state drinking water programs do – every day – and the reason why the funding for state drinking water programs must be sustained.

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 more than *152,000 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 and complexity of regulatory activity has accelerated in recent years. States also assist communities by reviewing and approving engineering plans of new or modified public water systems. 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; outreach and education on programs such as asset management and workforce, 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*. Many states have worked intensively with numerous small water systems in recent years that were within days of running completely dry. The public health and economic consequences of such a catastrophe would have been incalculable to the residents of those communities. In short, state activities go well beyond simply ensuring compliance at the tap – and, states perform 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.

Why Adequate Support is Needed: States are unable to fulfill their obligation to the American public without adequate Federal funding support. Inadequate Federal funding for state drinking water programs has several 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 individually 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.

State drinking water programs are extremely hard pressed financially and the funding gap continues to grow. States must accomplish all the above-described activities – and take on new responsibilities – in the context of a challenging economic climate. State-provided 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 17 – the same funding level as was appropriated in FYs 14, 15, and 16. According to data available as of this writing, the Administration is expected to request a 31% decrease for PWSS funding. This reduces the grant to approximately $71 million – a funding figure not seen since 1995, more than 20 years ago. This is an untenable situation – a significant decrease in funding to work with a growing population who are increasingly concerned about drinking water contaminants. There are no commensurate decreases in the number of public water systems to be overseen; no decreases in the number of regulatory requirements to be implemented; and certainly, no decreases in the level of allowable public health protection. Our ever-improving ability to detect contaminants in drinking water and our understanding of their toxicity add to the demands on states, EPA, and the public water supply systems. In each of the drinking problems that occur each year, states step in to help resolve the problems and return the systems to providing safe water as quickly as possible. Yet, states are being asked to continue and even enhance the level of oversight with far fewer dollars than provided before the 1996 Amendments to the Safe Drinking Water Act. The current $101.9 million that was appropriated for the PWSS program for FY 17 is key for state oversight programs, and any reductions, no matter how small, exacerbate states' tenuous financial difficulties.

For the PWSS Program in FY 18, 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 has been essentially "flat-lined." Inflation has further eroded these static funding levels. This recommended amount is based on ASDWA's January 2014 resource needs report and *begins* to fill the above-described resource gap. These funds are urgently needed for implementing existing drinking water rules, taking on new initiatives, and to account for the eroding effects of inflation. It is a small price to pay for public health protection.

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 low interest loans provided by the DWSRF, states help water utilities overcome this threat. The historical payback to the DWSRF on this investment has been exceptional. Since its inception, the DWSRF has touched millions of Americans through projects that enhance drinking water capabilities at water utilities. In the core DWSRF program, approximately $18.2 billion in cumulative Federal capitalization grants since 1997 have been leveraged by states into over $32.5 billion in infrastructure loans to small and large communities across the country. 25.5% of the cumulative DWSRF assistance, including negative interest loans and principal forgiveness, has been provided to disadvantaged communities. 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 for more than 13,000 projects, improving health protection for millions of Americans.

An important feature of the DWSRF program is the state "set-aside" fund component and another key reason for adequately funding this critical program. Set-asides function as a proactive way for states to work with drinking water systems to maintain compliance and avoid violations. States may reserve up to 31% of these funds for a variety of critical tasks, such as increasing the technical, managerial, and financial capacity of water systems; providing training and certification for water system operators; and continuing wellhead protection efforts. Set-asides are 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, once again, has given 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; $72.5 billion of that total is needed to prevent contamination of 73,400 water systems. The American Water Works Association has estimated the 20 year need at $1 trillion (which more fully accounted for 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 infrastructure solution.

For the DWSRF Program in FY 18, ASDWA respectfully requests $1 billion: States were very encouraged by the $1.387 billion appropriated for the DWSRF in FY 10 but have been disappointed by the subsequent generally downward trend – $963 million in FY 11, $919 million in FY 12, $854 million for FY 13 (a figure not seen since 2006), $907 million in FYs 14 and 15, and $863 million in FYs 16 and 17. 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. Considering these indicators of success and documented needs, we believe funding at the $1billion level will better enable the DWSRF to meet the SDWA compliance and public health protection goals.

Conclusion: *ASDWA respectfully recommends that the Federal FY 18 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 2018, ASDWA asks that the promise of that support be realized.*

House Appropriations Subcommittee on Interior and Environment

Outside Witness Testimony

Chad Berginnis
Executive Director
Association of State Floodplain Managers

May 24, 2017

The Association of State Floodplain Managers appreciates the opportunity to offer our comments on the Fiscal Year 2018 budget request for the U.S. Geological Survey. We focus primarily on the essential water monitoring work of USGS and on the important effort to collect elevation data for the nation through the 3-DEP mapping program. These data collection programs provide critical information for many programs at multiple federal agencies, but we are particularly focused on their importance for production of accurate, up-to-date flood hazard maps and for assisting our efforts to reduce flood risk, loss of life and property and disaster-related costs to U.S. taxpayers.

Although the Budget Appendix does not include specific amounts for the National Streamflow Network or the 3D Elevation Mapping program, we know that these are important sources for other federal agencies as well as for state and local entities, non-profit organizations and private sector interests. We appreciate the efficiency of centralizing collection of this data at USGS to avoid duplication by other federal and state agencies.

Of key importance for the value of the National Streamflow Network is the uninterrupted collection of longterm data. This is essential for projections of flood risk and forecasting. Adequate funding is needed to both assure continuity of data collection and to make progress toward completing the authorized network of gages. The costs are very appropriately shared by the many users of the data. While about 31% of the costs are provided in federal funds, another 45% comes from states, localities and tribes, another 20% comes from other federal agencies and the remainder comes from non-profits and the private sector. It is our understanding that the USGS budget for the National Streamflow network has been about $170 million. We urge that funding be maintained at that level at a minimum.

The 3-DEP topographic mapping program is a very important investment for the nation. Fortunately, due to improved technology, the costs of LiDAR data collection are coming down, but investment in the effort to assemble this data for the entire nation is necessary for continued progress toward the objective. The funding structure for the program is not reliable, since only a relatively small portion of the funding comes from USGS and the rest is dependent on data purchase by other governmental or private entities. One of the largest purchasers of the data is the Federal Emergency Management Agency (FEMA) because the topographic

information is essential for production of accurate flood risk maps. Those flood risk maps are used to guide development decisions, siting of infrastructure and critical facilities, evacuation planning and other functions which save lives, property and costs to taxpayers. For these reasons, we urge that 3-DEP mapping be funded at least at current levels in the USGS budget. If at all possible within budgetary constraints, this would be a wise area for increased appropriations as the nation plans for a major investment in infrastructure.

The ASFPM and its 36 chapters represent more than 17,000 local and state officials as well as other professionals engaged in all aspects of floodplain management and flood hazard mitigation including management of local floodplain ordinances, flood risk mapping, engineering, planning, community development, hydrology, forecasting, emergency response, water resources development and flood insurance. All ASFPM members are concerned with reducing our nation's flood-related losses. For more information on the association, its 14 policy committees and 36 state chapters, our website is: *www.floods.org*.

We appreciate the chance to share our comments and recommendations regarding the USGS budget for FY 2018. Please contact Chad Berginnis, Executive Director, or Larry Larson, Senior Policy Advisor, with any questions at 608 828-3000 or cberginnis@floods.org or larry@floods.org.

DAVID JONAS BARDIN
[redacted]

24 May 2017

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: Unwise proposal to zero out the $1.9 million USGS Geomagnetism Hazards Program

Dear Chairman Calvert and Ranking Member McCollum,

Please preserve and expand this USGS program in the Department of the Interior (DoI) - rather than zeroing it out as proposed - because the productive outputs of its highly-skilled 15 FTE staff are vital to our national security and critical infrastructure protection. USGS tells you:

> "This eliminates the Geomagnetism Program, an element of the U.S. National Space Weather Program. This will reduce the accuracy of NOAA and U.S. Air Force forecasting of the magnitude and impact of geomagnetic storms. In addition to eliminating the data provided to partner Federal agencies, the elimination of the program will also reduce the availability of geomagnetic information to the oil drilling services industry, geophysical surveying industry, several international agencies, and electrical transmission utilities." [See attachment.]

But you learn more from the bipartisan Space Weather Research and Forecasting Act (S. 141), approved by the Senate on May 2, 2017 (see https://www.congress.gov/bill/115th-congress/senate-bill/141), which describes and relies on this very USGS program in DoI:

> **SEC. 60701. SPACE WEATHER.**
> ....
> (b) FEDERAL AGENCY ROLES.—
> (1) FINDINGS.—Congress finds that—
> ....
> (E) the Department of the Interior collects, distributes, and archives operational ground-based magnetometer data in the United States and its territories, and works with the international community to improve global geophysical monitoring and develops crustal conductivity models to assess and mitigate risk from space weather induced electric ground currents; ... [S. Rept. 115-21 (https://www.congress.gov/115/crpt/srpt21/CRPT-115srpt21.pdf).]

Nor does USGS say that this program brings new earth science of modern relevance to the North American Electric Reliability Corporation and the Federal Energy Regulatory Commission.

As a concerned citizen (see attached bio), I believe we will need this program for many years to protect us from both space weather and malevolent risks (such as electromagnetic pulse attacks).

Faithfully, *David Jonas Bardin*

	2016	2017	2018				
	Base	CR Annualized	Fixed Costs	Internal Transfer Costs	Program Changes	Request	Change from 2017 Enacted
Natural Hazards	$139,013	$138,748	$1,479	$0	-$22,116	$118,111	-$20,637
FTE	*627*	*627*	*0*	*0*	*-52*	*575*	*-52*
Geomagnetism Program	**$1,888**	**$1,884**	**$0**	**$0**	**-$1,884**	**$0**	**-$1,884**
FTE	*15*	*15*	*0*	*0*	*-15*	*0*	*-15*

Summary of Budget Request

The 2018 budget request for the USGS Geomagnetism Program is $0 and 0 FTE, a change of -$1,884,000 and -15 FTE from the 2017 Annualized Continuing Resolution (CR) level.

Overview

Magnetic storms are caused by the dynamic interaction of the Earth's magnetic field with the Sun. While magnetic storms often produce beautiful aurora lights that can be seen at high latitude, they can also wreak havoc on the infrastructure and activities of our modern, technologically based society. Large storms can induce voltage surges in electric-power grids, causing blackouts and the loss of radio communication, reduce GPS accuracy, damage satellite electronics and affect satellite operations, enhance radiation levels for astronauts and high-altitude pilots, and interfere with directional drilling for oil and gas.

In order to understand and mitigate geomagnetic hazards, the USGS Geomagnetism Program has monitored and analyzed the Earth's dynamic magnetic field. The Program is part of the U.S. National Space Weather Program (NSWP), an interagency collaboration that includes programs in the National Aeronautics and Space Administration (NASA), the Department of Defense (DOD), the National Oceanic and Atmospheric Administration (NOAA), and the National Science Foundation (NSF). The Geomagnetism Program provides data to the NSWP agencies, oil drilling services companies, geophysical surveying companies, and several international agencies. USGS data, products, and services are also used by the electric-power industry to evaluate geomagnetic storm risk.

Domestically, the USGS works cooperatively with NOAA, the Air Force 557th Weather Wing, and other agencies. For example, USGS observatory data are used by NOAA's Space Weather Prediction Center,

and by the U.S. Air Force, for issuing geomagnetic warnings and forecasts. The USGS magnetic observatory network is part of the global INTERMAGNET network. USGS research is conducted in collaboration with the Colorado School of Mines, the USGS Crustal Geophysics and Geochemistry Science Center, the NOAA/SWPC, and the NASA Community Coordinated Modeling Center.

The USGS also works with private entities that are affected by space weather and geomagnetic activity, including electric-power grid companies and the oil and gas drilling industries. In the oil and gas industry, for example, drill operators need to know which way their drill bits are going to maximize oil production and avoid collisions with other wells. One way to accomplish this important task is to *install a magnetometer*—a sort of modern-day "compass"—in a drill-string instrument package that follows the drill bit. Simultaneous measurements of the magnetic field in the drill hole are combined with those monitored by the USGS to produce a highly accurate estimate of the drill bit position and direction.

2018 Program Changes

Eliminate the Geomagnetism Program. (-$1,884,000/-15 FTE): This eliminates the Geomagnetism Program, an element of the U.S. National Space Weather Program. This will reduce the accuracy of NOAA and U.S. Air Force forecasting of the magnitude and impact of geomagnetic storms. In addition to eliminating the data provided to partner Federal agencies, the elimination of the program will also reduce the availability of geomagnetic information to the oil drilling services industry, geophysical surveying industry, several international agencies, and electrical transmission utilities.

Science Collaboration

The USGS is a member of the multiagency NSWP. Domestically, the USGS works cooperatively with NOAA, the Air Force 557th Weather Wing, and other agencies. For example, USGS observatory data are used by NOAA's Space Weather Prediction Center, and by the U.S. Air Force, for issuing geomagnetic warnings and forecasts. Internationally, the USGS magnetic observatory network is itself part of the global INTERMAGNET network. USGS research is conducted in collaboration with the Colorado School of Mines, the USGS Crustal Geophysics and Geochemistry Science Center, the NOAA/SWPC, and the NASA Community Coordinated Modeling Center.

The USGS also works with private entities that are affected by space weather and geomagnetic activity, including electric-power grid companies and the oil and gas drilling industries. In the oil and gas industry, for example, drill operators need to know which way their drill bits are going to maximize oil production and avoid collisions with other wells. One way to accomplish this important task is to install a magnetometer—a sort of modern-day "compass"—in a drill-string instrument package that follows the drill bit. Simultaneous measurements of the magnetic field in the drill hole are combined with those monitored by the USGS to produce a highly accurate estimate of the drill bit position and direction.

DAVID JONAS BARDIN

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 bebalf 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 [1]), 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 District of Columbia Water and Sewer Authority (DC Water or DCWASA) for over 10½ years (2001-2011), during the administrations of Mayors Williams, Fenty, and Gray. He chaired the Board's committee on retail water and sewer rates and its subcommittee overseeing development of the Combined Sewer Overflow Long Term Control Plan. Prior to Board appointment, he served on DCWASA's Stakeholder Advisory Committee for that Plan. He served as an elected Advisory Neighborhood Commissioner for District 3F04 for three terms (1999-2004). He has served on the DC Building Codes Advisory Committee and DC Zoning Advisory Committee.

Bardin 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.

December 7, 2014

[1] See http://undeerc.org/News-Publications/Leigh-Price-Paper/Default.aspx (Leigh Price Papers & New Correspondence Regarding the Bakken Formation); Bardin, *Avoiding US oil resource surprises requires enhanced information system* (Oil & Gas Journal, 11/5/2012).

Bristol Bay Area Health Corporation
P.O. Box 130
Dillingham, Alaska 99576
907-842-5201

Robert Clark, President/CEO rclark@bbahc.org

Testimony submitted to the House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies
Regarding FY 2018 Indian Health Service Appropriations
May 19, 2017

The Requests of the Bristol Bay Area Health Corporation (BBAHC) for the FY 2018 Indian Health Service Appropriations and our comments are as follows:

- VBC Funding - Direct the IHS to fully fund Village Built Clinic (VBC) leases and make it a line item in the budget and allocate at least an additional $12.5 million to the IHS for VBC leases, for a total of $17 million.
- CSC Funding - Continue to fund Contract Support Costs (CSC) at 100% and provide funding on a permanent and mandatory basis.
- Sequestration - Shield the IHS/BIA from sequestration.
- Increase IHS behavioral health care funding (Mental Health/Substance Abuse)
- Land Transfer Legislation - Enactment of H.R. 236/ S. 269, to facilitate transfer of from IHS to BBAHC land on which our dental clinic is located.
- Concern of proposal to greatly increase the cost our internet access.

The Bristol Bay Area Health Corporation was created in 1973 to provide health care services to Alaska Natives of Southwest Alaska. We 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 Indian Health Service (IHS) under the ISDEAA and is now responsible for providing and promoting health care to the people of 28 Alaska Native Villages.

We have made significant progress but now deal with modern-day health problems. Today, rather than TB and influenza epidemics, we struggle with diseases of a modern society that include chronic illnesses such as cancer, diabetes, heart disease and behavioral and mental and behavioral health needs. The life expectancy of our people has increased from 47 years of age in 1952 to 69.4 in 1998, still below that of U.S. residents and other Alaskans.

Village Built Clinics. The Bristol Bay Area Health Corporation thanks Congress for appropriating $11 million for tribal health clinic leases in the FY 2017 Consolidated Appropriations Act. We appreciate the Alaska Congressional delegation's continued support and are particularly thankful to Senator Murkowski for her leadership on this issue. We thank her for her steadfast determination in advocating for these small

chronically underfunded remote clinics that serve as an essential health lifeline in rural Alaskan villages where there is no road system to connect villages to urban centers. As noted above, BBAHC serves twenty-eight remote villages in southwest Alaska.

BBAHC also appreciates the House Natural Resources Subcommittee on Indian, Insular, and Alaska Native Affairs holding a hearing on Indian infrastructure needs in Indian Country, and the support and participation of Chairman Emeritus Young in the discussion that focused on the considerable unmet needs of Village Built Clinics. Many of the Village Built Clinics are in extreme disrepair and there is a considerable need for a reserve fund for upkeep and expansion of these essential village facilities. In 2015, the Alaska Native Health Board estimated that a $14 million annual appropriation would be needed to fund a *replacement reserve* to tackle the clinic crisis. BBAHC supports increased funding for Village Built Clinics and requests that funding be a: 1) separate line item in the IHS budget, 2) recurring funding, and 3) displayed in the Budget Justification to better enable planning and certainty.

The $11 million increase in FY 2017 was a major step forward in funding Village Built Clinics, but that amount still does not meet the full amount of funding needed. In 2015, the Alaska Native Health Board estimated that in addition to the existing $4.5 million base, an additional $12.5 million is needed to fund these rural clinics. The FY 2017 funding is a supplement to the approximately $4.5 million already being provided to these essential village clinics and should be so reflected. In addition, without a separate line item for Village Built Clinics, much of the funding could be distributed to other types of facility leases, leaving the Village Built Clinics falling far short of necessary funding.

Contract Support Costs (CSC). BBAHC thanks this Subcommittee for its leadership in committing to fully fund IHS and BIA contract support costs for FY2016, and FY 2017, funding it at "such sums as necessary" and making it a separate account in the IHS and BIA budgets. For IHS, the FY 2017 estimate for contract support costs is $800 million and for the BIA, $278 million. For many years, both the IHS and BIA have vastly underpaid the contract support costs owed to tribal organizations and this transformation makes an enormous difference in helping to ensure that the Indian Self-Determination and Education Assistance Act is fully funded and implemented as Congress so intended. The shift is also likely to significantly improve the federal-tribal government-to-government relationship. BBAHC thanks you for responding to tribal requests and we also appreciate that the proviso that effectively denied CSC carryover authority granted by ISDEAA is absent from FY 2017 Consolidated Appropriations Act.

BBAHC will continue to advocate for our long-term goal of ensuring that full CSC appropriations are made permanent and mandatory. Under the ISDEAA, the full payment of CSC is not discretionary; it is a legal obligation affirmed by the Supreme Court of the United States. Funding of CSC on a discretionary basis has in the very recent past placed the House and Senate Appropriations Committees, in their own words, in the "untenable position of appropriating discretionary funds for the payment of any legally

obligated contract support costs." BBAHC is committed to working with the appropriate Congressional committees to determine how best to achieve that goal.

Sequestration. BBAHC respectfully requests the Subcommittee's support in amending the Balanced Budget and Emergency Deficit Control Act to exempt Indian programs, such as the IHS and BIA budgets, from sequestration. We support Congressional efforts to fully exempt Veterans Health Administration programs from sequestration. However, Indian health care, as a federal trust responsibility, should be afforded equal treatment. A number of members of this Subcommittee and other members of Congress have voiced support for our position and have publicly stated that it was an oversight that the Indian budgets were not included in the exempt category when the Balanced Budget and Emergency Deficit Control act was enacted.

BBAHC is very concerned that the current FY 2018 funding cap for non-defense discretionary spending is lower than the FY 2017 spending cap. When put in the context of the President's FY2018 "skinny" budget proposal to raise defense spending by $54 billion and lower non-defense discretionary spending by a corresponding amount, we are concerned that a significant sequestration of funds is likely to occur. Whatever the case, Indian program budgets should be a funding priority and exempt from sequestration.

Behavioral Health. We testified last year regarding the hardships in providing for our communities' behavioral and mental health needs, particularly with regard to our youth. As you know, there is an epidemic of suicide among Alaska Natives, especially teens. BBAHC has well-qualified professional staff who service approximately 8,000 people in our region. But our social workers, counsellors and behavioral health aides have a theoretical caseload of 300 persons each. The ratio of mental health clinicians to clients is 1 to 1,300. Our 14-bed residential youth facility for substance abuse (Jake's Place) has an Alcohol and Drug Safety program funded by the State of Alaska but it is primarily an education program, not a treatment program, and much of the education is done remotely, via the internet.

We supported the Obama Administration's requested FY 2017 increases under Mental Health of $21.4 million for behavioral health integration and $3.6 million for the Zero Suicide initiative and under Alcohol and Substance Abuse of $15 million for the Generation Indigenous initiative and $1.8 million for a pilot youth project. The Senate Appropriations Committee also supported these increases and we appreciate that. The final FY 2017 Appropriations Act provides under Mental Health $6.9 million for behavioral health integration and $3.6 million for the Zero Suicide initiative. Under Alcohol and Substance Abuse it provides $6.5 million for Generation Indigenous initiative, $1.8 million for the pilot youth project, and $2 million for detoxification. We are glad for any increases but urge you to make an increased commitment for FY 2018 to help address the overwhelming behavioral health needs.

Land Transfer Legislation. BBAHC also asks for your support in enacting legislation that would direct the Secretary of the Department of Health and Human Services to convey a 1.474-acre parcel of land, via warranty deed, to BBAHC for the land

on which our new state-of the art dental clinic is located. The legislation is HR 236, introduced on January 3, 2017 by Congressman Young and S. 269 introduced on February 1, 2017 by Senators Murkowski and Sullivan.

The House and Senate bills are identical, and there is no reason they should not pass under unanimous consent or under suspension of the rules. The property transfer authorized by these bills would enable the land transfer from IHS to BBAHC via warranty deed, and would supersede any existing quitclaim deed. It would allow the BBAHC to have greater control over the land and more opportunities for financing as well as to remove any IHS reversionary interests.

Our new dental facility opened in September 2016, on the grounds of the Kanakanak Hospital Compound. The new clinic replaced a dilapidated clinic and is providing expanded dental care to the our region where there are very few public dental clinics. Our service population is 8,000. Part of the funding for the dental facility came from BBAHC reinvesting its share of a CSC settlement with IHS that was paid to compensate for years of contract underpayments to the tribal health organization. The clinic is the first building owned by BBAHC on the hospital campus and there is a lot of pride and self-determination that flows from the new tribally-owned dental building.

Universal Service Proposal. A a potentially devastating development is the proposal by the FCC to pro-rate by 7.5 % the subsidies for internet service. We currently have a subsidy from Universal Administrative Company (USAC) - the FCC-designated administrator of universal services -- that subsidizes our internet so we can connect thru satellite. Our current payment is $94,000 per month but under the proposal it will be $175,000 per month. That translates to an annual $2.72 million annual increase over what we are currently paying. There is no way we can afford this additional amount for connectivity. This will affect not only us but all tribal health organizations in the state. Connectivity is the lifeline for the provision of health services in Alaska. In our case, we serve a vast area covering 28 tribal villages. This is obviously a case to be made to the FCC, but we want this Subcommittee, which is critical to the provision of providing funding for Alaska Native and Indian health care, and to be aware of this issue.

In conclusion, we thank you for the opportunity to present testimony on IHS programs. We recommend: 1) directing the IHS to fully fund Village Built Clinic leases at $17 million and make it a line item in the budget, allocating at least an additional $12.5 million to the IHS for VBC leases; 2) continue to fund Contract Support Costs at 100% and make funding available on a permanent and mandatory basis; 3) shield the IHS/BIA from sequestration; 4) increase funding for behavioral health care; 5) expedite passage of H.R. 236/ S. 269, to facilitate transfer of the IHS parcel of land to BBAHC on which our dental clinic is located; and 6) ask for your attention on the proposal that would greatly increase our cost of internat access which his essential for the provision of health care.

We appreciate your leadership and commitment to the advancement of the Native American people and thank you for your consideration of the concerns and requests of the Bristol Bay Area Health Corporation.

Testimony
Theodore C. Cooke
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 2018 Funding for the Colorado River Basin Salinity Control Program under the Bureau of Land Management's (BLM) Soil, Water and Air Program
May 23, 2017

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 2018. The 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 5.5 million acres in the United States.

CAWCD manages the Central Arizona Project (CAP), 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 1.5 million acre-feet 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. The canal provides an economic benefit of $100 billion annually, accounting for one-third of the entire Arizona gross state product. 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 Impacts 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 approximately $614 million per year 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. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. 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 the BLM Program has proven to be a very cost effective method of controlling the salinity of the Colorado River and is an essential component of the overall Colorado River Basin Salinity Control Program.

CAWCD urges the subcommittee to include $1.5 million for salinity specific projects in the Bureau of Land Management's (BLM) Soil, Water and Air Program. The continuation of funding will prevent further degradation of the water quality of the Colorado River and further degradation and economic damages experienced by municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved drinking water quality for nearly 40 million Americans.

Choctaw Nation of Oklahoma
PO Box 1210 • Durant, Oklahoma 74702-1210 •(580) 924-8280

Gary Batton
Chief

Jack Austin, Jr
Assistant Chief

WRITTEN TESTIMONY SUBMITTED BY
MICKEY PEERCY, EXECUTIVE DIRECTOR, SELF-GOVERNANCE,
CHOCTAW NATION OF OKLAHOMA
ON THE FISCAL YEAR 2018 BUDGETS FOR IHS AND BIA
TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
May 16, 2017

On behalf of the Choctaw Nation of Oklahoma, I am submitting written testimony for the Hearing Record on the FY 2018 budgets for the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA). This testimony identifies the funding priorities and budget issues important to the Choctaw Nation and its citizens. **The Choctaw Nation requests that Congress exempt Tribal Government Services and Program Funding from Sequestrations, Unilateral Rescissions and Budget Cuts in all future appropriations. We also request that Congress fully-fund *Contract Support Cost (CSC) without impacting direct program funding.*** The FY 2016 Consolidated Appropriations Act included language establishing an indefinite appropriation for contract support costs in both the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). Under the new budget structure, the full CSC that Tribes are entitled to will be paid and other programs will not be reduced if payments are underestimated in the President's budget. Tribes agree that maintaining this structure achieves the Nation's legal obligation to fully pay CSC and those payments should not be achieved by reducing direct services to any Tribe. Choctaw settled our past contract support cost claims in both the IHS and BIA. These funds have been restored to our health services and have contributed greatly to our ability to continue to cultivate a health care system to address the needs of our Tribal citizens.

We strongly urge the Committee to protect the Federal trust and treaty obligations that are funded in the Federal domestic budget. Federal funding that meets Federal Indian treaty and trust obligations also provides significant contributions to the economy. In just the Department of the Interior (DOI), the BIA and Bureau of Indian Education (BIE) contribute substantially to economic growth in Tribal areas through advances in infrastructure, strategic planning, improved practices of governance, and the development of human capital.

TRIBAL SPECIFIC REQUEST – IHS
"Joint Venture Construction Project Staffing - $15.5 Million"

The Joint Venture Construction Program (JVCP) is a unique opportunity for the IHS to partner with Tribes and make scarce Federal dollars stretch much farther than in the traditional Federal construction programs. In 2014 the Choctaw Nation of Oklahoma was awarded a Joint Venture Construction Project by the IHS. The project consisted of the Tribe building the Regional Health Care Facility in Durant, Oklahoma and the commitment to staff the facility from the IHS. Partial funding in the amount of $15 million was included in the FY 2017 appropriations bill for the IHS Joint Venture Construction Project line item. In accordance with the

JVCP Agreement, the Choctaw Nation is requesting that the remaining IHS commitment for the facility of $15.5 million be included in the JVCP line item in the FY 2018 appropriation bill.

NATIONAL BUDGET REQUESTS – INDIAN HEALTH SERVICE AND BUREAU OF INDIAN AFFAIRS

A. **Special Diabetes Program for Indians – Support reauthorization of $200 million/year for 5 years (IHS)**
B. **Contract Support Costs – Indian Health Service and Bureau of Indian Affairs (IHS and BIA)**
   1. **Provide full CSC funding without impacting direct Indian program funding**
   2. **Reclassify CSC funding as Mandatory for 2018-2021**
C. **Purchased and Referred Care (PRC) (Formerly Contract Health Services). Provide $474.4 million** (IHS)
D. **IHS Mandatory Funding (Maintaining Current Services) – Provide an Increase of $314.9 (IHS)**
E. **Provide Funding Increases to Support the Office of Tribal Self-Governance (IHS) and the Office of Self-Governance (DOI) to fully staff the operations to build capacity to support the increased number of Tribes entering Self-Governance (IHS and BIA)**

The Choctaw Nation of Oklahoma

The Choctaw Nation of Oklahoma is the third largest Native American Tribal government in the United States with over 230,000 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 60,000 patients with Choctaw Nation Health Care Center (Hospital) in Talihina, nine (9) outpatient clinics, including three Joint Venture Projects in partnership with the Indian Health Service, the most recent of which is the Choctaw Regional Medical Clinic in Durant. , The Nation also administers referred specialty care and sanitation facilities construction; higher education; Johnson O'Malley program; housing improvement; child welfare and social services; law enforcement; and, many other programs and services. The Joint Venture Construction Program (JVCP) is one of the IHS's most successful initiatives to increase access to health care throughout Indian Country. The Choctaw Nation has operated under the Self-Governance authority in the 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.

The Choctaw Nation has improved the health status of our people by operating a high quality health care system that is responsive and designed to meet the increasing complex needs of our users. We have leveraged scarce resources that have enabled us to succeed in the challenging health care field. We owe much to Self-Governance which authorized flexibility to use Federal appropriations in an efficient, effective way that supports the expansion and growth of the health care system we are continuing to build for our people.

A. INDIAN HEALTH SERVICE

***(1)* Special Diabetes Program for Indians – Support Permanent Reauthorization Beginning with $200 Million**

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 September 30, 2017 at a flat-line rate of $150 million/year (since 2004). 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. Permanent reauthorization will allow the program more continuity as well as provide us the ability to plan more long-term interventions and activities. Further, 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. Continuing support of the SDPI will maintain critical momentum in diabetes research and care to help bring diabetes-related costs under control.

(2) Provide an Increase of $474.4 million for Purchased/Referred Care. The Purchased/Referred Care (PRC) program pays for urgent and emergency, specialty care and other critical services that are not directly available through IHS and Tribally-operated health programs when no IHS direct care facility exists, or the direct care facility cannot provide the required emergency or specialty care, or the facility has more demand for services than it can currently meet. Although the Nation operates a hospital facility, the hospital is located in a very rural area and services are limited. Therefore, PRC is a significant need to provide intensive care and tertiary care, as well as emergency transportation.

(3) Mandatory funding (maintaining current services). Provide an increase of $314.9 million. Current services calculate mandatory cost increases necessary to maintain those services at current levels. These "mandatories" are unavoidable and include medical and general inflation, pay costs, contract support costs, phasing in staff for recently constructed facilities, and population growth. If these mandatory requirements are not funded, Tribes have no choice but to cut health services, which further reduces the quantity and quality of health care services available to American Indian/Alaskan Native (AI/AN) people.

(4) Office of Tribal Self-Governance (OTSG). Provide an increase of $6 million to the IHS Office of Tribal Self-Governance. OTSG develops and oversees the implementation of Tribal Self-Governance legislation and authorities within the IHS under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 93-638, as amended. OTSG is responsible for a wide range of Agency functions that are critical to IHS' relationship with Tribal leaders, Tribal Organizations, and other American Indian and Alaska Native groups. In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. As of 2017, there are 361 Self-Governance (SG) Tribes. This represents slightly over 62% of all Federally-recognized Tribes. The Self-Governance process serves as a model program for Federal government outsourcing, which builds Tribal infrastructure and provides quality services to Indian people.

(B) BUREAU OF INDIAN AFFAIRS

(1) Education. Support the following funding amounts:

a. Provide $2.6 billion for system-wide Bureau of Indian Education **(BIE) school construction and repair.**
b. Provide $45 million for **Johnson O'Malley**
c. Provide $73 million for **Student Transportation** in the BIE system

d. Provide $78 million for **Tribal Grant Support Costs** *for Tribally-controlled schools.*
e. Provide $109 million for **BIE facilities operations**.
f. Provide $76 million for **BIE facilities maintenance**.
g. Provide $431 million for the **Indian School Equalization Formula**.
h. Provide $41 million for **Education IT**.
i. Provide $5 million for **BIE immersion programs**.
j. Reinstate $620,000 for **juvenile detention education** in BIA-funded facilities.

(2) Fully Fund Fixed Costs and Tribal Pay Costs. Partially funding or failing to fund Pay Costs for Tribes has devastated Tribal communities by causing critical job losses. Over 900 Tribal jobs have been lost and an estimated 300 more jobs will be permanently lost on an annual basis if 100%Pay Costs are not provided. The Tribal losses are being further exacerbated by recent projections of costs that have been significantly underestimated. **We urge full funding of fixed costs and Tribal pay costs.**

(3) Increase Tribal Base Funding (instead of through grants). Grant funding, particularly inside the BIA, is not consistent with the intent of Tribal self-determination. Tribal leaders have grown increasingly frustrated by the increase in Indian Affairs funding offer through grants, which are inconsistently funded and unreliable upon which to build successful programs and interventions. Allocating new funds via grants marginalizes and impedes the Tribal Self-Determination and Self-Governance. **We recommend providing increases to Tribal base funding instead of through grants to Tribal government.**

(4) Office of Self-Governance (OSG). Provide funding to fully staff and allow OSG to operate *as intended to* oversee the implementation of Self-Governance legislation and authorities within DOI – Indian Affairs (IA) under Title IV of the ISDEAA, Public Law 93-638, as amended. Currently, of the 567 Federal-recognized Tribes, 277 are participating in Self-Governance in DOI with a total $450 million in distributions. OSG's operating and staffing budget is $1.5 million but their current salaries are $1.9 million, so they are operating at a deficit. **The BIA committed to supporting these positions and all that is required is an internal transfer. It needs to be recurring money to support current staff salary and required functions to implement the statute.**

The Choctaw Nation supports the National Congress of American Indian (NCAI), the National Indian Health Board (NIHB), and the National Indian Education Association (NIEA) FY 2018 Tribal Budget Recommendations. These recommendations have been compiled in collaboration with Tribal leaders, Native organizations, and Tribal budget consultation bodies.

Thank you for accepting our written testimony for the hearing record.

CITY PARKS ALLIANCE

March 24, 2017

The Honorable Ken Calvert
Chairman
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Betty McCollum
Ranking Member
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Calvert and Ranking Member McCollum:

City Parks Alliance, the only independent national organization solely dedicated to urban parks, representing hundreds of public and non-profit park organizations, is writing to express our strong support for the Land and Water Conservation Fund (LWCF).

As you know the LWCF is one of the most successful conservation and recreation programs in the nation and continues to have strong bipartisan support over its 50-year history. The LWCF is funded through revenues from offshore oil and gas drilling royalties, a portion of which is matched by state and local contributions – increasing the return on investment without using federal tax dollars. LWCF has supported more than 42,000 projects in 98% of the nation's counties. It is a smart and effective use of federal funds for all Americans.

Specifically, we request that the Subcommittee continue to fund State Assistance at the annualized "continuing resolution" level of $110 million for FY 2017, which would include level funding for the Outdoor Recreation Legacy Partnership Program (ORLP) at $12 million, and maintain this amount of support in FY 2018. The ORLP provides needed grants to disadvantaged 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 more than $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.

City Parks Alliance
1725 I Street NW, Suite 900
Washington, DC 20006
www.cityparksalliance.org

Greenville, SC transformed its downtown by restoring Reedy River Falls Park, which was originally protected by a $16,000 LWCF grant. This park has now generated close to $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 51-member coalition are Mayor Michael B. Hancock (D) of Denver, CO and Mayor Betsy Price (R) of Fort Worth, TX.

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, local economies, the environment, education, and community cohesion. They are critical to creating resilient, 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.

City Parks Alliance is conscious and respectful of the federal budget challenges. The LWCF has been proven as a smart investment where funds can be leveraged effectively through public private partnerships. We look forward to working with you to provide critical funding to urban communities where this public investment is critically needed and will be following up with a meeting request.

Thank you for your consideration.

Sincerely,

Catherine Nagel

Catherine Nagel
Executive Director
City Parks Alliance

Esther Allen, Ph.D.
Associate Professor
Programs in French and in Hispanic and Luso-Brazilian Literatures and Languages
Graduate Center, City University of New York (CUNY)
Department of Modern Languages, Baruch College, CUNY

Written Public Testimony regarding the National Endowment for the Arts

Submitted on May 24, 2017 to the United States House of Representatives,
Committee on Appropriations,
Subcommittee on Interior, Environment and Related Agencies

Over the course of its half century of existence, the National Endowment for the Arts has consistently and substantially enhanced the daily existence of Americans everywhere. In all fifty states, the NEA has supported museums, opera houses, orchestras, theatres and countless other forms of artistic expression that enrich the cultural and spiritual life of communities and make them attractive places for businesses and individuals to remain or relocate and for tourists to visit. A 2010 study on the arts and economic prosperity determined that the more than 100,000 organizations in the U.S. nonprofit arts and culture sector which the NEA serves generated $61.1 billion in direct economic activity, and an additional $74.1 billion in event-related expenditures. Those figures speak for themselves, and have only increased since the report was published.

My appeal for continued funding for the NEA, however, is based on my own experience of a little-known NEA program that has had a wildly outsized impact on the literary culture of the United States and on our nation's cultural relations with the rest of the world: the NEA Translation Fellowships. Since this program was

inaugurated in 1981, the NEA has been the nation's most significant investor in support for literary translators and organizations that publish literary translation, as NEA director Jane Chu notes in her introduction to *The Art of Empathy*, a 2014 NEA publication that highlights the often overlooked significance of literary translation.

In 1989-1990, I lived in Mexico with support from a Fulbright fellowship. While there, I travelled in the southern state of Chiapas, and read a 1962 novel by the Mexican author Rosario Castellanos titled *Oficio de tinieblas,* set among the indigenous Maya. On returning to the U.S. in 1990, I was startled to learn that a literary work of such importance to a close ally of the United States, an ally with which we share a lengthy border and great deal of geographic and cultural history, had never appeared in English. Meanwhile, the novel had been published in many other languages, including Hebrew; Castellanos was Mexico's ambassador to Israel, and her work is highly esteemed there.

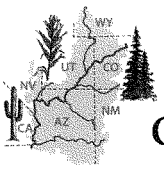
For several years, I tried to interest U.S. publishing houses in a translation, to no avail. Then, in 1995, I was granted a National Endowment for the Arts Translation Fellowship in support of the project. Doors began to open. *The Book of Lamentations,* my translation of Castellanos' novel, was published in 1997 and remains in print today as a Penguin Modern Classic. Since its publication in English, the novel's fictionalized history of a Mayan uprising has helped journalists and diplomats understand and contextualize the Zapatista rebellion in Chiapas. Its tragic story of oppression has moved countless students of Latin American literature and

history and general readers—many of them, no doubt, U.S. citizens of Mayan descent.

Multiply this by more than four hundred, and you have a sense of the vast impact of this one small, inexpensive NEA program. Translation Fellowships have brought literature from more than 84 countries, originally written in more than 66 languages, to American readers. Among those languages is Slovenian. If the First Lady of the United States would like to share a literary work from her native country with family and friends who do not speak Slovenian, the NEA has helped make that possible.

The U.S. is generally an exporter of its own culture to the world, and that makes the impact of the Translation Fellowship program all the more beneficial to U.S. diplomatic relations. Writers whose voices are important in their native countries are likely to take a kindlier view of our country when their work has been translated, published and reviewed here, when they know they have communities of readers here. The Translation Fellowship program says to the whole world that the United States government supports empathy, and wants to make voices from across the globe heard in English. The goodwill this gesture creates is inestimable.

Please join me in supporting the National Endowment for the Arts, and enabling this formidable agency—which I would hazard, has a dollar for dollar impact greater than that of most other Federal agencies—to continue its supremely important work.



Colorado River Basin
SALINITY
CONTROL FORUM

106 West 500 South, Ste. 101
Bountiful, UT 84010
(801) 292-4663
dbarnett@barnettwater.com
www.coloradoriversalinity.org

OUTSIDE WITNESS TESTIMONY
FY 2018 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: **April 13, 2017**

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 2018 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. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. 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.

OUTSIDE WITNESS TESTIMONY
FY 2018 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: **Christopher Harris, Executive Director**
Colorado River Board of California

DATE: **April 28, 2017**

This testimony is in support of Fiscal Year (FY) 2018 funding for the Department of the Interior's Bureau of Land Management (BLM) associated activities that assist the implementation of 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 2018 is requested to prevent further degradation of the quality of Colorado River water supplies and increased 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. 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 Mexican portions of the Colorado River Basin.

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. 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-three 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 economic damages in the United States annually. Economic and hydrologic modeling by Reclamation indicates that these economic damages could rise to more than $614 million by the year 2035 without continued implementation of the 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;
- Increases in the amount of imported water;
- Increased cost associated with desalination and brine disposal for recycled water in the municipal sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, and other household appliances, and increased use of bottled water and water softeners in the municipal and industrial sectors;

- Increased costs of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector;

- Increases in the use of water and cost of water treatment, and an increase in sewer fees in the industrial sector;

- Decreased life of treatment facilities and pipelines in the utility sector;

- Increasing difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions; and

- Increased desalination and brine disposal costs due to accumulation of salts in groundwater basins.

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 the continued implementation of this very effective salinity control program will avoid, or reduce, additional economic damages to water users in California and the other states that rely on Colorado River water resources.

Consortium of
Aquatic Science Societies

April 26, 2017

The Honorable Ken Calvert
Chairman
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Betty McCollum
Ranking Member
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Calvert and Ranking Member McCollum,

The Consortium of Aquatic Scientific Societies (CASS) is comprised of six professional societies representing diverse knowledge of the aquatic sciences. CASS members include the: American Fisheries Society, Association for the Sciences of Limnology and Oceanography, Coastal and Estuarine Research Federation, Phycological Society of America, Society for Freshwater Science, and Society of Wetland Scientists. Our collective membership totals almost 20,000 individuals that span the private sector, academia, non-governmental organizations, and various tribal, state, and federal agencies. The CASS organizations represent professionals who combine deep subject-matter expertise, a commitment to independent objectivity, and the critical review of environmental information, along with a passion for the natural places and resources that form the foundation of American greatness. We support the development and use of the best available science to sustainably manage our freshwater, estuarine, coastal, and ocean resources to the benefit of the U.S. economy, environment, and public health and safety.

CASS writes in strong support of the **Environmental Protection Agency (EPA)** and EPA programs that support the research, conservation, restoration, and sustainable use of aquatic ecosystems required by all U.S. citizens, who rely on clean and abundant water for their health and well-being. On March 16, the Trump Administration released a budget blueprint that identified drastic cuts to the EPA that would eliminate many critical programs that support sustainable use and economic development of aquatic resources. The Administration's internal spend plan memo from David A. Bloom, Acting CFO, dated March 21, directly targets many programs that protect and restore water resources. Among the programs listed for elimination: Great Lakes, Chesapeake Bay, Puget Sound, and other geographic restoration programs; nonpoint source pollution grant funds; the National Estuary Program; and research grant programs on safe and sustainable water resources and climate change. We urge you to reject these recommendations and instead provide your full support to EPA and its aquatic science and management programs.

CASS recognizes that the Appropriations Committees face difficult decisions given fiscal constraints; we support EPA and the programs noted above because they are vital to our Nation's economic and environmental well-being, and are an efficient and effective use of funds appropriated by the federal government. They support a clean and adequate water supply, sustainable fish populations for food and recreation, natural and human communities that are resilient to hazards and changing climates, healthy and diverse aquatic ecosystems, and abundant outdoor recreation opportunities that protect America's conservation heritage and provide enormous economic and cultural benefit. The federal funding provides an enormous return on investment that sustains and creates jobs and protects lives and natural resources. We hope that the Committee will continue its support for these vital EPA programs.

Respectfully,

Joe Margraf
President, American Fisheries Society

Emily Bernhardt
President, Society for Freshwater Science

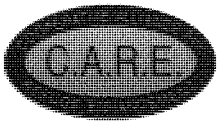
Tim Nelson
President, Phycological Society of America

Robert R. Twilley
President, Coastal and Estuarine Research Federation

Linda Duguay
President, Association for the Sciences of Limnology and Oceanography

Gillian Davies
President, Society of Wetland Scientists

Consortium of Aquatic Science Societies
c/o American Fisheries Society
Douglas Austen, Executive Director
425 Barlow Place, Suite 110
Bethesda, MD 20814
301-897-8616
dausten@fisheries.org



May 24, 2017

Cooperative Alliance for Refuge Enhancement
1001 Connecticut Ave. NW, Suite 905
Washington, D.C. 20036

Written Testimony of C.A.R.E. Before The House Appropriations Subcommittee on Interior, Environment, and Related Agencies Regarding Fiscal Year 2018 Appropriations for the National Wildlife Refuge System

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

The National Wildlife Refuge System stands alone as the only federal land and water conservation system with a mission that prioritizes wildlife and habitat conservation alongside 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 wetlands, coasts, forests, prairie, tundra, deserts, and oceans, and provide Americans with an opportunity to encounter and engage with these areas.

We ask that the Committee provide a funding level of $586 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2018. We also thank you for the much needed $2.5 million funding increase for FY 2017—the continued support of the Committee for refuges will be much appreciated by all of our organizations.

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, managers, 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 by President Theodore Roosevelt in 1903, protects approximately 850 million land and marine acres on 566 national wildlife refuges and 38 wetland management districts in every state and territory in the U.S., and 5 marine monuments in the Pacific and Atlantic oceans. These acres are both part of the Refuge System and U.S. Fish and Wildlife Service managed or co-managed. From the Virgin Islands to Guam to Alaska to Maine, 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.

A refuge is within an hour's drive from most metropolitan areas, enabling the Refuge System to attract a growing number of visitors each year (48.5 million in FY15, up from 46.5 million just two years before) and provide opportunities for hunting, fishing, wildlife observation, photography, kayaking, hiking, and outdoor education. In FY15, visitor numbers increased another 9%, along with auto tour visits and wildlife observation visits. Americans are flocking to refuges for the wild beauty and recreational opportunities they provide.

CARE welcomes recreational use of our nation's refuges. Refuge visitors generate $2.4 billion annually to local and regional economies – on average returning $4.87 in economic activity for every $1 appropriated – and support 35,000 U.S. jobs[1]. In addition, refuges provide major environmental and health benefits, such as filtering storm water before it is carried downstream and fills municipal aquifers; reducing flooding by capturing excess rainwater; and minimizing the damage to coastal communities from storm surges. Refuges generate more than $32.3 billion in these ecosystem services each year, a return of over $65 for every $1 appropriated by Congress[2].

The Refuge System budget is now $85 million below the level needed to keep pace with inflation plus salary increases, relative to the FY10 budget of $503.2 million. Workforce has declined in that time by 442 positions through attrition. Those employees provided services such as administration, maintenance, fire management, wildlife management, and research support. That is a loss of nearly 1 out of 7 refuge positions. As a result, refuges are struggling to be maintained and provide the adequate visitor services, environmental education, access for hunting, and law enforcement that will ensure healthy habitat and a safe and enjoyable visitor experience. In many cases, there is just one employee per refuge or refuge complex doing work such as environmental education or maintenance work. There is no room left to trim positions and still maintain at least a portion of those services—they will simply disappear, and school programs or ongoing maintenance will end.

Unfortunately, inadequate funding threatens the System's ability to carry out its mission, which is mandated by the National Wildlife Refuge System Improvement Act of 1997. Between FY10 and FY13, Refuge System funding was reduced by $50 million – a 10% cut. Even with increased budgets in FY17 to $483.9 million, the Refuge System continues to function at unsustainable levels. CARE estimates that the Refuge System needs at least $900 million in annual operations and maintenance funding to meet conservation targets, including wildlife management, habitat restoration, and opportunities for public recreation.

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[1] *Banking on Nature*, U.S. Fish and Wildlife Service, October 2013, http://www.fws.gov/refuges/about/refugereports/pdfs/BankingOnNature2013.pdf

[2] *The Economics Associated with Outdoor Recreation, Natural Resources Conservation, and Historic Preservation in the United States*, Southwick Associates, October 2011, https://www.fws.gov/refuges/news/pdfs/TheEconomicValueofOutdoorRecreation[1].pdf

The FY15 Refuge Annual Performance Plan (RAPP) reports revealed falling performance rates in several important System categories – as a direct result of funding shortfalls – including habitat condition, habitat restoration, recreation opportunities, volunteerism, and scientific research. Performance declined from FY10 to FY15 for the following measures: open water acres restored (-63%), wetland acres restored (-70%), acres of non-native, invasive plants controlled (-58%), number of invasive animal populations controlled during the year (-55%), riparian miles restored (-30%), acres of farming (-30%), and total refuge acres receiving needed management (-12%).

However, many measures of public use increased for the Refuge System over this same time frame, despite budget shortfalls. Funding for FY18 needs to ensure Americans will be able to continue these valuable recreational activities. These include waterfowl hunt visits (+7%), photography participants (+52%), number of boat trail visits (+18%), acres of prescribed grazing (+13%), number of auto tour visits (+14%), and wildlife observation visits (+12%).

From FY10 to FY15, Refuge System visitation grew by 9%. However, refuges are losing valuable staff committed to visitors and volunteers, and visitation growth cannot be sustained without investments in staff and maintenance. In order to continue growing Refuge visitation, the System needs increased investment to not only improve negative performance measures but also provide the staff necessary to ensure a quality visitor experience.

We thank you for your commitment in the FY2017 omnibus spending bill to continuing the $500,000 increase provided in FY2016 to the visitor services budget line. This will help slow the loss of Refuge staff and hopefully contribute to greater volunteer capacity. Volunteers provide numerous benefits to Refuge units, from staffing refuge nature stores, maintenance, interpretation, and much more. This volunteer assistance, though, can only work when the System is reasonably staffed and thus able to extend requisite volunteer training and oversight.

In FY2017, an additional $1.5 million in funding went towards the Pacific Remote Islands Marine National Monument. This increase is a great start to managing the maintenance needs in these remote marine refuges. We also thank you for the $500,000 increase to reduce the maintenance backlog, the $2.8 million to manage subsistence fishing and hunting, and the $9.7 million as requested for invasive species.

These funding levels are critical investments in the long-term sustainability of the Refuge System. Stagnation or reductions in Refuge System funding will likely show continued declines in the System's conservation work and public use opportunities. If annual operations and maintenance funding does not rise, CARE anticipates further impacts both within and outside of refuge boundaries, including:

- Reduced treatment of invasive plants, reducing habitat quality for wildlife (both game and non-game) and placing nearby private lands at higher risk of infestations;
- Decreased 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;
- Reduced number and quality of visitor programs, with visitor centers operating at fewer hours, and delayed 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 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 marine national monuments.

Moreover, individual Refuge units are on the front lines of conservation, and challenges abound throughout the System. In California, years of severe drought have caused a dramatic reduction of water deliveries to wildlife refuges, while 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 the conversion of native prairie and waterfowl habitat to forest as a result of decreased fire management of wetland habitats. At the Loxahatchee NWR in Florida, instead of healthy lakes, alligator hunters found emaciated animals severely impacted by the drastic increase in invasive species on the refuge

The common denominator to all these challenges is a lack of funding. Adequate staffing and funding are critical to the maintenance of healthy wildlife populations and access for recreational users to a healthy ecosystem. Increasing funding for the System will empower and enable individual Refuge units to deliver on-the-ground conservation that benefits not only wildlife and recreation, but also local communities across the nation.

We understand the budget constraints the Committee is working under; however, we see the systemic declines in performance of the Refuge System on a daily basis due to the lack of adequate funding. As stated above, the System needs a minimum of $900 million each year to function the way it was intended, and CARE is dedicated to working with your Committee to see that this goal is reached.

We urge Congress to fund the Refuge System at $586 million in FY18 – to bridge the growing gap between what the System needs and what it receives – enabling refuges to continue moving America forward as the world's leader in wildlife conservation and restoration.

Our hope is that this level of funding will put the Refuge System on a path to full funding of $900 million and help the System advance its mission to maintain refuge lands as intended in their purpose for the benefit of the American people, finalize outstanding Comprehensive Conservation Plans, and implement programs that will benefit both wildlife and people. If the requested funding level is satisfied, the Refuge System can better:

- 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 quality recreational opportunities continue to be offered to the public;
- Maintain facilities and equipment used to serve the public and manage habitat;
- Provide federal wildlife officers needed to keep refuge resources and the people who come to appreciate them safe.

On behalf of our more than 16 million members and supporters, CARE thanks the Subcommittee for the opportunity to submit comments on the FY 2018 House 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
FY2018 Funding for the National Endowment for the Arts (NEA)
May 24, 2017

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 2018.** 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, funding for the arts was limited to major cities. The NEA has helped to strengthen regional dance, opera, theater and other artistic disciplines that Americans enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. The NEA envisions a "nation in which every American benefits from arts engagement, and every community recognizes and celebrates its aspirations and achievements through the arts." The agency 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 is $17 million less than it was in 2010, the NEA awarded more than 2,400 grants in 2016 reaching nearly 16,000 communities. These grants nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country, resulting in jobs and economic activity. 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.**

In 2016, small-sized organizations (organizations with budgets under $350,000 per year) received 30% of the NEA's direct grants and 40% of NEA supported activity took place in high poverty neighborhoods.

The return of the federal government's small investment in the arts is striking. The Bureau of Economic Analysis (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 4.2 percent (or $729.6 billion) of current-dollar GDP in 2014. 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 (*Arts and Economic Prosperity IV*, Americans for the Arts). **It is estimated that the North American opera industry injects over $1 billion directly into the economy each year.**

On average each NEA grant leverages $9 from private and public funds. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. 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.

The more than 2,400 grants awarded to nonprofit arts organizations and arts programs supported projects that encourage artistic creativity and bring the arts to millions of Americans.

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 2016, the NEA awarded 162 grants to the dance field through the Art Works category, totaling $4,238,630.**

CONTRA-TIEMPO Urban Latin Dance Theater
$10,000
Culver City, CA
To support the creation and presentation of "SHE WHO: Frida, Mama, & Me," a collaboration between Artistic Director Ana Maria Alvarez and choreographer Marjani Forte. The piece examines Mami Wata (the "protector of women," a mythological figure of the African diaspora) and Mexican Artist Frida Kahlo, and will overlap their sensibilities and struggles. The project emerged out of the choreographers' conversations about art, gender, and their own cultural backgrounds. Part of the project will include community conversations in Los Angeles.

James Sewell Ballet
$10,000
Minneapolis, MN
To support the James Sewell Ballet's mentorship and residency programs in Grand Rapids, MN and in adjacent communities. The project will include extensive choreography instruction and classwork with dancers in The Reif Dance Program, based at The Reif Center in Grand Rapids. The project will begin with a summer intensive in Minneapolis for dance students from The Reif Center and James Sewell Ballet's (JSB) dancers will teach its SmArts program, an introduction to dance program for children in Grand Rapids and Big Fork, MN. Students will have an opportunity to attend a JSB performance and the activities will culminate in a public performance, featuring both the JSB dancers and the Reif dance students.

DANCECleveland
$30,000
Cleveland, OH
To support the 60th anniversary of DANCECleveland. Project activities include presentations of contemporary dance companies and accompanying residencies, and educational and engagement activities. Companies presented include MOMIX, Alvin Ailey Dance Theater, and Dorrance Dance. Performances will be accompanied by master classes for high school, pre-professional, and professional dancers; community appearances; pre- and post-performances chats. DANCECleveland will continue its early childhood literacy and movement program, Read to Learn, Dance, and Move, that helps pre-school and kindergarten children improve their reading readiness and embrace creative movement.

Repertory Dance Theatre (RTD)
$20,000
Salt Lake City, UT
To support dance workshops that will focus on the legacy of Jose Limon and explore the Gaga movement technique. The Limon workshop will honor his approach to teaching and training by offering a technique class taught by master Limon instructors. Discussions, open exchange movement-sharing sessions, and a performance of a Limon work by RTD will follow. Gaga-trained artist Danielle Agami, artistic director of Ate9 Dance Company will lead the second workshop, followed by a performance from her company. Gaga is a movement language and pedagogy developed by Israeli-American dancer and choreographer, Ohad Naharin.

The Non-Profit Professional Dance Community
America's dance companies perform a wide range of styles and genres. These include aerial, ballet, modern, culturally specific, jazz, and tap companies. 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 over 1,772 tax-exempt dance groups from across the United States, Dance/USA estimates that dance companies:

- Employed over 15,896 individuals (based on data from 296 reporting companies) in a mix of full-time and part-time positions and supported by almost 23,000 volunteers (based on 276 reporting companies);
- Paid approximately $754.3 million in expenses (based on 745 reporting companies);

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, leaving its programs seriously underfunded. The continued bipartisan support for the NEA has continued to support artists and audiences, allowing dance and the arts to address critical issues, making communities healthier and more vibrant. The "Dear Colleague" letter in the U.S. House of Representatives **received a record 154 signatures** in support of the NEA.

We urge you to continue toward restoration and increase the NEA funding allocation to $155 million for FY18.

On behalf of Dance/USA, thank you for considering this request.

Dance/USA
1029 Vermont Ave, NW Suite 400
Washington, D.C. 20005
202.833.1717

Contact: Brandon Gryde, Director of Government Affairs
202-833-1717 / bgryde@danceusa.org

FY 2018 TESTIMONY OF MARY BETH BEETHAM
DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to submit testimony for the record. Founded in 1947, Defenders has nearly 1.2 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 provides 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 in pest control services to the agricultural industry annually;[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. Inadequate funding will likely lead to irreparable harm to vulnerable species and habitat. Our nation's wildlife is a treasure and well worth the investment to properly care for it.

Fifteen riders that would have undermined protections for imperiled species and the Endangered Species Act (ESA) and sound management of our national wildlife refuges were included in the FY 2017 House Interior appropriations bill. We strongly opposed these riders and while all should rightfully have been removed from the final omnibus, we appreciate that all but one were stricken.

Fish and Wildlife Service

The U.S. Fish and Wildlife Service (FWS) is our nation's premier wildlife conservation agency. FWS needs adequate funding 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.

Cooperative Recovery – Defenders supports continued funding for the Cooperative Recovery program at no less than the FY 2017 level. This initiative is supporting more efficient and strategic efforts across landscapes to recover threatened and endangered species on National Wildlife Refuges and surrounding lands and has already supported delisting of two species.

Renewable Energy – Defenders supports funding at no less than the FY 2017 level for renewable energy related Planning and Consultation and Service Science programs. The Service supports approvals of renewable energy projects while ensuring they comply with relevant environmental laws, and conducts research to assess potential impacts of energy development on sensitive lands and wildlife and to identify mitigation strategies.

Ecological Services – Defenders supports no less than the FY 2017 level of $240 million for Ecological Services so that high priority work to protect imperiled species can continue:

- Listing: The FWS needs no less than the FY 2017 level of $20.5 million for listing so that it can continue to make progress with its seven-year listing workplan that allows the agency to prioritize over 350 species for listing decisions. This workplan is supported by a wide range of stakeholders.
- Recovery: Defenders appreciates the $2 million increase that was provided for recovery in the FY 2017 omnibus bill and urges no less than the FY 2017 level of $84 million for FY 2018. Currently, more than 400 listed U.S. species do not have recovery plans and FWS receives less than 25 percent of the funding needed each year to implement all recovery actions identified in recovery plans.
- Planning and Consultation: Defenders appreciates the $4 million increase that was provided for planning and consultation in the FY 2017 bill and urges no less than the FY 2017 level of $103.1 million for FY 2018. This continued level of funding is needed to support crucial Section 7 consultations under the ESA so that projects can move forward while minimizing harm to listed species. FWS's consultation program already operates on an inadequate budget. Thus, some nationwide consultations are already delayed (e.g., pesticide consultations) and resources to monitor for permit compliance are almost nonexistent.
- Conservation and Restoration: Defenders urges no less than the FY 2017 level of $32.4 million to support continued conservation for candidate species as they await listing as well as work with stakeholders on a variety of efforts that benefit trust resources such as coordinating with partners to prepare for oil spill and hazardous materials releases.
- Defenders appreciates that the FY 2017 bill maintained funding for the Wolf Livestock Loss Demonstration Program that assists livestock owners co-existing with wolves, and we urge continued funding at no less than $1 million.

National Wildlife Refuge System – 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 appreciates the $2.5 million increase that was provided in the FY 2017 bill. Nevertheless, the Refuge System Operations and Maintenance budget is now $80 million below the level needed to keep pace with inflation plus salary increases relative to the FY 2010 level of $503.2 million. The workforce has declined through attrition during that time by 442 positions. Funding of $586 million for Operations and Maintenance would put the System on track for adequate funding in four years.

Migratory Bird Management – U.S. bird populations have experienced precipitous declines in recent years. Defenders supports continued funding at no less than the FY 2017 level of $48.1 million, which includes funding for needed upgrades in aviation management and survey and monitoring programs, and for building resilience of bird species and their habitats through the Joint Ventures.

Office of Law Enforcement (OLE) – Defenders supports no less than the FY 2017 level of $75.1 million, a level that is still far from adequate. Currently, the OLE employs fewer than 200 special agents, the expert investigators that work to stop wildlife crimes both domestically and internationally. Moreover, only one in five current ports of entry are staffed with wildlife inspectors who work to intercept illegal wildlife shipments.

International Affairs – Defenders appreciates the $1.1 million increase provided in the FY 2017 bill and urges continued funding at no less than the FY 2017 level of $15.8 million which will continue to advance the National Strategy for Combating Wildlife Trafficking.

Landscape Conservation Cooperatives (LCCs) – Defenders supports maintaining funding at no less than the FY 2017 level of $13 million for the LCCs which have been working to address complex challenges such as climate change across large landscapes.

Science Support – Defenders supports continued funding at no less than the FY 2017 level of $17 million to address questions about climate adaptation and other landscape-level ecological changes, conservation of monarch butterflies and other declining species, strategies for addressing White-Nose Syndrome that is devastating bat populations, and other agency management challenges.

Other key grant programs – Defenders supports no less than the FY 2017 levels for the Multinational Species Conservation Fund, the Neotropical Migratory Bird Fund, the Cooperative Endangered Species Fund, and State and Tribal Wildlife Grants.

Forest Service and Bureau of Land Management

The U.S. Forest Service (FS) and the Bureau of Land Management (BLM) are essential to the conservation of wildlife and habitat in the U.S., yet funding is inadequate to address significant challenges to sustain these resources. Development and uses on public lands must proceed in a manner that maintains the ecological integrity of our lands and waters, conserves wildlife and habitat, and contributes to efforts to recover our most imperiled wildlife. We urge strong oversight to ensure that energy development is done in an environmentally sensitive fashion and in low conflict areas. Given their large land ownerships, it is imperative that both agencies embrace landscape level conservation and management efforts.

FS Wildlife and Fisheries Habitat Management/Integrated Resource Restoration (IRR) – Defenders opposes expanding the IRR program beyond the current pilot program and in fact recommends the termination of the program given concerns that wildlife program activities have been marginalized under IRR and that timber targets have detracted from integrated restoration. Wildlife and Fisheries Habitat Management has been flat-funded at $140.5 million since FY 2014. We support funding the program at least at the FY 2010 level of $143 million to carry out critical conservation and recovery activities and to begin to address the loss of biologists that has occurred in recent years.

FS Land Management Planning, Assessment and Monitoring – Numerous out of date forest plans lack contemporary conservation strategies for at-risk species, and often require costly amendment. Integrating the assessment, planning and monitoring programs will lead to more efficient land management planning, reducing timelines and costs. Defenders supports continued funding at no less than the FY 2017 level of $182.9 million.

FS Collaborative Forest Landscape Restoration Program – We support continued funding at the FY 2017 level of $40 million for this cost-effective program established to restore forest and watershed health, improve wildlife habitat, and reduce the costs of fire suppression in overgrown forests and the risk of uncharacteristic wildfires.

FS Forest and Rangeland Research (FS R&D) – We were disappointed that FS R&D was cut by $4.5 million in the final FY 2017 bill and we urge a return to the FY 2015 level of $226 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 FS may lack adequate applied scientific capacity both in R&D and the National Forest System to implement critical conservation and management actions.

BLM Wildlife and Fisheries Management – Defenders appreciates the increase of $13.9 million for Wildlife and Fisheries in the FY 2017 bill, which includes an increase of $8.9 million for implementation of management prescriptions to conserve the greater sage-grouse. Defenders supports no less than the FY 2017 level of $115.8 million.

BLM Threatened and Endangered Species Management – Funding for this program is far below the level needed to fund work the agency is required to do to recover ESA listed species on BLM lands. Defenders supports $22.6 million for the program, an increase of $1 million over FY 2017, which simply restores the budget to the FY 2010 level and will better help recover listed species.

BLM Renewable Energy – Defenders supports funding at no less than the FY 2017 level of $29.1 million to allow BLM to continue facilitating renewable energy development on public lands, while avoiding areas with natural resource conflicts, including sensitive wildlife species.

BLM Resource Management Planning, Assessment and Monitoring – Defenders appreciates the increase of $4 million that was provided in the FY 2017 bill for a total of $52.1 million. We urge continued funding at no less than that level to support new high priority planning efforts, data collection and monitoring crucial to the sage-grouse conservation strategy and other key initiatives, and continued 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 for conservation of wildlife and habitat.

National Climate Change and Wildlife Science Center/Climate Science Centers – Defenders was disappointed in the $1.1 million cut included in the final FY 2017 bill. We urge funding at no less than the FY 2016 level of $26.4 million to support scientific needs in planning for climate change adaptation and building resiliency of ecosystems.

Ecosystems – Defenders urges continued funding at no less than the FY 2017 level of $159.7 million to help to support development of crucial scientific information for sound management of our nation's biological resources.

Land and Water Conservation Fund (LWCF)

Defenders was disappointed in the $50 million cut to LWCF in the final FY 2017 bill. We support funding at no less than the FY 2016 level of $450 million to 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]

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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

Ecological Society of America
1990 M St, NW, Suite 700
Washington, DC 20036

Testimony for the Record
Katherine S. McCarter, Executive Director of the Ecological Society of America

To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Regarding the Environmental Protection Agency FY 2018 Budget

May 24, 2017

The Ecological Society of America (ESA) appreciates the opportunity to provide testimony in support of Fiscal Year 2018 appropriations for the Environmental Protection Agency. ESA is the nation's largest professional society of ecologists representing over 10,000 members across the country. We write to urge you to support **robust funding for the Environmental Protection Agency (EPA) for FY 2018, specifically at least $715 million for Science and Technology within EPA.**

The EPA is vital to protecting both the environment and human health, and the agency's Science and Technology programs are critically important to its ability to successfully address environmental problems. Strong investments in the EPA are essential to ensuring the health of our nation's citizens and environment.

EPA Science and Technology Programs Reduce Environmental Risks Facing Americans

Since its formation in 1970, the EPA has reduced environmental risk to Americans, enforced laws safeguarding human health and the environment, and helped the nation serve as a leader in protecting the environment.

Science and Technology funding supports programs and research that contribute to clean air, clean water, sustainable communities, homeland security, and human health. Through the Office of Research and Development (ORD), the EPA conducts cutting-edge research programs, including important ecological research and monitoring, that provide the scientific foundation for the agency's decision-making and other programs. EPA research projects focus on issues of national significance and help to solve complex environmental problems – often with public health implications – with new scientific understanding and technologies. From detecting and addressing harmful algal blooms to helping communities rehabilitate contaminated sites, EPA research funded by Science and Technology appropriations delivers solution-oriented results with broad and significant impacts.

Proposed Cuts Would Have Consequences for Human and Environmental Health

ESA is very concerned with the administration's proposed cuts to the EPA. The president's budget proposal requests only $5.7 billion for the agency, a reduction of 31 percent from the FY 2017 enacted amount of $8.1 billion. This significant cut would be achieved by eliminating 3,800 agency jobs and over fifty agency programs, including categorical grant programs and regional environmental programs, climate science research, and partnership programs. The administration's budget also proposes to reduce funding for EPA Science and Technology considerably to only $451 million, a 36 percent cut from net FY 2017 funding.

ESA is extremely troubled by these proposed changes and the devastating impacts they would have on the agency's ability to fulfill its mission and conduct the scientific research necessary to inform its operations and decisions. We urge you to reject cuts to EPA programs and research as you proceed with FY 2018 appropriations.

Strong Investments in the EPA Protect Our Citizens and Our Ecosystems

The EPA is an essential agency that plays a key role in addressing ecological problems and other environmental issues that affect public health. We appreciate your past support for this critical agency, and we urge you, in the interest of ensuring the health of our nation's citizens and ecosystems, to continue this support and provide **robust funding for the EPA in FY 2018, in particular $715 million for EPA Science and Technology.**

Thank you for your consideration of this request.

Phone: (202) 833-8773 • Fax: (202) 833-8775 • Email: esahq@esa.org • Web: http://www.esa.org/

ECOLOGICAL SOCIETY OF AMERICA
esa

Ecological Society of America
1990 M St, NW, Suite 700
Washington, DC 20036

Testimony for the Record
David M. Lodge, President of the Ecological Society of America

To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Regarding the US Geological Survey FY 2018 Budget

April 17, 2017

On behalf of the Ecological Society of America (ESA), the world's largest society of professional ecologists representing over 10,000 members across the country, I write to urge you to provide **$1.2 billion for the US Geological Survey (USGS) for Fiscal Year 2018** and to **reject proposed cuts to the agency's FY 2017 funding**. ESA is concerned with the administration's proposal to cut the USGS FY 2018 budget by nearly 15% to $900 million, a funding reduction that would significantly restrict the agency's ability to fulfill its mission and provide important impartial scientific information to decision makers and American citizens. We urge you to preserve funding for the USGS so the agency can continue its critical work of maintaining our nation's natural resources, ensuring environmental health, and protecting public health.

The USGS plays a unique role within the Department of the Interior, conducting research across a broad array of scientific disciplines and providing data that informs responses to many of the nation's greatest challenges. To highlight just a few examples, USGS science:

- Reduces risks from **natural hazards** – including earthquakes, landslides, volcanic eruptions, flooding, drought, and wildfires – that jeopardize human lives and result in billions of dollars in damages annually.
- Informs management of **freshwater resources** – both above and below the land surface – for drinking water, agriculture, and commercial, industrial, recreational, and ecological purposes.
- Informs sound management of **natural resources** on federal and state lands, including control of invasive species and wildlife diseases that cause billions of dollars in economic losses. This information is shared with other Interior bureaus and state agencies to allow for adequate monitoring and management.
- Helps predict the impacts of **land use** and climatic conditions on the availability of water resources and the frequency of **wildfires**. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, which informs **agriculture production** and our nation's response to and mitigation of natural hazards.
- Provides vital **geospatial and mapping data** used in economic development, environmental management, infrastructure projects, and scientific applications by states, federal agencies, and the private sector.

- Helps make decisions about the nation's energy future by assessing **mineral and energy resources** – including rare earth elements, coal, oil, unconventional natural gas, and geothermal. The USGS is the sole federal source of information on mineral potential, production, and consumption.

Few modern problems can be addressed by a single scientific discipline. The USGS 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 Society is appreciative of the strong bipartisan, bicameral support USGS has received from House and Senate appropriators over the years. We respectfully request that you continue this trend by providing **$1.2 billion for the US Geological Survey for Fiscal Year 2018** and **rejecting proposed cuts to the agency's FY 2017 funding**.

Phone: (202) 833-8773 • Fax: (202) 833-8775 • pao@esa.org • www.esa.org

March 21, 2017

The Honorable Ken Calvert
Chairman
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20515

The Honorable Betty McCollum
Ranking Member
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20515

RE: Support for FY2017 and FY2018 Funding for ENERGY STAR®

Dear Chairman Calvert and Ranking Member McCollum:

We, the undersigned organizations and businesses, write today to express our strong support for the ENERGY STAR® program. This voluntary partnership program—which includes ENERGY STAR Buildings and Plants, Home Performance with ENERGY STAR for existing homes and certified new homes, and ENERGY STAR for Small Business, as well as ENERGY STAR labeled products—helps businesses, state and local governments, non-profit organizations, institutions of higher education, homeowners, and consumers save money by investing in energy efficiency. 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. We urge you to support at least level funding for the ENERGY STAR program for Fiscal Year (FY) 2017 and FY2018.

ENERGY STAR has a proven track record of success and is extremely cost-effective. Today, ENERGY STAR enjoys brand awareness of about 90%, which makes it the most widely recognized symbol for energy efficiency. For every incremental dollar Americans invested in energy efficiency under ENERGY STAR, they reduced their energy bills by an average of $4.50. In 2015 alone, American consumers and businesses saved over $34 billion with the help of ENERGY STAR. Since 1992, ENERGY STAR has helped families and businesses save $430 billion on utility bills, while reducing greenhouse gas emissions by 2.7 billion metric tons. Through brand recognition, information and positive publicity, the ENERGY STAR program has provided the catalyst for many consumers, homeowners, businesses, and state and local governments to invest in energy efficiency.

ENERGY STAR serves broad constituencies across every state in the country, working with over 16,000 partners. In the energy efficiency sector, 2.2 million Americans work in whole or in part on the design, manufacture, and installation of ENERGY STAR products and under ENERGY STAR programs. ENERGY STAR includes over 1,800 manufacturing partners of over 70 different product categories, who sold more than 300 million qualified products in the U.S. in 2015. About 45% of the commercial building floor space in the U.S. has been benchmarked for tracking and analyzing energy consumption using ENERGY STAR's Portfolio

March 21, 2017
Re: Support for FY2017 and FY2018 Funding for ENERGY STAR®

Manager. ENERGY STAR also counts more than 3,100 home builder partners who constructed almost 1.8 million certified new homes since 1995. In 2015, families living in ENERGY STAR certified homes saved over $625 million on utility bills, while 89,000 households hired 1,600 contractors to implement improvements and whole-house retrofit projects with Home Performance with ENERGY STAR. Utilities and states across the country—including 45 local sponsors of Home Performance programs—use ENERGY STAR in their own energy efficiency programs and rely on it to reliably and affordably meet their energy needs.

Unpredictable energy costs and growing consumer and business demand make today's investments in energy efficiency ever more vital to America's energy security. It is important to emphasize that ENERGY STAR is a voluntary program that works with business and helps them with brand recognition. We believe that the wide range of benefits of ENERGY STAR, realized across the entire U.S. economy, make it worthy of your support in FY2017 and FY2018.

Thank you for your consideration.

Sincerely,

3M
A.O. Smith
Advanced Energy Economy
Alliance for Water Efficiency
Alliance to Save Energy
American Council for an Energy-Efficient Economy
American Institute of Architects
ASHRAE
Brand Cool
Bright Power
Building Performance Institute
California Energy Commission
Ceres
Clean Water Action Connecticut
Copper Development Association
Cree
Daikin U.S. Corp.
Danfoss
DNV GL
E4TheFuture
EcoThermalFilters
Ecova
Efficiency First
Elevate Energy
Energy & Resource Solutions
Enterprise Community Partners
Environmental and Energy Study Institute
Eversource

March 21, 2017
Re: Support for FY2017 and FY2018 Funding for ENERGY STAR®

Federal Performance Contracting Coalition
FirstFuel
Goodman Manufacturing Company, L.P.
Green & Healthy Homes Initiative
Green Business Certification Inc.
GreenHome Institute
Habitat for Humanity of Northern Virginia
Home Performance Coalition
ICAST (International Center for Appropriate and Sustainable Technology)
Information Technology Industry Council
Ingersoll Rand
Institute for Market Transformation
International Facilities Management Association
Intel
Intertek
Johnson Controls, Inc.
Legrand
MPower Oregon LLC
Midwest Energy Efficiency Alliance
National Association for State Community Services Programs
National Association of Energy Service Companies
National Association of State Energy Officials
National Grid
National Housing & Rehabilitation Association
National Housing Conference
National Housing Law Project
National Housing Trust
Natural Resources Defense Council
Nest
North American Insulation Manufacturers Association
ON Semiconductor
Owens Corning
passivhausMAINE
Philips Lighting
Polyisocyanurate Insulation Manufacturers Association
Preservation of Affordable Housing, Inc.
Promise Energy, Inc.
Retail Industry Leaders Association
Robert Bosch LLC
Roof Coatings Manufacturers Association
Samsung Electronics America
Schneider Electric
Seattle City Light
Southeast Energy Efficiency Alliance
The Stella Group, Ltd.
Stewards of Affordable Housing for the Future

March 21, 2017
Re: Support for FY2017 and FY2018 Funding for ENERGY STAR®

Triple Bottom Line Fund
UL
U.S. Green Building Council
Vermont Energy Investment Corporation

CC: Chairman and Ranking Member, U.S. House of Representatives Committee on Appropriations

3 Park Place, Suite 307
Annapolis, MD 21401-3722 USA

Phone: 301-731-4535
Fax: 301-731-4538

esa@entsoc.org
www.entsoc.org

Testimony of
Susan Weller, PhD, President
Entomological Society of America
On
Fiscal Year 2018 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

April 14, 2017

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).

For fiscal year (FY) 2018, ESA requests the Forest Service be funded at least at the FY 2016 enacted level of $5.68 billion in discretionary funds. Within the Forest Service, ESA requests the Forest and Rangeland Research budget be supported at $291.982 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 2018.

In addition, ESA recommends $8.267 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 monitor and 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 and 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 costliest invasion from a forest insect to date. Emerald ash borer is just one of the growing list of invasive insects and diseases that harm our nation's forests and 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 respectfully requests that Forest and Rangeland Research be fully funded at $292 million for FY 2018.**

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 threaten 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.[1] Initiatives within the Forest Health Management program can help control these costly pests. 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 the 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.[2] **To support these important functions, ESA requests that the subcommittee oppose any proposed cuts to Forest Health Management program in FY 2018.**

In alignment with other federal agencies, the 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,

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[1] 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.

[2] Forest Service FY 2017 Budget Overview: http://www.fs.fed.us/sites/default/files/FY-2017-FS%20-budget-overview.pdf.

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 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 protecting children from pesticide exposure used in and around schools, helping to promote cost-effective strategies that reduce student exposure to pesticides and pests. 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 a 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 a large diversity of crops in the United States and are essential for the production of the majority of 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 the United States. EPA is well-positioned to help identify methods for protecting bee health; the agency has previously awarded agricultural grants to university partners 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 implementing 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 over 6,000 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/.

Testimony on behalf of the Federation of State Humanities Councils
Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Esther Mackintosh, President, Federation of State Humanities Councils, Addressing the National Endowment for the Humanities, May 24, 2017.

Mr. Chairman and members of the subcommittee, I thank you for this opportunity to submit testimony on behalf of the 56 state and jurisdictional humanities councils. Our request for FY 2018 is **$155 million** for the National Endowment for the Humanities and **$46 million** for the Federal/State Partnership, which funds the councils.

The state humanities councils are full partners of the NEH, using the Federal/State Partnership funding to bring public programs to communities throughout the nation. Councils use these funds to leverage additional support from foundations, corporations, private individuals, and state governments. On average, councils leverage $5.00 in local contributions for every dollar of federal funding awarded through their grants. Over the past few years, they have further extended their resources by forming partnerships with more than 9,000 organizations throughout their states. Each year, councils continue to expand their programming to meet growing needs in their states. Councils in many states help to revitalize communities, especially in rural areas, through programs that strengthen local institutions and increase tourism. Teacher institutes conducted by councils increase the quality of humanities education and re-inspire teachers. Family reading programs contribute to school readiness and long-term academic success, particularly for children in low-income families. Council-conducted community conversations help residents understand all sides of divisive issues.

The preamble to the legislation that created the National Endowment for the Humanities and its sister agency, the National Endowment for the Arts proclaims that "Democracy demands wisdom and vision in its citizens." This lofty assertion calls for citizens to develop the ability to carefully evaluate and shape decisions about issues they confront in their personal and community lives. It requires citizens to understand their own and their nation's history in order to fully understand the forces that brought us to our present moment. It asks that citizens recognize and accommodate differences in viewpoint, background, and experience, as a necessary prelude to shaping strong communities. These are all values advanced through the humanities and the programs supported by the National Endowment for the Humanities and the state humanities councils.

The first statement of the preamble offers another bold assertion: "The arts and the humanities belong to all the people of the United States." This includes people without easy access to major educational and cultural institutions but whose stories are an essential part of our national narrative. It includes people in all income categories, all racial and ethnic groups, and all levels of educational achievement. It includes those who live in towns of 400 people as well as those who live in cities with populations in the millions. The state humanities councils play a key role in fulfilling the promise of the preamble's statement by extending the reach of the NEH into communities in all corners of every state. California Humanities, for example, helped tell the story of Boonville, with a population of just over a thousand people, through a radio documentary, while also training librarians to facilitate community conversations in such urban areas as San Diego, Sacramento, and Riverside City. Utah Humanities joined with the Smithsonian to bring the Museum on Main Street exhibit, "The Way We Worked," to the tiny

communities of Hyrum, Leeds, Fillmore, and Castle Dale, while also offering accredited courses taught by college faculty for low-income adults in Ogden, the City of South Salt Lake City, and Cedar City. This summer in Ohio, citizens in Burton, Clifton, Warren, and Milan will gather under a Chautauqua tent to hear from scholars portraying author Mary Wollenstencraft, Novel Prize winning scientist Marie Curie, Shawnee nation leader Chief Cornstalk, explorer, naturalist, and U.S. President Theodore Roosevelt, and primatologist Dian Fossey, an experience that will entertain and educate audiences made up of neighbors as well as tourists. These and hundreds of other council programs demonstrate the tremendous reach and diversity of the humanities experiences councils make possible.

Councils ensure that "the humanities belong to all the people" through their programming for such groups as veterans, residents of rural communities, children and families, students, and teachers, as well as through the many programs designed to strengthen and revitalize communities.

Supporting veterans. The state humanities councils and the NEH offer programs that not only help returning veterans find their place in their communities, but also help those communities understand the veterans' experiences. One of the most effective tools for processing the experience of war is reading and sharing stories, which is the basis of several council programs for veterans.

The Maine Humanities Council provides a book discussion series exclusively for veterans, using Tim O'Brien's *The Things They Carried* and *The Odyssey* to evoke discussion among the participating veterans about their own experiences. Often the groups include veterans from several different periods, providing an opportunity to explore both commonalities and differences among their combat and homecoming experiences. The council also offers programs for the general public, collaborating with veterans and veterans' organizations to design programs that bring veterans into dialogue with members of the public.

The Minnesota Humanities Center's multifaceted Veterans' Voices initiative "draws on the power of the humanities to call attention to the stories and contributions of veterans." Through one of these programs, "Echoes of War," discussion leaders participate in a council-conducted training over two weekends in preparation for facilitating discussions at locations throughout the state between veterans and other community members. The initiative also includes the "Veterans' Voices Award," which honors Minnesota veterans who are making significant contributions to their communities.

The West Virginia Humanities Council has used special funding from NEH to produce a six-part web series consisting of 30-minute videos, which tell the stories of West Virginia veterans of World War II, the Korean War, the Vietnam War, the Cold War, the First Gulf War, and post-9/11. The council has contracted with a veteran-owned West Virginia-based film production company to create the videos, which include narration, on-camera interviews with West Virginia veterans, and archival film footage.

California Humanities continues to share the powerful stories gathered through their "War Comes Home" initiative, which included a series of video-recorded interviews with veterans

from several different eras and varying backgrounds; five public forums that looked at a variety of veteran-related themes; and a package of resources for teachers that included access to an online instructional toolkit and online webinars. All materials from these efforts are available on the council website for ongoing viewing by the public and as a source of instructional materials for teachers.

Telling the story of rural communities. Rural America represents a vital chapter of our national narrative, but it is a chapter that is too often overlooked. The state humanities councils are a major force in helping rural communities define their own stories and make those stories better known to the rest of the country. Through the Museum on Main Street (MoMS) initiative, designed specifically for rural communities and made possible through a partnership between the councils and the Smithsonian Institution Traveling Exhibition Service (SITES), dozens of rural communities each year are able to host a Smithsonian exhibit, supplemented by an exhibition created by residents of the community, demonstrating how the themes of the exhibit play out at the local level.

In 2015 the Pioneer Woman Museum in Ponca City, Oklahoma, worked with the Oklahoma Humanities Council to host "Hometown Teams," exploring the role of sports in American society. The museum's director captured the impact of the council support in her comments at the end of the exhibit tour. "We love what the Oklahoma Humanities Council does for museums and small communities, and we have had an amazing response to our 'Women of the Wild West Shows' programs that accompanied the *Hometown Teams* exhibit. The exhibit and programs changed the way the public thinks about our museum. They've given us the opportunity to have the public look at us a different way. Our museum was stagnant and didn't have the extra money to change exhibits often or make new exhibits happen. OHC underwriting had a huge effect and allowed us to offer new and fresh programming." In February 2017, the council launched a ten-month tour, "The Way We Worked," which looks at the diversity of American jobs and workers and reflects on the evolution of work in America over the past 150 years.

The benefit of humanities programs to rural communities is stated concisely by the director of a public library in Idaho, who noted the difference that council funding makes, "especially in rural and remote towns across Idaho. The vitality of towns like Salmon (pop. 3,033), Rupert (pop. 5,763), and Stanley (pop. 68), Idaho, depends not only on their economic resources but also on their cultural resources....These communities help constitute our national identity, and their cultural and intellectual endeavors depend on federal resources."

Promoting family literacy. Many studies have shown that children exposed to books at an early age have a much higher chance of long-term academic success. Conversely, children who have had little exposure to the culture of reading in their homes can be at a serious educational disadvantage before they even enter school. Many councils help address this potential gap, especially for low-income families, through reading programs in local libraries. These programs have impact in several important ways—by bringing families together in a welcoming setting, helping to strengthen parents' reading skill, familiarizing families with the library, instilling a love of reading, and encouraging inter-generational discussion of ideas. In 1991 the Louisiana Endowment for the Humanities created a groundbreaking humanities-based program, "Prime Time," currently conducted by councils in Alabama, Florida, Kentucky, Michigan, Mississippi,

Nebraska, and Washington, which has been shown to produce long-term improvement in family engagement and student academic achievement. The program uses high-quality children's literature and storytelling to generate discussion of such themes as courage and determination, dreams, loyalty, and fairness.

In 2016, Humanities Washington supported 22 six-week series of Prime Time, reaching more than 800 children from both rural and urban settings. The council mapped out clear goals for the programs and achieved results that in many instances exceeded those goals. Survey results showed that family retention rate in the programs was 89 percent. Public library use by participating at-risk families increased significantly, and 80 percent of participants reported a positive attitude toward library use. Sixty percent of the facilitators reported an increase in discussion participation by adults, and 90 percent reported an increase in participation by the children. One facilitator reported "significant change" in several students who participated in the program. "One student in particular blossomed...she would hardly speak when we first started meeting. As the sessions continued she added more and more to the conversations. This has carried over into her attitude at school. Her teacher shared with me that she always has a book in her hand now and is ready to read or take a test on it."

Inspiring teachers and students. The future of our nation depends on investment in our children. That means not only providing the best possible educational resources for students, but also offering their teachers opportunities for content-based professional development in the company of highly motivated colleagues. State council programs include both areas. The Great Basin Young Chautauqua program, founded by Nevada Humanities in 1993, is an annual six-month training program for children from 8 to 18. In January, students select a historical figure, on whom they conduct research to create a character and a performance. The project educates students about methods of historical research and gives them confidence in their own intellectual and creative abilities.

Utah Humanities' Clemente Course is an interdisciplinary humanities course of study designed for at-risk high school students. The goal of the intellectually rigorous course, developed through partnerships with local school districts and Utah colleges, is to encourage students to apply for and succeed in college. One graduate of the challenging and rewarding course stated, "Clemente will make you think about topics that have never even crossed your mind before."

Behind every successful student is a dedicated and inspiring teacher, but even the best teachers need to recharge, which they are able to do through the teacher institutes conducted by many councils. The Idaho Humanities Council has carried out an ambitious schedule of summer institutes since 1998. This year's institute, "Wallace Stegner and the Consciousness of Place," will give teachers an in-depth understanding of this important Western writer through study of texts, daily lectures and discussion, and sessions on teaching methods.

The councils' profound understanding of the needs of their states and their extensive reach into communities large and small ensures that the humanities truly do belong to all the people of the United States. We thank you for understanding how critical that is to our democracy and for providing support for the NEH and the state humanities councils.

Margaret Maxwell, Chair
Refuge Protection Work Group
Friends of Dungeness National Wildlife Refuge
Sequim, Washington
May 24, 2017

I write concerning the National Wildlife Refuge System, U.S. Fish and Wildlife Service, requesting $586 million for operations and maintenance for FY 18.

Last year the Dungeness National Wildlife Refuge had 100,000 visitors. It is an important part of the tourist economy of the North Olympic Peninsula. Because of continuous funding cuts since 2010, the Refuge is not able to provide the level of services needed, either to visitors or the wildlife that call our Refuge home. We are particularly concerned that we no longer have law enforcement on site. That is a problem for both people and wildlife.

Our staff is responsible for multiple refuges and they work very hard, but they are stretched too thin. In addition to lack of on-site law enforcement, we have no on-going program for educating people about the Refuge and the wildlife that use the Refuge.

National Wildlife Refuges are a national treasure. $586 million is what is needed to protect and improve them all across the nation.

WRITTEN TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2018 APPROPRIATIONS FOR THE UNITED STATES FISH AND WILDLIFE SERVICE, MAY 24, 2017

BY KATHY WOODWARD, PRESIDENT

SUBMITTED BY FRIENDS OF GREAT SWAMP NATIONAL WILDLIFE REFUGE

Chair Calvert, Ranking Member McCollum, and Members of the Subcommittee:

On behalf of the Friends of Great Swamp National Wildlife Refuge and its membership of concerned citizens, thank you for your support for the National Wildlife Refuge System (NWRS), particularly for the much-needed $2.5 million funding increase for Fiscal Year 2017 (FY17). We appreciate the opportunity to offer comments on the FY18 Interior Appropriations bill and respectfully request:

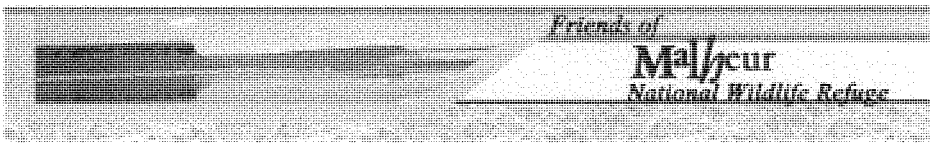
- $586 million for the Operations and Maintenance (O&M) accounts of the NWRS
- $900 million for the Land and Water Conservation Fund (LWCF), with $150 million allocated for the FWS
- $60 million for the Refuge Fund;
- $100 million for the FWS Partners for Fish and Wildlife Program per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S. 821)
- $15 million for the FWS Coastal Program;
- $60 million for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);
- $70 million for the State and Tribal Wildlife Grants Program;
- $47.6 million for the North American Wetlands Conservation Fund;
- $6 million for the Neotropical Migratory Bird Fund; and
- $13 million for the Multinational Species Conservation Fund.

As a refuge Friends organization, we have witnessed and experienced the effects that seven years of underfunding have had on our National Wildlife Refuge System, especially New Jersey's Great Swamp National Wildlife Refuge. Great Swamp National Wildlife Refuge staff is down to only six full-time equivalents (FTEs) from a full workforce of 14 FTEs. Our organization dedicates more than 12,000 volunteer hours at Great Swamp National Wildlife Refuge each year. This is equivalent to the output of six FTEs, effectively doubling the refuge workforce.

Yet this pattern of chronic underfunding is not sustainable. Despite the hard work of our volunteers, volunteer efforts cannot equal the knowledge and expertise of FWS staff. Our request of $586 million for the Refuge System's O&M accounts will allow the Refuge System to make up its more than 400 staff position lost since FY11, including those at Great Swamp National Wildlife Refuge.

Arctic Refuge and Other Policy Riders
In years past, policy riders have derailed the regular order of the appropriations process and jeopardized funding for the Refuge System, among all other discretionary programs. The Friends of Great Swamp National Wildlife Refuge are strongly opposed to a particular policy provision included in the President's FY18 Budget that recommended drilling for oil and gas in the Arctic National Wildlife Refuge. The Arctic Refuge is a truly wild and unspoiled landscape that protects wildlife like polar bears, caribou, and hundreds of species of migratory birds – some of which even travel to our Great Swamp National Wildlife Refuge. Having had the privilege of a 10 day wilderness canoe trip from the Brooks Range to the Beaufort Sea and experiencing its untrammeled wildness, I can say that drilling in the Arctic Refuge would cause irreparable harm to its fragile landscape and wildlife, forever tarnishing this shared treasure that belongs to all Americans.

The Friends of Great Swamp National Wildlife Refuge appreciate the efforts of this subcommittee in passing a rider-free 2017 Omnibus appropriations bill, and we request this subcommittee produce an FY18 Interior appropriations bill that is also free of riders, including any attempts to drill in the Arctic National Wildlife Refuge.



WRITTEN TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2018 APPROPRIATIONS FOR THE UNITED STATES FISH AND WILDLIFE SERVICE, MAY 24, 2017

BY GARY IVEY, PRESIDENT

SUBMITTED BY FRIENDS OF MALHEUR NATIONAL WILDLIFE REFUGE

Chair Calvert, Ranking Member McCollum, and Members of the Subcommittee:

On behalf of the Friends of Malheur National Wildlife Refuge and its membership of concerned citizens, thank you for your support for the National Wildlife Refuge System (NWRS), particularly for the much-needed $2.5 million funding increase for Fiscal Year 2017 (FY17). We appreciate the opportunity to offer comments on the FY18 Interior Appropriations bill and respectfully request:

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- $47.6 million for the North American Wetlands Conservation Fund;
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- $13 million for the Multinational Species Conservation Fund.

Friends of Malheur National Wildlife Refuge has a membership base of over 2,000 and over 10,000 people following our Facebook page. Malheur is very important to the American people!

Fully funding the needs of the Refuge System is a good investment. The 2006 *Banking on Nature* Report – a survey of the economic values of refuge visitation, estimated that in FY2006, 3.8 million people visited refuges in the lower 48 states, and their spending generated almost 1.7 billion in sales in regional economies and this spending generated 185.3 million in local tax revenues. At Malheur National Wildlife Refuge, for every $1 of budget expenditures, $5.69 of economic benefits was generated.

As a refuge Friends organization, we have witnessed the effects that seven years of underfunding have had on our National Wildlife Refuge System, especially at Malheur National Wildlife Refuge. Underfunding has caused a huge maintenance backlog at Malheur which has reduced the area of wetlands that can be provided for migratory birds, therefore limiting the ability of the refuge to fulfill its mission to benefit wildlife. It also has caused cutbacks in visitor services and degradation of visitor facilities, lowering the quality of visitor experiences at this jewel of the Refuge System. Malheur National Wildlife Refuge staff is down to only 17 full-time equivalents (FTEs) from a full workforce of 30 FTEs. Also, as you should be aware, Malheur National Wildlife Refuge was severely impacted by the effects of the illegal occupation of refuge headquarters in 2016 and the severe damage done to the facilities on the refuge. The repair costs of several million dollars took funding away from the Refuge System, further setting back progress on meeting the needs of refuges. Our organization donates approximately 10,000 hours of volunteer service to Malheur annually; however, our volunteer force cannot meet all the unfunded needs of this vast 187,000-acre refuge.

This pattern of chronic underfunding is not sustainable. Despite the hard work of our volunteers, volunteer efforts cannot equal the knowledge and expertise of FWS staff. Our request of $586 million for the Refuge System's O&M accounts will allow the Refuge System to make up its more than 400 staff position lost since FY11, including those at Malheur National Wildlife Refuge.

Arctic Refuge and Other Policy Riders

In years past, policy riders have derailed the regular order of the appropriations process and jeopardized funding for the Refuge System, among all other discretionary programs. The Friends of Malheur National Wildlife Refuge are strongly opposed to a particular policy provision included in the President's FY18 Budget that recommended drilling for oil and gas in the Arctic National Wildlife Refuge. The Arctic Refuge is a truly wild and unspoiled landscape that protects wildlife like polar bears, caribou, and hundreds of species of migratory birds – some of which even travel to our Malheur National Wildlife Refuge.

The Friends of Malheur National Wildlife Refuge appreciate the efforts of this subcommittee in passing a rider-free 2017 Omnibus appropriations bill, and we request this subcommittee produce an FY18 Interior appropriations bill that is also free of riders, including any attempts to drill in the Arctic National Wildlife Refuge.

Respectfully,

Gary Ivey

Gary Ivey, President

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

May 24, 2017

Ms. 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 28 years. The group was founded in 1987; we are a small group supporting the refuge in Southern Maine. 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 $586M. 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 $150M 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. 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. Located along the Atlantic flyway, the refuge serves as an important stopover point for migratory birds. Previous years' appropriations have allowed the USFWS to conserve several properties within the refuge.

*** 1.We are requesting an overall funding level of $586 Million in FY 2018 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. 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 $586 Million for Operation and Management for the National Wildlife Refuge System.

*** 2. Appropriate $60 million in the National Wildlife Refuge Fund in FY18 which offsets losses in local government tax revenue because lands owned by the Refuge System are exempt from taxation. The Refuge Fund is an annual appropriation that supplements the Refuge Revenue Sharing Program. The Revenue Sharing Program offsets lost local tax revenue by providing payments to local governments from net income derived from permits and wildlife refuge activities.

***3. We request $150 million 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. 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. 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 Refuge System needs $150M in LWCF for FY18, including these high priority requests:

* $10 million for Everglades Headwaters NWR and Conservation Area (FL)
* $2 million for Clark River NWR (KY)
* $5.5 million for Silvio O. Conte NWR (CT, NH, VT, MA)
* $3 million for Cache River NWR (AR)
* $2 million for Bear River Watershed Conservation Area (WY, ID, UT)

* $2 million for Blackwater NWR (MD)
* $1.4 million for Balcones Canyonlands NWR (TX)
* $6.2 million for Hakalau Forest NWR (HI)
* $2 million for the Northern Tallgrass Prairie (MN, IA)
* $750,000 for Maine Coastal Islands NWR (ME)

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 $586M for the Refuge System's FY18 Operations & Maintenance Budget, $60M in the National Wildlife Refuge Fund and $150M 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
207-283-0925 hts@gwi.net

FRIENDS OF THE FRONT RANGE WILDLIFE REFUGES

FFRWR

Rocky Mountain Arsenal National Wildlife Refuge

6550 Gateway Road

Building 121

Commerce City, CO 80022

Testimony
Before the
Interior Subcommittee
Of The
U.S. House of Representatives
Committee on Appropriations

Wednesday May 24, 2017

Mr. Chairman.

My name is Louis X.(Kip) Cheroutes, a volunteer board member. Thank you for the opportunity to present testimony today.

I submit this testimony on behalf of the Friends of the Front Range Wildlife Refuges. A Colorado-based non-profit organization aligned with the national Friends of National Wildlife Refuge network, we support the Rocky Mountain Arsenal National Wildlife Refuge (RMANWR), Two Ponds NWR, Rocky Flats NWR and now the under construction Rocky Mountain Greenway Trail that connects them all.

Please understand how any appropriation decision you make, in light of the administration's just released budget request, has a profound impact on the success of the wildlife refuge system.

But with RMANWR, a designated urban refuge, that impact is greater. Elementary and secondary students from the diverse neighborhoods adjacent to the Refuge borders will either have a greater chance or no chance to learn and grow with the Refuge as an outdoor education classroom.

Right now the Refuge manages to provide this education and exposure with the shortest of staff resources on a bare bones operations and maintenance budget. It will not have the capacity to handle future growth. And future growth is happening now. In a big way.

RMANWR managers are recording 35,000 visitors a month, a skyrocketing growth trend. Why?
The surrounding community is growing quickly. Homes are being built literally next to the Refuge fence.
Visiting tourists, from U.S. and foreign destinations, are increasing in numbers. And local efforts, like the Friends Group and other non-profits, are working together to run programs that bring kids to the refuge.

What do all see? The 125-head bison herd, designated by Congress as the national mammal. The recently introduced black-footed ferret, now growing in number beyond 30. Bald eagles nesting and roosting, mule deer, burrowing owls, hawks, coyotes and scores of other species. In other words a thriving high plains ecosystem that once was a U.S. Army chemical munitions plant.

Without sustainable financial support by the U.S. House and Senate to counter the administration's proposal, the demand for Refuge education services will soon overwhelm the capacity to provide them.

This urban Refuge is working hard to fulfill its mission to provide people equitable access to wildlife. Even as we speak, the Refuge, its municipal and county stakeholders with federal Fish and Wildlife Service and Federal Highway

Administration officials are meeting to plan new and improved transportation connections. Local matches, like a recent $2.7 million Inspire Grant from Greater Outdoors Colorado, have helped and will continue to help leverage the partnerships that help accomplish the RMANWR mission.

In short, if the goal of this country is to raise a new generation of American citizens who understand and respect our natural resources, the federal government must keep up its end of the financial burden.
In Colorado the state, county and local governments are doing their part.

We invite you or any member of the subcommittee to visit RMANWR. The momentum you will see will convince you of the need to keep wildlife refuge appropriations strong, for this and all other refuges.

Thanks you again for the opportunity to submit this testimony.

Sincerely, Louis X. (Kip) Cheroutes

WRITTEN TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2018 APPROPRIATIONS FOR THE UNITED STATES FISH AND WILDLIFE SERVICE, MAY 24, 2017

BY RICHARD OWEN SHIELDS, JR, MD, PRESIDENT

SUBMITTED BY FRIENDS OF THE SAVANNAH COASTAL WILDLIFE REFUGES, INC.

Chair Calvert, Ranking Member McCollum, and Members of the Subcommittee:

On behalf of Friends of the Savannah Coastal Wildlife Refuges (FSCWR), a not-for-profit organization of residents of coastal South Carolina and Georgia that supports the mission of the National Wildlife Refuge System (NWRS) and advocates for the seven Refuges comprising the Savannah Coastal Refuges Complex (SCRC), thank you for your support for the NWRS, particularly for the much-needed $2.5 million funding increase for Fiscal Year 2017 (FY17).

We appreciate the opportunity to offer comments on the FY18 Interior Appropriations bill and respectfully request the following funding amounts:

- $586 million for the Operations and Maintenance (O&M) accounts of the NWRS
- $900 million for the Land and Water Conservation Fund (LWCF), with $150 million allocated for the US Fish and Wildlife Service (FWS), including these high priority requests:
  - $10 million for Everglades Headwaters NWR and Conservation Area (FL)
  - $2 million for Clark River NWR (KY)
  - $5.5 million for Silvio O. Conte NFWR (CT, NH, VT, MA)
  - $3 million for Cache River NWR (AR)
  - $2 million for Bear River Watershed Conservation Area (WY, ID, UT)
  - $2 million for Blackwater NWR (MD)
  - $1.4 million for Balcones Canyonlands NWR (TX)
  - $6.2 million for Hakalau Forest NWR (HI)
  - $2 million for the Northern Tallgrass Prairie (MN, IA)
  - $750,000 for Maine Coastal Islands NWR (ME)
- $60 million for the National Wildlife Refuge Fund;
- $100 million for the FWS Partners for Fish and Wildlife Program per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S. 821)
- $15 million for the FWS Coastal Program;
- $60 million for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);
- $70 million for the State and Tribal Wildlife Grants Program;
- $47.6 million for the North American Wetlands Conservation Fund;
- $6 million for the Neotropical Migratory Bird Fund; and
- $13 million 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 our local communities only exacerbates an already difficult situation. For example, the NWRS averages almost $5 in economic return for every $1

appropriated. Budgets have not kept pace, and the gap between the funding needed to maintain these programs and the funding appropriated has widened dramatically. The Refuge System is responsible for 850 million acres of land and water and therefore must have adequate funding to keep pace with this newly expanded area of responsibility. The Service is also expanding their outreach by working to make conservation more accessible to the American public via urban refuges and urban partnerships. To begin bridging these gaps, FSCWR urges Congress to fund these critical programs that leverage federal dollars and serve as economic drivers.

National Wildlife Refuge System – Operations & Maintenance
FSCWR supports increased funding for the Refuge System. Cooperative Alliance for Refuge Enhancement (CARE) estimates the NWRS needs at least $900 million annually, with $586 million in FY18, to manage its 850 million acres, yet it is currently funded at roughly half that amount. The Refuge System cannot fulfill its obligation to the American public, our wildlife, and 48.5 million annual visitors without increases in maintenance and operation funds. Funding for the Refuge System has declined substantially from $503 million in FY10 to its current $483.9 million - $102 million below what it needs just to keep pace with inflation and salary increases. This has forced the Service to cut back on programs and create efficiencies whenever possible. FWS has cut its deferred maintenance backlog nearly in half from $2.7 billion to $1.4 billion as of the end of FY16. Budget cuts also led to the loss of 442 positions since FY11. This reduction in staffing has resulted in significant declines in habitat protection and management, hunting, fishing, volunteerism and scientific research.

For example, at the Savannah Coastal Refuges Complex (which manages seven Refuges along 100 miles of coastal SC and GA):
• FWS biology and law enforcement staff are cleaning bathrooms and performing basic maintenance work at the Savannah NWR Visitor Center instead of working in their areas of training and expertise because there are no funds for hiring civilian janitorial services
• SCRC staff were forced to ask FSCWR for money to rent a truck for the summer Youth Conservation Corps program since they could not afford to replace vehicles which were no longer serviceable
• Mowing and other maintenance along the extensive dike system at Savannah NWR has been curtailed in an attempt to conserve fuel supplies, leading to unsafe conditions for hikers and bikers on the Refuge.
• Damage from Hurricane Matthew in October, 2016, has not been fully repaired because of insufficient funds. The storm damaged buildings, docks, signs, and toppled hundreds of trees. SCRC staff members have been attempting some of these repairs in-house without hiring local contractors because funds were not available. One staff member (who was not a roofer) was seriously injured while attempting to repair a damaged roof.
• A hiring freeze has resulted in open positions within the SCRC forcing staff to attempt to provide the services our public expect with fewer resources.
• FSCWR is funding stipends for summer interns for our long-running sea turtle monitoring programs on Wassaw and Blackbeard Island NWR's because SCRC can no longer provide them.
• FSCWR helped purchase a much-needed replacement mower for the complex because other funding was not available

• Pinckney Island NWR sits at the doorstep to Hilton Head Island in South Carolina and is our most visited Refuge. The Refuge has no staff assigned to it and is maintained solely by community volunteers and FSCWR members.

Our visitation continues to increase, and visitation to all refuges since FY11 has increased by 8% to 48.5 million annual visitors. Overall, more people are looking to recreate on wildlife refuges, but fewer resources are available to provide those opportunities. Any significant cuts to the FWS budget will result in Refuge closures and the reduction or elimination of educational activities and other programs offered to the public, as well as the reduction or elimination of vital biological and monitoring programs.

Equally troubling is a 14% drop in the number of volunteers since FY11. At a time when record numbers of Americans are retiring and have the capability and desire to give something back to their country, FWS's ability to oversee their efforts has been curtailed. Volunteers provide 20 percent of annual work hours on our Refuges, and in FY15 contributed 1.4 million work hours valued at $32 million. The Refuge System could not function without its volunteer work force, yet they are being turned away exactly when the Refuge System needs them the most because of lack of resources to adequately supervise and support them.

During these years of challenging budgets, the Refuge System's potential to drive local economies and create jobs is of paramount importance. *Banking on Nature,* a report issued by FWS in 2013, details the extraordinary economic benefit the Refuge System provides. $2.4 billion are generated in economic output in local communities, contributing more than $340 million in annual tax revenue while supporting 35,000 private sector U.S. jobs.

FSCWR appreciates the Subcommittee's consideration of our request of $586 million for FY18 for National Wildlife Refuge System Operations and Maintenance.

Strategic Growth – Land and Water Conservation Fund (LWCF)

The Land and Water Conservation Fund 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. Some in Congress have argued that public lands like the Refuge System can't manage what they have and thus, all land acquisition should end. However, between 1995 and 2015, lands contained within the Refuge System have only grown by 5.6%, while at the same time, visitation has grown by 30%. The real cause of rising operations and maintenance costs is that the public is hungry for more opportunities to recreate.

Increasingly, LWCF is being used to conserve working lands and local culture through the acquisition of easements that secure conservation protection while leaving the land in private ownership and on the tax rolls. 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 have broad community and state support in New England's Connecticut River Watershed, the Everglades Headwaters, and the Bear River Watershed. 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 that require specific habitat conditions, such as beaches for sea turtles 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 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.

FSCWR calls on Congress to fund LWCF at $900 million per year, with $150 million provided in FY18 to the USFWS for conservation easements and refuge in-holdings, including the projects enumerated on Page 1 and those advocated by Refuge Friends.

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. The System relies on Congressional appropriations to the National Wildlife Refuge Fund to compensate for the shortfall between revenues and tax replacement obligations. However, declining revenues and lack of appropriations have resulted in the Service paying less than 50 percent of its tax-offset obligations since 2001. Payments to local municipalities in FY16 averaged only 25 percent of the total owed. Fund payments to counties within our area, some of the poorest counties in the southeast, should have amounted to nearly $2.3 million in FY15, yet the actual amount distributed was only $566,000. Largely poor and rural Macintosh County GA, home to three NWR's, could have greatly benefited from the more than $526,000 in additional funding that it should have received with full funding of the Refuge Fund. FSCWR requests $60 million for the Refuge Fund and we call 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 – Partners for Fish and Wildlife Program (Partners Program)
With 75 percent of all fish and wildlife species dependent upon private lands for their survival, the 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, the Partners Program has implemented nearly 29,000 restoration projects in the past 25 years, restoring over one million acres of wetlands, three million acres of uplands, and 11,000 miles of streams. The Partners Program leverages federal dollars, generating nearly $16 in economic return for every $1 appropriated for projects. FSCWR requests $100 million in FY18, per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S. 821)

Riders.
FSCWR requests a clean FY18 Interior, Environment, and Related Agencies Appropriations bill free of any policy riders. We believe that with sound conservation policy and adequate funding, the NWRS can fulfill its mission to provide recreation for Americans and protect the habitat of thousands of native species. We look forward to working with Congress in 2017 to accomplish this goal and appreciate your consideration of our requests. Please let me know if you have any questions.

Friends of the Tampa Bay National Wildlife Refuges, Inc.
Barbara Howard, President
PO Box 40782, St Petersburg, FL 33743-0782

Written Testimony
To the House Appropriations Subcommittee on Interior, Environment, and Related Agencies Concerning Fiscal Year 2018 Appropriations for the United States Fish and Wildlife Service and National Wildlife Refuge System
May 24, 2017

Mr. Chairman and Members of the Subcommittee,

On behalf of the 248 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 support of the National Wildlife Refuge System (NWRS) and the $2.5 million funding increase in Fiscal Year 2017. We realize that in this time of tight budgets, 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 2018:

- **Fund $586 million for the Operations and Maintenance accounts of the National Wildlife Refuge System.**
- **Fund $900 million for the Land and Water Conservation Fund (LWCF) with $150 million allocated for the Fish and Wildlife Service (FWS), including these high priority requests:**
  - **$10 million for Everglades Headwaters NWR & Conservation Area**
  - **$2 million for Clark River NWR**
  - **$5.5 million for Silvio O. Conte NWR**
  - **$3 million for Cache River NWR**
  - **$2 million for Bear River Watershed Conservation Area**
  - **$2 million for Blackwater NWR**
  - **$1.4 million for Balcones Canyonlands NWR**
  - **$6.2 million for Hakalau Forest NWR**
  - **$2 million for the Northern Tallgrass Prairie**
  - **$750,000 for Maine Coastal Islands NWR**
- **Fund $60 million for the Refuge Fund**
- **Fund $100 million for the FWS Partners for Fish and Wildlife Program per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S.821).**
- **Fund $47.6 million for the North American Wetlands Conservation Act (NAWCA).**
- **Fund $70 million for State and Tribal Wildlife Grants.**

- **Fund $6 million for the Neotropical Migratory Bird Conservation Fund (NMBCF).**
- **Fund $15 million for FWS Coastal Programs.**
- **Fund $60 million for the FWS for Preparedness and Hazardous Fuels Reduction (under DOI).**
- **Fund $13 million for the Multinational Species Conservation Fund**

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 850 million acres of land and water. The Refuge System cannot fulfill its obligation to the Refuge Improvement Act, American public, our wildlife, and approximately 48.5 million annual visitors without increases in maintenance and operation funds. The Refuge System is currently funded at $483.9 million. It is at least $102 million below what is needed to keep pace with inflation and salary increases. **We respectfully request that you increase the NWRS budget to $586 million for FY18** so that the Refuges do not backslide even further in protecting these valuable lands and ecosystems. The investment in the NWRS yields an impressive return, generating approximately 35,000 private sector 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 billions of dollars' worth of clean water and other environmental benefits such as clean air 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 FY18 with a minimum commitment of $150 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. 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 fund the LWCF 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.

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. 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. FTBNWR requests **$60 million for the Refuge Fund in FY18.**

Partnerships with private landowners and public agencies are the key to successful wildlife protection. This leverages federal funds to go further and restore habitats. The Partners Program has generated nearly $16 in economic return for every $1 appropriated for projects. We urge you to fund **$100 million for FY18 for the FWS Partners for Fish & Wildlife Program** per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S.821).

Essential conservation programs to protect habitat and wildlife will cut expenses in the future by protecting and improving what we have today. The Coastal Program provides technical and financial assistance for voluntary efforts to protect and restore coastal habitats for wildlife. We ask that you **fund the Coastal Program at $15 million** for FY18. We request that you fund the **State and Tribal Wildlife Grants Program at $70 million** for FY18 to fulfill the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered. 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 Preparedness and Hazardous Fuel Reduction program. 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 $6 million** for FY18. Lastly we ask that you fund the **Multinational Species Conservation Fund at $13 million** in FY18.

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. The budget decreases since have hurt our refuges.

- The Tampa Bay Refuges, a part of the Crystal River NWR Complex, is short 3 staff members. One of them is the Deputy Director. Because of this, the Visitor Services Manager dedicated to the Tampa Bay NWR's has been given extra duties to cover the Deputy position, leaving little time to fulfill his duties at the Tampa Bay Refuges. We are coming into the summer nesting season on the Egmont Key NWR. Without a visitor services manager dedicated to the Tampa Bay Refuges, and with the heavy visitation in the warmer months, this is a big problem.
    - Refuge law enforcement (LE) officers are not able to patrol Egmont Key as often during the key summer nesting season due to budget restrictions. This leaves the nesting birds open to more intrusions by refuge visitors and causes nesting failures. Pinellas and Passage Key NWR's are not open to the public but the refuges

do not have the budget necessary to regularly patrol these islands to prevent the public from causing unintentional harm as the birds try to nest.

- If a staff member leaves, he/she cannot be replaced due to the hiring freeze. Budgets are then reduced making it almost impossible to fulfill the Refuge mission and the CCP.
- The refuge now has little or no money to eradicate exotic plants and predators on the refuges. The current budget will make it impossible to keep up maintenance and the result will be degraded habitat for refuges and their wildlife, including nesting failures.
- Prescribed fires have not been conducted Egmont Key as needed. July 2017 brought a huge wildfire to Egmont Key burning 80 acres of the 240 acre island. Fortunately, multiple agencies came together to fight the fire and protect the historic structures on the island. Two thirds of the island still has fuel overload and is at risk for a wildfire. The next one may damage historic structures.
- The Ft Dade Guardhouse has been restored and is now the education center. Refuge staff does not have time to keep this important environmental education center open to the public. Volunteers have stepped up to keep the center open during high visitation weekends and holidays during the year, but visitors can't count on finding it open.
- Egmont Key NWR has a huge erosion problem and can possibly be lost. Because it is in an urban setting, the approximately 32–40 thousand pairs of birds who nest there yearly don't have another location to go to. There is not enough funding to have law enforcement attending to Passage Key NWR to protect the birds from human intrusion and the nesting failure. Increased funding would go a long way in providing these birds the protection they need.

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 $586 million for the FY18 FWS Operations and Management budget.

The Friends of the Tampa Bay National Wildlife Refuges was incorporated and became a 501c3 in 2008 to better assist the Tampa Bay National Wildlife Refuges with volunteers and fundraising. In 2017 FTBNWR was able to provide over 2600 volunteer hours to assist the refuge staff with exotic invasive control, refuge cleanups, and education. Volunteers donated their time as bird stewards and education 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 projects that our Refuge no longer has funding for. 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.

WRITTEN TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2018 APPROPRIATIONS FOR THE UNITED STATES FISH AND WILDLIFE SERVICE, MAY 24, 2017

BY CHERYL HART, BOARD MEMBER

SUBMITTED BY FRIENDS OF TUALATIN RIVER NATIONAL WILDLIFE REFUGE

Chair Calvert, Ranking Member McCollum, and Members of the Subcommittee:

On behalf of the Friends of Tualatin River National Wildlife Refuge and its membership of concerned citizens, thank you for your support for the National Wildlife Refuge System (NWRS), particularly for the much-needed $2.5 million funding increase for Fiscal Year 2017 (FY17). We appreciate the opportunity to offer comments on the FY18 Interior Appropriations bill and respectfully request:

- $586 million for the Operations and Maintenance (O&M) accounts of the NWRS
- $900 million for the Land and Water Conservation Fund (LWCF), with $150 million allocated for the FWS
- $60 million for the Refuge Fund;
- $100 million for the FWS Partners for Fish and Wildlife Program per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S. 821)
- $15 million for the FWS Coastal Program;
- $60 million for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);
- $70 million for the State and Tribal Wildlife Grants Program;
- $47.6 million for the North American Wetlands Conservation Fund;
- $6 million for the Neotropical Migratory Bird Fund; and
- $13 million for the Multinational Species Conservation Fund.

As a refuge Friends organization, we have witnessed and experienced the effects that seven years of underfunding have had on our National Wildlife Refuge System, including Tualatin River National Wildlife Refuge. Tualatin River National Wildlife Refuge is an urban refuge located within the Portland, Oregon metro area. Its major purpose is to connect urban populations with nature and yet Fish and Wildlife Service has not been able to provide the funding for a Visitor Services Manager for over three years. The Visitor Services programs are provided by The Friends group but the programs must be limited because there are not sufficient FWS Staff to oversee the volunteers. Volunteers have provided 29,657 hours of volunteer service in the past year. At a (2015) value of $23.07 per hours, that is over $680,000 worth of service, and the equivalent of five FTEs, which effectively doubles the refuge workforce.

There is also a great need for FWS Law Enforcement officers to ensure the safety of our volunteers, staff and visitors particularly when nearby refuges such as Malheur have been taken over by a small group of misguided individuals.

This pattern of chronic underfunding is not sustainable. Despite the hard work of our volunteers, volunteer efforts cannot equal the knowledge and expertise of FWS staff. Our request of $586 million for the Refuge System's O&M accounts will allow the Refuge System to make up its more than 400 staff position lost since FY11, including those at Tualatin River National Wildlife Refuge.

Arctic Refuge and Other Policy Riders

In years past, policy riders have derailed the regular order of the appropriations process and jeopardized funding for the Refuge System, among all other discretionary programs. The Friends of Tualatin River National Wildlife Refuge are strongly opposed to a particular policy provision included in the President's FY18 Budget that recommends drilling for oil and gas in the Arctic National Wildlife Refuge. The Arctic Refuge is a truly wild and unspoiled landscape that protects wildlife like polar bears, caribou, and hundreds of species of migratory birds – some of which even travel to our Tualatin River National Wildlife Refuge. Drilling in the Arctic Refuge would cause irreparable harm to its fragile landscape and wildlife, forever tarnishing this shared treasure that belongs to all Americans.

The Friends of Tualatin River National Wildlife Refuge appreciate the efforts of this subcommittee in passing a rider-free 2017 Omnibus appropriations bill, and we request this subcommittee produce an FY18 Interior appropriations bill that is also free of riders, including any attempts to drill in the Arctic National Wildlife Refuge.

Testimony of the

Geological Society of America

Kasey White
Director for Geoscience Policy
Regarding the
U.S. Geological Survey
2018 Budget
To the
United States Senate
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

May 24, 2017

Summary
The Geological Society of America (GSA) urges Congress to provide $1.2 billion for the U.S. Geological Survey (USGS) in Fiscal Year 2018. 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 agency has stagnated in real dollars for more than a decade. 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 and urges Congress to reject the cuts proposed in the Administration's FY 2018 request.

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.

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 and businesses 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 provide unmistakable evidence that the United States remains vulnerable to staggering losses. Landslides, which occur in every state, cause more than $3 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.

  Decision makers in many sectors rely upon USGS data. For example, USGS volcano monitoring provides key data to enable decisions on the safety of aviation. Data from the USGS network of stream gages is used by the National Weather Service to issue flood and drought warnings. Earth and space observations provide data necessary to predict severe space weather events, which affect the electric power grid, satellite communications and information, and space-based position, navigation, and timing systems. 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 recent 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." Recent studies have shown that rare earth elements are essential to the production, sustainment, and operation of U.S. military equipment. Reliable access to the necessary material is a bedrock requirement for the Department of Defense. 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. GSA supports increases in minerals science, research, information, data collection and analysis 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 flooding 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 wellbeing of both societies 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 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 to plan a path forward for future support of Landsat.

Activities from hazard monitoring to mineral forecasts are supported by the Core System Sciences, Facilities, and Science Support arenas. These programs and services, such as geologic mapping and data preservation, provide critical information, data, and infrastructure that underpin the research of the USGS. Increases are particularly needed in Facilities to address many deferred maintenance issues.

Knowledge of the earth sciences is essential to scientific literacy and to meeting the environmental and resource challenges of the twenty-first century. It is also fundamental to training the next generation of Earth science professionals. GSA is 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.

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 by the American Geosciences Institute, *Status of the Geoscience Workforce Report 2016*, found an expected deficit of approximately 90,000 geoscientists by 2024. Strong investments in geoscience research are needed to prepare citizens for these job opportunities.

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.

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

"Putting Our People First"

Stephen Roe Lewis
Governor

Monica Lynn Antone
Lieutenant Governor

May 24, 2017

Testimony of Stephen Roe Lewis, Governor of the Gila River Indian Community
Presented to the Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Chairman Calvert, Ranking Member McCollum and distinguished Members of the Subcommittee, I want to thank you for providing us with an opportunity to present testimony to you regarding the budget for Fiscal Year 2018. The Gila River Indian Community ("Community") utilizes many programs within the Department of the Interior, Environmental Protection Agency and Indian Health Service to provide essential services to our citizens and others who live and work on our tribal lands. All of these federal programs are critical to our ability to protect the health, safety and general welfare of our citizens and continue the long-term progress of the Community. We oppose any cuts to these programs and believe that there need to be steady increases to them.

I want to focus my testimony today on one specific issue: the need for the Bureau of Indian Education (BIE) to work with tribal governments and this Subcommittee to develop innovative approaches to funding the construction of replacement schools within the BIE system, and the need for this Subcommittee to provide some direction to the BIE on this matter.

The long-term prosperity of the Community depends on the education and retention of our citizens. We need our students adequately educated on or near their homes located on tribal lands so that they can become a part of the Community workforce and be productive Community citizens and leaders. A key component of this is to ensure that our students are educated in safe learning spaces in up-to-date facilities that achieve measurable academic progress. Otherwise, our citizens are forced to leave our Community to receive a sufficient education. This often results in these students not returning to the Community and effectively reducing our citizenship and economic progress.

The Community, which is home to three BIE schools, is extremely concerned that continued delays to the replacement of structurally-deficient BIE schools has created a dangerous environment that threatens the ability of our students to receive the 21st century education that they deserve.

Background on the Community's Education System

The Community is located south of Phoenix and is comprised of over 21,000 members, roughly 14,000 of who live on tribal lands encompassing 372,000 acres. The Community is

525 West Gu u Ki · P.O. Box 97 · Sacaton, Arizona 85147
Telephone: 520-562-9841 · Fax: 520-562-9849 · Email: executivemail@gric.nsn.us

home to three schools that are funded by the BIE: the Blackwater Community School (Blackwater), the Casa Blanca Community School (Casa Blanca), and the Gila Crossing Community School (Gila Crossing). Casa Blanca was built in 1935 and has a current enrollment of 284 students that span grades K-4. Gila Crossing opened its doors over 140 years ago in 1871 and currently enrolls 510 students in grades K-8. Finally, Blackwater opened in 1939 and currently educates 217 BIE-funded students in grades K-2. Blackwater also operates a charter school for grades 3-5. In addition, the Community is home to three independent state-chartered schools, two state public schools and one parochial school. Other students attend off-reservation public schools and boarding schools. The Community regularly supplements federal funding for on-Reservation education activities but woefully deficient learning conditions remain a significant obstacle to student success at each of the Community's three BIE-funded schools.

The Three BIE Schools within the Community are in Dire Need of Replacement

The BIE recognizes that the three BIE-funded schools within the Community are in need of replacement but competing funding priorities in the Department of the Interior (Interior) have allowed these schools to fall into even greater disrepair. Two of the schools, Casa Blanca and Gila Crossing, are considered by Interior to be in "poor" physical condition. The third BIE-funded school, Blackwater, is also in a deficient physical condition and is undersized but is unable to make improvements without jeopardizing its ability to receive BIE construction funding. In 2016, the BIE announced that Blackwater would be one of ten BIE schools on a "priority list" that will be considered for replacement by the BIE in the coming years. However, Blackwater's listing on the BIE priority list provided no solace to Community leaders, parents, and teachers who must continue to watch their students be educated at the other BIE-funded schools within the Community.

Gila Crossing and Casa Blanca were not on the list despite their poor condition and the fact that both schools have buildings with expired life expectancies. The Community estimates that replacing Casa Blanca and Gila Crossing would cost approximately $8.66 million and $13.4 million, respectively. However, funding for BIE school replacement activities has fluctuated over the past several years, and President Trump's proposed budget for Fiscal Year 2018 proposes to cut nearly $58 million in BIE construction funding. As a result, school replacement funding levels have lagged far behind needs and have left Community leadership and the parents of our BIE-educated students wondering when or if their children will have an opportunity to learn in a productive and safe educational environment. The prolonged timeframe for school replacement coupled with the unsafe and inadequate quality of BIE schools within the Community has forced the Community's leadership to explore innovative ways to solve this problem.

Innovative Funding Solutions Needed

In January 2017, the Community wrote to BIE leadership to request the exploration of a partnership to develop alternative funding mechanisms to replace BIE-funded schools that are not on the BIE construction priority list. Given the negative impacts on our students, the Community's leadership is willing to front the costs of replacing these schools so long as we can develop a partnership with the BIE that allows us to recoup some of our costs over the course of time. We would expect the BIE to continue providing annual operations and maintenance funding for the schools, but also include a dollar amount (either through a lease or some other

mechanism) to the Community on an annual basis so that at least some of the construction costs are recouped by the Community for reinvestment into further infrastructure development.

The Community and BIE officials have independently explored the feasibility of this type of proposal but it is unclear if the BIE has legal authority to enter into these types of arrangements with tribal governments.

The Community is aware of other federal agencies, such as the Indian Health Service, that have joint venture and demonstration-type programs to address specific construction needs. We have been unable to determine with clarity whether the BIE has similar authority. Given that these type of innovative arrangements would reduce the BIE's ever-growing school replacement list and long-term operations and maintenance costs that are constantly rising, we encourage the Subcommittee to include language in its Fiscal Year 2018 funding bill and accompanying report that directs the BIE to identify ways in which it can enter into these types of arrangements with tribal governments.

Given the constraints on the funding for the Department of the Interior and BIE, the Community believes that more attention needs to be given to the development of innovative funding mechanisms for school construction and hopes that the Subcommittee agrees and is able to express its support. Developing innovative funding mechanisms offer mutual benefits that would improve the state of education in Indian Country and support the continued growth of tribal communities in these uncertain budgetary times.

Thank you for considering this request and providing the Community an opportunity to share our views with the Subcommittee on this matter.

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Testimony of the Humane Society of the United States,
Humane Society Legislative Fund, and Doris Day Animal League
Tracie Letterman – Vice President, Federal Affairs, Humane Society Legislative Fund
May 24, 2017

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on matters of importance to our organizations. We urge the Subcommittee to address the following requests in the FY 2018 Department of Interior, Environment, and Related Agencies budget:

- Environmental Protection Agency, CompTox Program: increase over FY 2017 level
- Bureau of Land Management, Wild Horse and Burro Program: level funding contingent on implementing National Academy of Science recommendations for fertility control; language to protect wild horses and burros from slaughter
- Fish and Wildlife Service, Multinational Species Conservation Fund: $11,000,000, with no funds from conservation programs to promote trophy hunting, trade in animal parts, or other consumptive uses of wildlife
- Fish and Wildlife Service, Office of International Affairs: support President's request
- Fish and Wildlife Service, Office of Law Enforcement: support President's request

We also request that the budget exclude any language that would in any way impede the Fish and Wildlife Service's efforts to combat wildlife trafficking, or that would undermine the Endangered Species Act.

Environmental Protection Agency – CompTox Program

Thousands of chemicals are currently used, and hundreds of new ones are introduced each year, for which EPA needs to conduct toxicity assessments. EPA is also tasked with evaluating and registering pesticides and, more recently, evaluating chemicals for possible endocrine activity. To address these needs, EPA established the National Center for Computational Toxicology (NCCT) 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, pesticides, 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 among EPA, the National Institute of Environmental Health Sciences, the National Center for Advancing Translational Sciences, and the Food and Drug Administration, is currently screening 10,000 chemicals to improve the effectiveness of drug development. NCCT also works with other divisions of EPA's Office of Research and Development to develop predictive tools and systems biology databases. These projects are reducing animal use while improving the speed and accuracy of chemical evaluation relevant to several programs. With the passage in 2016 of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, there is a marked need to ensure these tools are augmented and taken up by the agency.

Congress appropriated increases for the program's budget in FYs 2016 and 2017. However, the President's budget has significantly slashed this progress. We support an increase over and above FY 2017 to the CompTox program in FY 2018. This will increase the likelihood of realizing the goals presented in the CompTox program, and assure a more predictable and relevant chemicals safety assessment.

Bureau of Land Management – Wild Horse and Burro Program

The HSUS is one of the leading advocates for the protection and welfare of wild horses and burros in the United States, with a long history of working collaboratively with the BLM—the agency mandated to protect America's wild horses and burros—on the development of effective and humane management techniques.

For years, The HSUS has strongly supported significantly reducing the number of wild horses and burros annually gathered and removed from our rangelands, noting that removing horses from the range without implementing any program for suppressing population growth is an unsustainable method for managing our nation's wild horses. This approach leads BLM into a continuous cycle of roundups and removals, even as long-term, cost-efficient, and humane management strategies, such as fertility control, are readily available.

BLM has long removed many more wild horses and burros from the range than it could expect to adopt. Consequently, the cost of caring for these animals off the range has skyrocketed. According to BLM, caring for one wild horse in a long-term holding facility over the course of its life costs approximately $46,000. Today, there are almost 50,000 wild horses and burros in these pens, and the agency spends more than 63% of its annual Wild Horse and Burro budget on holding costs. While the number of animals removed from the range has declined in recent years, it has been roughly equivalent to the number of animals BLM has adopted out, preventing a reduction in the program's carrying cost.

Furthermore, BLM's wild horses and burros management program has negative effects that go beyond a simple cost-benefit analysis. For instance, the recommendations in the National Academy of Sciences (NAS) 2013 report *Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward*, commissioned by the BLM itself, stated that 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 is facilitating high horse population growth rates on the range.

To move the agency away from this failed paradigm, Appropriations language in the past few years has requested that BLM create a long-term, humane, and financially sustainable management path that incorporates fertility control tools. This approach is supported by the NAS report, which called for increased use of on-the-range management tools, including the fertility control vaccine Porcine Zona Pellucida (PZP). Further, studies have shown that incorporating fertility control into the management of wild horses and burros would significantly lower the program's carrying costs. A 2008 paper determined that on-the-range contraception could reduce total wild horse and burro management costs by 14%, saving $6.1 million per year. In addition, the results of a paper describing an economic model commissioned by The HSUS indicates that treating wild horses on one hypothetical Herd Management Area (HMA) with PZP could save

BLM approximately $5 million dollars over 12 years, while achieving and maintaining Appropriate Management Levels of 874 horses. Since BLM estimates that more than 72,000 wild horses roam in the United States, PZP use could save tens of millions of dollars if applied broadly across all HMAs.

However, instead of pursuing Congressional recommendations to increase the use of fertility control tools, BLM has consistently failed to implement any humane management plan. In fact, in 2016 the agency treated with fertility control only 467 horses from the estimated rangeland population of 72,000—less than 1% of the population.

Now, the President's FY 2018 budget calls for the agency to further reduce its use of fertility control and requests the ability for the agency to send wild horses and burros to slaughter. This will not solve rangeland population conflicts; rather, it will simply repeat the past failures of attempting to lower rangeland populations by removing animals. Twenty years of history has shown that this does not maintain stable populations. Moreover, the overwhelming majority of the American public opposes horse slaughter, and will not accept this as a solution for managing our wild horses.

For these reasons, we support level funding for the BLM Wild Horse and Burro budget, contingent on the agency's use of the funding to immediately begin implementing the currently available NAS-recommended fertility control methods.

We also request inclusion of the same language barring wild horses and burros from being sent to slaughter that was included in the FY 2016 omnibus: "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros that results in their destruction for processing into commercial products," (Division G, p. 714, line 23).

The President's FY 2018 budget proposes language allowing the transfer of horses and burros to federal, state, and local agencies. If this provision is included in Congress's budget, we request you replace the FY 2018 president's language with the language in the FY 2017 omnibus.

Fish and Wildlife Service – Multinational Species Conservation Fund

The FWS Multinational Species Conservation Fund (MSCF) supports conservation programs for African and Asian elephants, rhinos, tigers, great apes, and sea turtles. We request $11 million for this program, roughly the same amount as in the FY 2017 omnibus, and $2 million more than the President's request. The HSUS joins a broad coalition of organizations in support of the MSCF, while asking that the sales of semi-postal stamps benefiting this program remain supplementary to annually appropriated levels.

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, entertainment, or for the public display industry—under the guise of conservation. The use of MSCF grants must be consistent with the spirit of its authorizing law.

Fish and Wildlife Service – Office of International Affairs

We support the FY 2018 budget request of $14.2 million for the FWS Office of International Affairs. This program supports efforts to conserve our planet's wildlife diversity by protecting species and habitat, combating wildlife trafficking, and building capacity for landscape-level wildlife conservation. The Office's Wildlife Without Borders programs address grassroots conservation problems, and we support this work to conserve some of the world's most iconic species in their native habitats.

Fish and Wildlife Service – Office of Law Enforcement

The global trafficking of wildlife has reached emergency levels, with impacts on national security, international human rights, and the survival of protected wildlife species. In particular, African elephants face an unprecedented crisis, with one elephant killed every 15 minutes in Africa. A host of other species, such as rhinos, pangolins, tigers, and sharks, is threatened by poaching and trafficking as well. The United States is the world's second-largest market, behind China, for ivory product sales. In response, FWS issued a rule in July 2016 to curtail the domestic trade in ivory. The rule also increases scrutiny of imports of African elephant trophies, and extends Endangered Species Act protection to live African elephants in captive facilities in the United States.

It is imperative that the nation stay firm in its effort to curtail the U.S. ivory trade and to combat wildlife trafficking. To that end, the Administration's FY 2018 FWS budget includes $73 million for the Office of Law Enforcement; we ask the Subcommittee to fund the Office at this level. The request provides the Service with resources critical to curbing transnational wildlife crime. In addition, we ask that the bill not include language that would weaken the enforcement or implementation of the rule combating ivory trade in the United States.

Endangered Species Act

The Endangered Species Act (ESA) is fundamental to the protection of our planet's most imperiled animals. This law, which is supported by 90% of American voters, has prevented the extinction of 99% of the species under its care, including the bald eagle. Under the ESA, the responsibility to list and delist species lies with federal agencies, which must make these listing decisions based on the best available science. The authority to make these science-based management decisions should remain with federal agencies.

We ask that the FY 2018 budget exclude any language that prevents federal agencies from making listing or delisting decisions based on sound science, or that otherwise undermines the ESA.

institute of makers of explosives

The safety and security institute of the commercial explosives industry since 1913

Statement of the Institute of Makers of Explosives
Submitted by: John Boling, Vice President of Government Affairs
For the Subcommittee on Interior, Environment and Related Agencies
United States House of Representatives
July 7, 2017

FY 2018 Budget Request for the Department of Interior and Environmental Protection Agency

Interest of the IME

The Institute of Makers of Explosives (IME) was founded in 1913 to provide accurate information and comprehensive recommendations concerning the safety and security of the commercial explosives industry. Our mission is to promote safety, and the protection of users, the public and 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 the U.S. manufacturers and distributors of commercial explosive materials and oxidizers as well as other companies that 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 and their affiliates produce the vast majority of the high explosives and a great majority of the blasting agents and oxidizers. These products are used in every state and are distributed worldwide. The industry's commitment to being good stewards of the environment is well documented.

Managers responsible for operating explosives manufacturing and distribution sites are faced with a surprising number of environmental issues that require knowledgeable and diligent attention. To assist the commercial explosives industry in this area, IME developed a manual of best practices for managers to reference called Safety Library Publication (SLP) 29, *Recommendations for the Environmental Management of Commercial Explosives* (2011). While limited in its scope, IME believes SLP 29 is of assistance to facility managers in crafting and implementing a comprehensive environmental compliance programs for their unique circumstances. Updated in 2016, SLP 29 serves to provide the latest in best practices and updates on current regulations so that all of our members can be proper stewards of the environment.

With this perspective, IME appreciates the opportunity to comment on the following subjects:

Environmental Protection Agency

Local Emergency Planning Committees (LEPC)

IME requests that the committee support EPA's State and Local Prevention and Preparedness program. The current year budget request will reduce the program by 34 percent to $10.001 million, from $15.289 million last year and $15.044 million in FY 2016.

As you are aware, the Emergency Preparedness and Community Right-to-Know Act of 1986 was created to help communities plan for emergencies involving hazardous chemicals. It envisioned a seamless safety net of LEPCs established by states and Indian tribes that would ensure community engagement and chemical industry participation. Since that time, EPA has conducted two assessments of the program, in 1999 and 2008, and both have shown the implementation of the program to uneven at best. More recently, the tragic 2013 fertilizer distribution site incident in West, TX revealed again EPA's lack of attention and leadership in using this program to better safeguard communities. As a result, EO 13650 has called for the agency to revitalize the LEPC program. Knowing that emergencies happen at the local level, the Committee should ensure this program has the funding necessary to accomplish its mission.

Department of the Interior

USGS Minerals Resource Program, National Minerals Information Center
IME requests the committee support the USGS budget request for the MRP of $48.279 million.

The National Minerals Information Center (NMIC) is part of the Minerals Resource Program and its dataset is one of the longest running datasets in the Federal Government. It provides critical information to a number of important public sector entities as well as the private sector. No other entity has the capability, integrity, or objectiveness to produce the broad data sets that are now produced by the NMIC. According to the USGS, NMIC mineral economists and minerals information specialists will provide minerals information to other Federal agencies, including the U.S. Census Bureau, the Department of Defense, the Federal Reserve Board, and the Office of the U.S. Trade Representative.[1]

IME works with the NMIC to produce the Explosives Consumption Report. IME collects information for the report from the commercial explosives industry as a public service because the USGS has proven to be a trusted partner in ensuring that commercially-sensitive data is not disclosed. The completed report provides business intelligence unavailable elsewhere, to stakeholders inside and outside of government.

> "The Center's goal is to provide decision makers with the information required to ensure that the Nation has an adequate and dependable supply of minerals and materials to meet its defense and economic needs at acceptable costs related to environment, energy, and economics. These needs have been changing with changes in technology.[2]"

Clearly, it is in the interest of the nation and other stakeholders for the U.S. Congress to fund the Minerals Information Program at the requested level.

Office of Surface Mining, Reclamation, and Enforcement (OSM)

IME supports the following two components of the Committee on Natural Resources *Views and Estimates for Fiscal Year 2018* published in March, 2017 that impact the explosives sector and requests the Committee act on them.

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[1] 2017 USGS Budget Justification, page H-24
[2] U.S. Geological Survey National Minerals Information Center handout, October 15, 2015. https://minerals.usgs.gov/minerals/pubs/nmic/nmic.pdf

Nitrous Oxide Emissions. OSM's proposal to create rules on the emissions of nitrogen oxides from blasting activities is of significant concern. This rulemaking process was instigated by a petition from a litigious environmental group and has received overwhelming oppositional comments from industry and technical experts. If OSM yields to the demands of the environmental petition, the new rule would have substantial consequences for surface coal mining across the nation.

Training of Mining Engineers. The Committee also has concerns about OSM's failure to fulfill an original intent of The Surface Mining Control and Reclamation Act. As mandated in its statement of purpose, OSM is: "[to] stimulate, sponsor, provide for and/or supplement present programs for the conduct of research investigations, experiments, and demonstrations, in the exploration, extraction, processing, development, and production of minerals and the training of mineral engineers and scientists in the field of mining, minerals resources, and technology, and the establishment of an appropriate research and training center in various States".

- OSM has a research grant program but few resources are distributed to mining schools.
- The program has received less than $2 million per year when appropriated.
- Only 1 of 15 current projects is conducted at a mining engineering program.
- Of the 64 projects awarded over the past ten years, only seven were awarded to four faculty members at mining engineering programs.

The Committee feels OSM should provide more support to mining schools through its National Technology Transfer Team Applied Science Program.

At this juncture it is appropriate to note IME's concern that the Department of Interior only has one certified explosives expert in its entire workforce. OSM, for example, is responsible for ensuring blasting on federal lands is done so as to prevent injuries and adverse impacts on the environment. Additionally, OSM provides blasting training and certification. While workforce challenges are not unique to Federal agencies, IME urges the Committee to inquire with the Department to learn if its current human resources needs are being met, where deficiencies are, and the plans to acquire the necessary skilled workforce to meet the needs of the department going forward.

Thank you for your consideration of our requests.

Statement of Gregory E. Conrad on behalf of the Interstate Mining Compact Commission re the FY 2018 Proposed Budget for the Office of Surface Mining Reclamation and Enforcement before the House Interior Appropriations Subcommittee -- June 1, 2017

My name is Gregory E. Conrad and I serve as Executive Director of the Interstate Mining Compact Commission. I appreciate the opportunity to present this statement to the Subcommittee regarding the views of the Interstate Mining Compact Commission's 26 member states on the Fiscal Year (FY) 2018 Budget Request for the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior. In its proposed budget, OSMRE is requesting $60.1 million to fund Title V grants to states for the implementation of their regulatory programs, a reduction of $8.4 million below the FY 2017 enacted level.

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.

OSMRE has projected an amount of $60.1 million for Title V grants to states in FY 2018, 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.[1] 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 2017, Congress approved $68.5 million for state and tribal Title V grants pursuant to the Omnibus Appropriations Bill. 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 many 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 undermining state efforts to realize needed program improvements and enhancements and jeopardizing their efforts to minimize the potential adverse impacts of coal extraction operations on people and the environment.

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1 OSMRE recognizes the significant role played by the states in its budget justification document on page 50 where it notes that "primacy 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 have the capabilities and knowledge to regulate the lands within their borders."

In past budget requests, OSMRE displayed a pattern of proposing 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. OSMRE's FY 2018 budget proposal once again moves the grants marker in the wrong direction with a cut in regulatory grants that is double what the previous Administration had proposed in FY 2017. OSMRE indicates that this significant reduction is based on "a downward trend in state grant execution and a historical return of unexecuted appropriated funds at the end of the grant cycle each year." We are uncertain what OSMRE is alluding to with regard to the "downward trend in state grant execution". Nothing in OSMRE's annual oversight evaluations of state programs has identified this as a problem in need of attention.

Furthermore, it should be kept in mind that, given fiscal constraints on state budgets, 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 the full amount of their federal grant money in recent years. 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, as fully justified by the states' estimates of program needs. Those estimates reflect the ongoing work associated with state program implementation including permit reviews, inspections and enforcement at all inspectable units. Even with the downturn in coal production, the states' workload has not decreased – and in some cases has increased given the tenuous condition of some coal companies. In the latter situation, higher levels of vigilance are the order of the day in order to insure contemporaneous reclamation and abatement of violations.

OSMRE goes on to note that it will "continue to support state regulatory grant requests by re-distributing the available prior year funds as needed." 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.

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. This is particularly true for those states whose match is partially based on permit fees from the mining industry, where significant reductions in permitting activity translate to fewer permit fees (but *not* in the amount of regulatory work for state regulatory agencies). 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.

We are encouraged with language in OSMRE's budget justification document that indicates OSMRE "will continue to practice cooperative conservation through working in partnership with states and tribes to carry out the mission of the SMCRA" and that the agency is

"shifting its role from direct enforcement to oversight", thereby "refocusing actions on mission accomplishment while fostering a better working relationship with the states." However, the proof is in actual implementation of these laudable goals. The states' tendency to be rather circumspect about OSMRE's approach to oversight is based on the agency's aggressive treatment of the states over the past eight years, particularly with regard to the reflexive use of Ten-Day Notices as an oversight tool and the failure to engage the states in a meaningful way regarding crucial programmatic areas such as policies on Clean Water Act implementation and stream protection. Based on our experience with program operations, some of the very areas OSMRE identifies as reasons for its oversight activity are either dependent on state involvement (training) or have seen little in the way of progress over the years (state program amendment review and approval). Specific program areas where OSMRE intends to provide its expertise and assistance are often also reliant upon or must defer to state experience including blasting and bonding.

The overall performance of the states as detailed in OSMRE's annual state program evaluation reports, together with the fact that nationwide, 90 percent of the sites inspected did not have off-site impacts, 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 OSMRE 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 OSMRE seeks to enhance state primacy, we would support a renewed focus on processing state program amendments. Additionally, if OSMRE 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 that IMCC has presented to OSMRE to address the continuing fiscal impacts on program implementation, particularly with respect to duplicative inspection and enforcement requirements.

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.

OSMRE's proposed budget reduces expenditures for the National Technical Training Program (NTTP) and the Technical Information and Professional Service (TIPS) by 15%. While there may be room for some adjustments to these two programs, we caution against cuts that would impact the effectiveness of these worthwhile programs. The states rely heavily on the NTTP and TIPS training classes for their new employees and for refresher courses for more

[2]The Congress agreed with this assessment when it commented as follows on OSM's proposed increase in FY 2017: "The Committee continues to reject the proposal to increase inspection and enhanced Federal oversight of State regulatory programs. Delegation of the authority to the States is the cornerstone of the surface mining regulatory program, and State regulatory programs do not require enhanced Federal oversight to ensure continued implementation of a protective regulatory framework." (H. Report 114-632 at pages 38-39)

seasoned employees. Any adjustments to these two programs should involve the states working through the NTTP/TIPS Steering Committee.

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, the states and tribes should receive a mandatory appropriation of $321.5 million in FY 2018. In its proposed FY 2018 budget, OSMRE seeks to eliminate $90 million for the AML economic development pilot projects due to the fact that this funding "overlaps with existing mandatory AML grants". We believe that funding for pilot projects is separate and distinct from other AML funding sources. As the Subcommittee noted with regard to the FY 2017 Omnibus Appropriations bill, this funding is targeted for economic and community development and reuse goals. We strongly support continued funding (from the General Fund) for these pilot projects, along with expansion of the program to include three additional states (VA, OH and AL). We also recommend concerted action to reauthorize fee collection under Title IV of SMCRA. A resolution concerning reauthorization, along with proposed legislative adjustments, is attached.

IMCC also supports a continuation of funding for the watershed cooperative agreements at $1.5 million. Much valuable work has been accomplished through this program, especially given the matching funds that come from other sources besides OSMRE's share for these worthwhile projects. We also support funding for the Applied Science program, which has supported a range of beneficial research projects addressing advanced technologies and practices specific to coal mined sites.

We appreciate the opportunity to submit this statement on the Office of Surface Mining's proposed budget for FY 2018. We also endorse the statement of the National Association of Abandoned Mine Land Programs (NAAMLP), which goes into greater detail regarding the implications of OSMRE's funding for the states and tribes related to the AML program. We would be happy to answer any questions.

JAMESTOWN S'KLALLAM TRIBE
1033 Old Blyn Highway, Sequim, WA 98382 360/683-1109 FAX 360/681-4643

Written Testimony of
THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE
HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
"2018 APPROPRIATIONS TESTIMONY FOR BIA AND IHS"
May 16, 2017

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 2018 Bureau of Indian Affairs (BIA), Indian Health Service (IHS) and the Environmental Protection Agency (EPA) budgets. A fundamental goal for our Tribe is achieving economic self-sufficiency/self-reliance through opportunities that enable us to generate our own unrestricted revenues to address the unfulfilled Federal obligation and unmet needs of our community. When Tribes are allowed to conduct activities on their own land subject to their own taxes and regulations that are not impeded by state and local tax infringement, Indian reservation economies flourish. We have shown time and again that the Federal investment in our communities is a good investment and continued program and financial support is invaluable to protecting our resources and bolstering Tribal local and state economies.

Decades of unfulfilled Federal obligations has devastated Tribal communities who continue to face persistent shortfalls and overwhelming unmet needs. Unless Congress acts, sequestration cuts will return in FY2018. These budgetary rescissions are permanent, unsupportable reductions to Tribal base programs and the cumulative effect over the years has devastated Tribal communities and stifled Tribal self-sufficiency. Until Tribes attain exclusive taxing jurisdiction within their Tribal lands, Federal support at sustainable levels remains critical to ensure the delivery of essential governmental services to our Tribal citizens. The Federal trust obligation must be honored and vital programs and services for Tribes must be sustained and held harmless in any budgetary deals enacted to reduce the national deficit.

Tribal Specific Appropriation Priorities

1. **$8.3 million for Tribal/City of Sequim Wastewater Connection**
2. **$127,994 Tribal increase for the Indian General Assistance Program (GAP) EPA**
3. **$150,000 to restore funding for the Dungeness Floodplain Restoration & Ecosystem Restoration Puget Sound Geographic and National Estuarine Program (NEP) EPA**

$8.3 million - Waste Water System – Basic sanitation facilities in our community is an essential prerequisite to ensuring public health and community wellness, as well as, economic viability. Specifically, in order to engage in economic development and expand our Tribal business portfolio, the Tribe needs to invest in a waste water system. Our Tribal government cannot operate without adequate infrastructure for sanitation facilities and clean water. After years of careful planning and research, we have entered into a partnership with the City of Sequim to connect Tribal businesses and governmental facilities in Blyn to the City of Sequim Wastewater Treatment Plant. The installation of the project pipeline is approximately $8.3

million but this investment will not only address environmental/public health concerns, it will accrue sustainable long term economic benefits.

$127,994 million increase - Indian General Assistance Program (GAP) – EPA - Our Treaty, Point No Point, guarantees our Tribe and its citizens the right to hunt, fish, and gather shellfish in our usual and accustomed areas but that right is meaningless if there are no elk to hunt, fish to catch, or clams and berries to harvest. Our Tribe has been recognized on numerous occasions for our leadership, stewardship, and management practices in the area of Natural Resources protection and development. We have made tremendous strides in advancing techniques that identify and reduce pollution, improve water quality, assess the status of public health needs, restore habitat, and replenish depleted fish and shellfish stocks, that are on the brink of extinction, including, ESA listed summer chum. Preservation of Tribal Treaty Rights begins with Tribal capacity building which is critical to sustain the positive environmental and economic achievements, including, the generation of employment opportunities, the building and upgrading of ecological infrastructure, the establishment of domestic and international trade relationships, and the bolstering of Tribal, local and state economies.

$150,000 – Geographic/Ecosystems Program (Dungeness Floodplain Restoration & Ecosystem Restoration Puget Sound) - The Dungeness River is the Tribe's ancestral river. In 1855, a dike was built on the Dungeness estuary marshlands and, this act, coupled with a plethora of other man-made impacts, has caused serious degradation to the Dungeness River Salmon habitat. These environmental impacts have been devastating and have led to declines in the Salmon populations because of the loss of habitat. The Geographic/Ecosystems program provides funding for our Tribe to protect and restore the Puget Sound ecosystem. The success of this program is evidenced in the many achievements our Tribe has seen to date, including, commercial shellfish bed upgrades, construction of storm water infrastructure across Puget Sound, salmon recovery and water quality improvement, successful research projects, such as, biotoxin research results on shellfish, successful levee and log jam design projects, and, many education and engagement campaigns. This program is also multi-jurisdictional in that Federal and state agencies, Tribes, regional fishery organizations and other partners take a synergistic and economically sustainable approach to addressing environmental issues. The benefits of this program extend well beyond the reservation boundaries and into the local surrounding communities.

National Requests and Recommendations for the BIA and IHS:

1. Contract Support Costs Mandatory Funding
2. Increase Funding for Tribal Base Budgets/Recurring Programs

Contract Support Costs Mandatory Funding - The Tribe appreciates the continued bipartisan support of the Interior Appropriations Subcommittee for full funding of Contract Support Costs (CSC) for both the IHS and BIA. The Consolidated Appropriations Act provided full funding of CSC in FY2016 at an indefinite amount, and ensured that funding for CSC was not at the expense of amounts appropriated for critical programmatic services. Our Tribe maintains, however, that the indefinite appropriation of CSC funding must be made mandatory and permanent to ensure that these legally mandated obligations are properly executed.

Increase Funding for Tribal Base Budgets/Recurring Programs - Recently, agencies are opting to fund Tribal programs and services with grant dollars as opposed to providing base recurring funding. Grant funding undermines core Self-Governance tenets and hinders the ability of Tribes to redesign programs and services to better address their community's needs. Grant funding does not work well as the main funding source because it is a short term investment that is used to support ongoing and critical needs. Grants create uncertainty in planning, make Tribes compete for limited funding, require extensive regulation, impose overly burdensome reporting requirements and restrict the use of indirect costs. We would urge Congress to increase funding for Tribal base budgets by funding Tribal Priority Allocations and other Recurring Programs because it will benefit all Tribes as opposed to creating more grants that only benefit a few.

National Requests and Recommendations for the BIA:

1. **Economic Development TPA $25 million**
2. **Natural Resources TPA $10 million**
3. **Indian Guaranteed Loan Program $12.6 million**

$25 million - Economic Development (TPA) - Increased funding for Economic Development will allow us to continue to diversify our successful business portfolio and expand our revenue generating opportunities. Chronic underfunding and the severe lack of private investment have left the economic potential of our Tribe unrealized. Tribes are forced to rely on their own economic ventures to generate revenue to support programs and services for Tribal citizens. Yet, Tribes are expected to meet these economic challenges with fewer resources and greater restrictions placed on vital economic financing tools and incentives that are easily accessible and lucrative to other governments.

$10 million - Natural Resources (TPA) - The Federal investment in Tribal Natural Resources will foster Tribal self-sufficiency and support Tribal economies by cultivating cross jurisdictional partnerships with state and local governments that create jobs and promote and advance trade. This investment also advances a number of ancillary but equally important cultural and religious practices, creates community cohesiveness and improves the environmental conditions on our Tribal homelands and in surrounding communities.

$15 million- Indian Guaranteed Loan Program/Surety Bonds - Loan guarantees are an attractive financial tool because Tribes are able to leverage limited Federal funding and promote economic growth by investing in projects that are capable of generating their own revenue streams. The program, however, has been consistently targeted for cuts despite its positive return on the Federal investment. If not for the Loan Guarantee Program, many Tribes would not be unable to secure loans from typical sources that are available to other entities and businesses. Federal credit programs should facilitate Tribal access to private capital markets where Tribes frequently encounter market resistance to conventional lending.

Office of Self-Governance (OSG) – OSG provides administrative support to half of all Tribes nationwide. However, a current funding shortfall of .4 million will result in the loss of critical staff unless this Subcommittee provides a budget line item increase for OSG or the Bureau is directed to transfer recurring funding internally.

National Requests and Recommendations for the IHS:

1. **Support Mandatory Appropriations for IHS**
2. **Fully Fund the Indian Healthcare Improvement Act Provisions in the ACA**
3. **Increase Funding for Purchased and Referred Care $562.2 million**

Support Mandatory Appropriations for IHS - Tribal healthcare programs should be funded similarly to every other government health programs in this country through mandatory funding. The Interior, Environment and Related Agencies Appropriations Bill, which includes funding for IHS, has not been enacted in a timely manner for the past twenty years, creating significant challenges to Tribes' ability to provide critical healthcare services to their Tribal citizens. When it comes to IHS funding, delays could mean the loss of life. Late funding not only affects quality of care, it constrains Tribal healthcare providers' ability to plan, budget, recruit and retain staff, and construct and maintain facilities. Providing predictable, timely and sufficient funding will ensure the Federal government is upholding its trust responsibility to American Indians and Alaska Natives.

Fully Fund the IHCIA Provisions in the ACA – Although the IHCIA provides the authority and, with it, the opportunity to provide essential health care to Tribal citizens, it did not provide the necessary funds to the IHS to carry out these new statutory obligations. There are twenty three unfunded provisions in the Indian Health Care Improvement Act (IHCIA). Many of the provisions that remain unfunded would strengthen the Tribal health care workforce, provide greater access to behavioral health and support innovative initiatives for healthcare delivery to Tribal citizens. Funding these provisions is a necessary precursor to increase Tribal capacity, infrastructure and most importantly access to health care services. A significant Federal investment is needed to achieve a fully funded Indian Health Service and now is the time to act on opportunities made possible in the newly expanded authorities granted under the IHCIA.

$562.2 million - Purchased and Referred Care (PRC) - Most IHS and Tribally-operated direct care facilities do not provide the required emergency and specialty care services so Tribes are forced to turn to the private sector to fulfill this need. PRC funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition and pharmacy services.

National Requests and Recommendations: The Jamestown S'Klallam Tribe continues to support the requests and recommendations of the **Self-Governance Communication and Education Tribal Consortium**, the **National Congress of American Indians and** the **National Indian Health Board.**

Regional Requests and Recommendations - The Jamestown S'Klallam Tribe support the requests and recommendations of the **Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board**, and the **Northwest Indian Fisheries Commission.**

League
of American
Orchestras

Testimony in Support of FY 2018 Funding for the
National Endowment for the Arts
Submitted to the House Interior, Environment, and Related Agencies
Appropriations Subcommittee

Jesse Rosen, President and CEO
League of American Orchestras
May 24, 2017

The League of American Orchestras urges the House Interior, Environment, and Related Agencies Appropriations Subcommittee to support Fiscal Year 2018 funding for the National Endowment for the Arts (NEA) at a level of $155 million. The bipartisan support in Congress for the ongoing work of the NEA was affirmed when the House Interior Subcommittee's recommendation for a $2 million increase for the agency was included in the final FY 2017 omnibus appropriations bill. We are grateful for the Subcommittee's leadership. Further increases in funding in FY18 will enable the agency to help more communities fulfill the NEA's mission to provide all Americans with diverse opportunities for arts participation.

The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of more than 2,000 organizations and individuals runs the gamut from world-renowned symphonies to community groups, from summer festivals to student and youth ensembles, from businesses serving orchestras to individuals who love symphonic music. Orchestras contribute to civic vitality, educate citizens of all ages, and unite people through creativity and artistry.

In Fiscal Year 2016, the NEA's Grants to Organizations included 112 direct grants to orchestras in the *Art Works* and *Challenge America* categories. These grants expand the capacity of orchestras to present concerts and programs that are greatly valued by communities of all sizes, due in no small part to the powerful leveraging capacity of one dollar of direct NEA funding to yield up to $9 in private and other public funds. The following eight orchestral awards from FY16 and FY17 total $122,500 in direct federal support and offer an inspiring glimpse into the unique community partnerships that result from the federal investment in the NEA.

NEA funding broadens access for underserved communities

One of the most valuable services the NEA provides is to improve public access to the arts. The *Challenge America* grant category offers support primarily to small and mid-sized organizations for projects that extend the reach of the arts to populations whose opportunities to experience the arts have been limited by geography, economics, or disability. The **Billings Symphony Orchestra & Chorale** (BSO&C), with its four full-time and four part-time staff and

approximately 70 orchestra musicians, used its *Challenge America* grant to present guest artist Rex Richardson as trumpet soloist for several events, including a free concert and education and engagement programs in downtown Billings and in the town of Hardin. Among the schools Mr. Richardson visited were Hardin Middle School (a 100% Title I school that combines with several schools from the neighboring Crow Indian Reservation), Senior High School (a Title I school in Billings), and Montana State University-Billings. Mr. Richardson's master clinic for the Hardin middle school brass students proved to be an especially rewarding experience for an autistic high school band student who was unable to travel with the band to a state basketball tournament. Mr. Richardson deputized this young man to help with one group of middle school students while he worked with another; the orchestra's director of education reported "This young man's smile never left his face because he was given a chance to work with someone of Mr. Richardson's caliber and was also given the chance to help other younger students while the rest of his band members were away." Approximately 800 Montanans, including this high school student, had truly memorable experiences thanks to NEA support.

The **Spokane Symphony**, with a staff of 25, received an NEA *Art Works* grant for "Music Heals," a unique collaboration with the Spokane Indian Reservation inspired by the words of a Spokane Tribal Elder: "We won't heal until we all remember to sing, drum, and dance." The intergenerational program brought together students in the Wellpinit School District, Spokane Tribal Elders, and the community through music education in traditional instruments and interactive performances with the orchestra. By uniting music education and traditional Native American musical arts and storytelling, this collaboration encouraged students to participate in life-changing music-making. The orchestra performed on the grounds of the Spokane Tribe for a collaborative concert and cultural exchange with students performing on hand-made flutes and drums alongside members of the orchestra.

With a full-time administrative staff of seven and upward of 100 part-time professional musicians, the **West Virginia Symphony Orchestra** (WVSO) serves more than 35,000 West Virginians a year, many of whom live in isolated communities. An *Art Works* grant helped support the WVSO's statewide touring and community engagement project, bringing award-winning educational programs to communities such as Beckley, Elkins, Fairmont, and Parkersburg. The WVSO used music as a point of entry to help learners gain a better understanding of music, math, and other disciplines. Helping to shape the next generation of creative thinkers, productive citizens, and community leaders through the arts can make a difference in communities where unemployment and poverty rates are high and educational attainment rates low. NEA support is essential for the WVSO's statewide touring and engagement work.

Another orchestra taking to the open road to engage with communities well beyond their concert hall is the **Utah Symphony**. The Great American Road Trip (GART) is a follow up to the symphony's 2014 Mighty 5® Tour, and this venture will take the orchestra on a 1,200-mile tour of Utah this late summer. Free outdoor performances and educational activities in rural communities will offer opportunities to pay homage to Utah's landscape and to the country's

Native American heritage. Thanks to support from the NEA, the Utah State Legislature, and Signature Sponsor the George S. and Dolores Doré Eccles Foundation, this tour will strengthen existing collaborations with other organizations and individuals in outlying communities, build new partnerships, and most importantly, enable the orchestra to fulfill its mission to "connect the community through great live music." NEA support is an important component in allowing the Utah Symphony, with its 67 full-time and 15-part time staff, two librarians, and 86 musicians, to make music accessible to the people throughout Utah, and this critical investment has long-lasting impact that creates both an artistic legacy and broader community engagement.

NEA funding supports educating our country's youth

With six full-time and four part-time/contract staff members and 62 musicians, the **Chattanooga Symphony & Opera** (CSO) maximized its *Art Works* grant to support "Sound Beginnings," a series of educational programs that includes sending principal musicians from the orchestra to perform at no charge as many as 60 times for more than 25,000 students in a 12-county area. Additionally, nearly 7,000 third grade students in Hamilton County schools attended the CSO's Young People's Concerts free of charge this year. During the course of its varied educational offerings, the CSO learned that many families often felt uncomfortable attending cultural events because their children with special needs might respond to music differently. With assistance from the Tennessee Arts Commission's Accessibility Office, the CSO immediately began efforts to offer programs for families and children with autism, Down Syndrome, and other disabilities. The resulting Saturday morning, "Sensory Friendly Concert" series in a variety of Chattanooga locations provided a welcoming and inviting way for these previously underserved children and families to interact with music and the CSO. One first-time attendee wholeheartedly affirmed the value of this series: "We just wanted to say thank you for doing these sensory friendly concerts. Our son loves music but would never be able to sit quietly through a concert with drums, etc. This way he (we all!) were able to enjoy the beautiful music! Thank you again!" With such enthusiasm from families and the community for this program, the CSO plans to continue—and perhaps expand—this series in the upcoming season.

The **Anchorage Symphony Orchestra** (ASO), with just four full-time employees and more than 100 musicians, brings orchestral music to thousands of students far beyond its immediate region. An *Art Works* grant helped to support ASO's Young People's Concerts (YPCs), a collaboration with Anchorage School District music educators to encourage participation in school instrumental music programs among elementary school students. Each year, the ASO pays for buses to bring approximately 7,000 students from communities 75 miles north and 50 miles south of Anchorage to attend the concerts, and it waives the $5 admission fee for any student who cannot afford it. Although the ASO is pleased to introduce many of these students to a professional orchestra for the first time, its main goal is to plant the seed for extended musical participation. During a recent conversation, Dr. Bruce Wood, Director of the Anchorage School District's Music and Fine Arts Department, shared that a stunning ninety-three percent (93%) of ASD sixth graders elect to start band and orchestra. He wrote, "I consider the Young People's Concerts as vital to a healthy music education for the children of the Anchorage School District."

NEA funding supports American artistry and thoughtful community engagement

The NEA provided *Art Works* funding to **Pacific Symphony** for its annual American Composers Festival, supporting four live concert performances that featured the musical works of California-based composers Frank Ticheli (a past composer-in-residence), John Adams (celebrating his 70th birthday), and Peter Boyer with his "Ellis Island: The Dream of America." Pacific Symphony's project focused not just on this showcase of California artists, but on taking a closer look at its culturally-diverse Orange County home base. With a staff of 50 full-time employees and 88 musicians, the Symphony offers a variety of low-cost participatory programs, community-wide engagement, and free public performances. Recent projects include a side-by-side amateur instrumental program, an annual Community Ensembles Festival paired with free outdoor Plazacasts of live concerts, and an annual "Lantern Festival" celebrating Chinese New Year, which attracted 4,200 residents and visitors thanks to a partnership with the Irvine Chinese School and Bowers Museum. Pacific Symphony's programs have been intentionally designed to engage new audiences, offer unusual platforms and locations for engagement, and strategically build upon one another.

The **Portland Symphony Orchestra** (PSO) in Maine is using an *Art Works* grant to help showcase local talent and creative assets. With 16 staff members and 84 musicians, the PSO delivers programs that serve more than 100,000 people each season, and thanks to an FY17 *Art Works* grant, will be offering a special program this fall to celebrate the tenth and final season of its music director, Robert Moody. The program will feature *The Book of Matthew*, which American composer Mason Bates has re-written for choir and organ. The residents of Maine will be the first to hear this new version, which will feature Maine's top vocal ensemble, Choral Arts, as well as the Kotzschmar Organ. The program will also feature Leonard Bernstein's Symphony No. 1 "Jeremiah," and end with Karl Jenkins's *The Armed Man*—a work that will be performed for the first time in Maine with an orchestra. The overall program is inspired by Bernstein's famous quote in the wake of President Kennedy's death: "This will be our reply to violence: to make music more intensely, more beautifully, more devotedly than ever before." Jenkins's piece ends powerfully with a hope for peace in a new millennium, bringing a note of optimism to a thought-provoking program that also honors the 100-year anniversary of the Armistice. With increased support from the NEA, the PSO can continue to present programming that shares world-class artistry and provokes thoughtful dialogue and meaningful reflection with Maine residents.

Thank you for this opportunity to convey the tremendous value of NEA support for the communities served by orchestras throughout our country. Orchestras provide countless innovative collaborations, thoughtful programming for underserved communities, and lifelong learning opportunities in service to adults and children in communities of all sizes. As orchestras continually strive to share the power and benefits of music to more people, we applaud the NEA's national leadership in promoting excellence and engagement with high-quality artistry. We urge you to increase our nation's creative potential and access to the arts by approving $155 million in funding for the National Endowment for the Arts in FY 2018.

WRITTEN TESTIMONY OF TRIBAL COUNCIL

LITTLE RIVER BAND OF OTTAWA INDIANS

BEFORE THE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON INTERIOR ENVIRONMENT and RELATED AGENCIES

UNITED STATES HOUSE OF REPRESENTATIVES

MAY 24, 2017

Chairman Calvert, Respected Members of the Committee:

We are the Tribal Council of the Little River Band of Ottawa Indians (LRBOI). We are honored to submit this testimony on behalf of the Little River Band of Ottawa Indians, regarding our views and priorities for the fiscal year (FY) 2018 President's Annual Budget Request.

LRBOI would like to encourage the federal government's ongoing commitment to Indian Country. President Trump's Budget Blueprint and recently released proposed Savings and Reforms propose changes to programs incredibly important to Indian Country as a whole and to LRBOI specifically. We encourage Congress to continue the commitment to establishing a legacy respecting the sacred relationship forged by our treaties. This will be demonstrated by consistent appropriations for the Bureau of Indian Affairs (BIA) at $3 billion, and the Indian Health Services (IHS) of $6.5 billion, with increases adjusting for inflation, previous shortfalls, and the need to expand certain programs. Consistent appropriations demonstrate a long-standing commitment to promoting tribal sovereignty, and for LRBOI, it aligns with our mission to secure and promote the prosperity of future generations. LRBOI would like to thank the Committee for hearing the concerns of tribal leadership and our views regarding the impact of the Administration's budget requests on our nation's efforts to reach the outcomes we are all wishing to achieve – successful, safer and prospering 'Native First 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.

LRBOI understands the challenges we face to assist our population out of poverty and into true individual self-determination. LRBOI is pleased with the ongoing commitment to make affordable housing available through the Native American Housing Assistance and Self-Determination Act (NAHASDA); we have built 57 high quality housing opportunities as a result of this Act to address the needs of our Elders, lower income and working families. LRBOI continues to invest our own funds and will add to our tribal housing community, Aki Maadiziwin, with ten new houses this year. The administration's proposed budget presents drastic cuts to the Native American Housing Block Grant dropping it from 648 million to 600 million and an elimination of the Indian Community Development Block Grant. LRBOI requests that the Committee continue to make these funds available to us, as our needs are increasing year to year with the return of our people to our homelands; we presently have an unmet need of 67 homes for our returning families.

LRBOI requests increases to health care, specifically for maintenance of current services, expansion of programs and services of IHS, and finally for IHS facilities expansions and improvements. Congress has demonstrated a commitment to Indian Country by fully funding contract support costs, which reduces the need to redirect other program funds to meet our costs of providing services. The move of Contract Support Costs from discretionary to a mandatory appropriation is a significant improvement in recent years but there is still far to go. This change brings the Federal Government in compliance at long last with the decisions in the Cherokee, Arctic Slope and Ramah Supreme Court cases. In addition, the increases to patient services will allow us to continue to implement direct services; we are implementing a tribal pharmacy service for our members in 2017—a direct result of services and contact support cost increases. In addition to this LRBOI has long term strategic plans to service our community with Dental care. Oral health disparities are preventable and oral health care access is one of the greatest health challenges to tribal communities. LRBOI is located in a rural community with limited access at an expensive cost. We have recently partnered with a local medical/dental service non-profit to reduce the cost of dental service to our Purchased and Referred Care program. While we increase our efforts to address our community's need, support from Congress in increased appropriations will allow us to fund our own program. This will allow us to serve more members and increase the value of every IHS dollar spent.

Another area of great concern for LRBOI is the proposed elimination of many EPA programs, most importantly the Geographic Programs, which fund a variety of ecosystem protection activities within specific watersheds. LRBOI requests that these programs receive, at a minimum, continued appropriations of 427 million. Our LRBOI Anishinabek culture's foundation is in the "KchiiGaamii" or Great Lakes that surround our lands. LRBOI is part of the Three Fires Nations; we live in the area on our 'Turtle Island' as directed to us long ago—'settle in the place where food grows on water.' This food is critical to our people; it is known as wild rice. Our current efforts to preserve wild rice beds, restore wild rice habitat and enhance growing opportunities for LRBOI member harvests is also impacted by three factors; the quality of the fresh water it grows in, the overall climate of the region and the invasion of non-native plant species such as purple loose-strife and phragmytes. Presently, LRBOI receives an Environmental Protection Agency (EPA) multi-year grant under the Great Lakes Restoration Initiative (GLRI) that assists our wild rice re-introduction, restoration and existing

source management efforts. The Great Lakes Restoration Initiative funding is in jeopardy and we ask Congress to appropriate funds to secure this program. Combined with Bureau of Indian Affairs (BIA) funds, LRBOI is making an effort to protect existing wild rice beds within our Ceded Territory watersheds, establish harvesting education programs and reduce the incidence of invasive species and their impact on the habitat. LRBOI further recommends increasing the existing EPA GLRI appropriation to $10 million from the $3 million requested in the FY 2017 budget as there are 36 Tribes in our region with similar cultural preservation aspirations. LRBOI also recommends increasing the BIA Invasive Species Program from $10 million to $15 million. The biologists working on our wild rice and habitat restoration efforts have indicated the biggest threats to our region for all Natural Resources are climate change, land management, farming and the siphoning of fresh water for activities such as fracking for gas and oil exploration. LRBOI asks the Committee to consider the protection of water quality to be a long-term priority. This protection includes appropriations for the Safe Drinking Water State Revolving Fund, The Clean Water Act State Revolving Fund and the Tribal Water Pollution Control, Clean Water Act Section 106.

Economic development continues to be a goal and value for LRBOI. This Administration's commitment to rebuilding infrastructure and creating jobs is a message well received in Indian Country. Federal funding that meets the treaty and trust obligations assist LRBOI in our efforts to contribute to our local economy and community. An example of this is our Utilities department sewer and waste water program expansion into servicing local municipalities suffering from infrastructure issues. Our expansion was facilitated by tribal funds and several grant programs including local and federal funding sources through IHS and the U.S. Department of Rural Housing and Economic Development. The proposed elimination of several development programs including the Rural Water and Waste Disposal Program will significantly impair our ability to continue to build infrastructure and assist not only tribal economic development, but the development of our entire community.

The FY2018 budget also proposes to cut funding to the Minority Business Development Agency. Instead LRBOI would request this funding remain, at a minimum consistent, with previous years with a specific set-aside sufficient to reestablish Native American Business Enterprise Centers within MBDA. Our request is an increase from 32 million to 35 million. LRBOI has made significant improvement in economic development, breaking ground this year on the Odeno ("A Place of Many Hearts") development project. The first phase of this residential development, completed outside of Indian Country is building ninety-nine houses, creating a neighborhood that embraces the environment, preserving maximum green space and providing quality affordable housing to a community in Muskegon, Michigan that desperately needs it. The final project will conclude with as many as 281 new homes built. Projects like these require great coordination of resources and a long view when it comes to tribal economic development. Federal funds and specifically assistance and services through the Office of Native American Business Development and the Small Business Administrations' Office of Native American Affairs play a vital role in planning. The Tribe continues to foster micro-improvements through our Ndebwetaadizimi ("We believe In Ourselves") Entrepreneurs Club for tribal youth and descendants. We benefit from programs throughout Indian Country, our tribal members also have access to loans through Chi Ishobak,

a certified Native Community Development Financial Institution. We cannot emphasize enough the importance of small business development to create jobs in Indian Country.

Finally, LRBOI, like all of Indian Country supports the Congressional action to improve justice for tribal victims. The changes to the Tribal Law and Order Act of 2010 and the Violence Against Women Reauthorization Act of 2013 increase the jurisdiction of our courts and allows for public safety in tribal communities. These laws must be fully implemented and increased appropriations and targeted funding are the only ways to significantly improve tribal policing and tribal justice systems. This means sustained and increased appropriations for the Departments of Interior, Justice and Health and Human Services. The Bureau of Indian Affairs should be allocated additional funding to distribute to tribal courts. LRBOI has taken a pro-active approach to law enforcement, having our Officers cross deputized with the local police force and entering into agreements with the Department of Natural Resources to offer assistance when called upon. We are facing challenges of an increased criminal jurisdiction with little to no increase in funding to address training needs. LRBOI requests increased funding for the Tribal Civil and Criminal Legal Assistance, Training and Technical Assistance grant program, under the DOJ, to address these needs.

LRBOI appreciates the Committee's time to consider the continuing sustained support and appropriations for vital programs and our proposed increases over the President's fiscal year 2018 budget. We see the positive impact of ongoing meaningful consultation that is occurring through the Tribal Interior Budget Council and National Budget Formulation Workgroup. 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 its 'Native First Nations' truly do share a "sacred bond" borne from treaties – a mutual exchange for the benefit of both, our respective lands and nations.

Little River Band appreciates the opportunity to present this testimony to the Committee on these important matters.

KchiMiigwech (Many Thanks)
Gdagaanaagaanik (All Our Relations)

LRBOI Tribal Council: Joseph Riley II, Speaker; Sandy Lewis, Recorder; Ron Wittenberg; Gary DiPiazza; Shannon Crampton; Frank Medacco; Jamie Friedel; Diane Lonn; Ron Pete

Danny Breuninger, President, Mescalero Apache Tribe
FY18 Testimony Before the House Appropriations Committee – Subcommittee on Interior, Environment and Related Agencies

Background of the Mescalero Apache Tribe: As Europeans began to encroach on our ancestral homelands, the Mescalero Apache Tribe (Tribe) entered into the Treaty with the Apaches with the United States on July 1, 1852. The Mescalero Apache Reservation (Reservation) was created by a succession of Executive Orders in the 1870's and 1880's. The Reservation spans 720 square miles (460,405 acres) across south-central New Mexico and is home to approximately 4,900 tribal citizens and 200 non-Indian residents.

My testimony focuses on four priorities: increased funding and services to address methamphetamine and substance abuse; construction dollars for tribal corrections and justice systems facilities; increased funding, streamlined regulations, and access to capital for housing; and parity in funding for tribal forest management and wildfire prevention.

Substance Abuse and Prevention: In December of 2015, the DEA and Bureau of Indian Affairs (BIA) dismantled three drug trafficking organizations distributing methamphetamine on the Mescalero Apache Reservation and across southeastern New Mexico. It was clear to the federal investigators of this sting that drug cartels targeted the Reservation as a safe haven for their criminal enterprise.

Leading up to the sting, our Reservation suffered a spike in drug-related crimes. The federal sting was spurred by the brutal beating of a 13-year-old girl on the Reservation. Two male subjects were high on meth. The girl survived, but is still recovering from her injuries.

To this day, our Reservation continues to reel from the infliction of this poison on our people. Meth and other illegal and legal prescription drugs have devastated our community. For more than a decade now, meth has plagued our Reservation with violent crime and suicide, as well as other health issues, including birth defects traced to women using meth while pregnant.

Like other Indian nations, the Mescalero Apache Tribe is fighting to maintain our culture, language and identity, and this influence is coming in and attacking us. I look at other reservations across the country, and we're all facing this as a group. It's in big cities, small towns and villages. Mescalero is certainly not immune.

Methamphetamine has a disproportionate devastating impact on tribal communities, accounting for up to 40% of violent crime in Indian Country. The epidemic of substance abuse is the root cause of many social and economic issues facing tribes. Inadequate funding for alcohol and substance abuse services has a ripple effect on our health care, education, and justice systems. Congress must provide sustainable funding to help families prevent and survive these challenges.

***REQUEST*: The President's Budget requests an increase of $678,000 for the IHS Substance Abuse program. The Mescalero Apache Tribe instead supports the recommendation put forth by the National Indian Health Board that the IHS Alcohol and Substance Abuse program be funded at $397 million for FY18. This is $178.5 million above the FY 2017**

enacted level, and better reflects the dire situation of substance abuse facing Indian tribes. In addition, while beyond the purview of this Subcommittee, we ask that you work with your Appropriations Colleagues at Labor HHS and CJS to steer 10% of funding from the recently enacted CARA Initiative to address the scourge of addiction in Native communities.

Public Safety Facility Construction: A January 2017 DOJ Inspector General Report states that, "Violent crime rates in Indian country are more than 2.5 times the national rate and some reservations face more than 20 times the national rate of violence. However, many tribal nations do not have the resources to develop the necessary correctional infrastructure."

Congress approved the transfer of funding for the tribal public safety & justice construction program from the BIA to DOJ in FY99. From FY99-FY02 the DOJ construction program received approximately $35 million annually. The Tribal Law and Order Act of 2010 amended the Tribal Justice Systems Infrastructure Program (TJSIP)(42 U.S.C. 13709) to authorize funding for Indian tribes to construct multi-purpose justice centers that house police, courts, corrections, and alternatives to correction all within one facility. The Act authorized appropriations at $35 million annually. In recent years, DOJ's tribal corrections construction and maintenance program has averaged less than $7 million. In FY14, without any tribal consultation, the Office of Justice Programs (OJP)—Bureau of Justice Assistance determined that it "is no longer awarding grants for new construction projects. Currently, TJSIP funds are only available for renovation and/or expansion of existing facilities." *See DOJ-Inspector General Report at 82 (Jan. 2017).*

The Mescalero Apache Tribe acknowledges that we cannot arrest our way out of the problem of violent and drug-related crime facing our community. However, any functioning justice system must employ incarceration as an option in order to deter crime and remove dangerous individuals from the public. For nearly two decades now, the Mescalero Apache justice system has operated without a local corrections center to incarcerate offenders sentenced by our Tribal Court.

The Tribe has sought funding for an adult/youth correctional facility since 1998 to replace the dilapidated BIA jail, which was just over 4,100 square feet with a small fenced area for impounded vehicles. In 2003, the BIA—without consultation—closed the jail on what was supposed to be a temporary basis. It was never reopened. In 2009, the Tribe, participating in the BIA's High Priority Performance Goal (HPPG) initiative, applied for and received an ARRA planning and design grant for a new justice center. The plan was completed in 2012 for a Mescalero Apache Justice Center that would house the Court, the Prosecutor's Office, Probation Offices, and the Public Defender's Office in addition to separate cells for male, female and juveniles. The Tribe has not been able to secure funding to continue the project.

***REQUEST*: We urge the Subcommittee to either return the justice system construction program to the BIA or respectfully request that you work with your colleagues on the CJS Appropriations Subcommittee to restore and fully fund justice systems construction at the authorized level of $35 million.**

The Tribe generally supports the President's FY18 Budget request to direct 7% of ALL OJP funding to Indian Country's justice needs, and a separate request for $30 million for

Tribal COPS. We ask that any overall increase in funding be directed to TJSIP program with direction to BJA to restore the new facilities construction program.

Indian Housing Needs: FY18 testimony before the Subcommittee acknowledges Indian Country's unmet need of approximately 68,000 housing units (new and replacement) that will cost in excess of $33 billion. Mescalero's housing needs conservatively stand at 300 new homes.

While HUD, through its NAHASDA Indian Housing Block Grant program (IHBG), is the primary source of funding for housing on Indian lands, BIA's HIP is separate and distinct. HIP is a home improvement and replacement program that serves the most needy individual throughout Indian Country. HIP is a secondary, safety-net housing program that seeks to eliminate substandard housing and homelessness on Indian reservations.

***REQUEST:* The FY17 Omnibus provided $9.7 million for HIP an increase of $1.7 million. This was welcome news as the program has suffered sustained cuts over the past decade. We urge the Subcommittee to oppose the President's FY18 Budget proposal to eliminate the HIP program, and instead build on the progress made in FY17 and restore HIP funding to the FY07 level of $18.6 million.**

The Mescalero Apache Tribe also attempts to serve our Reservation housing needs by utilizing the USDA Single Family Housing Repair Loan and Grant Program and HUD's Indian Block Grant program. (On June 21st, the Tribe will be recognized for the success we have had with the USDA program as we serve low-income homeowners with remodeling activities.) The Tribe also received one tax credit project from the State of New Mexico's Low Income Housing Tax Credit (LIHTC) program. And we have HIP and IHBG homes on the Reservation. Each of these agencies imposes a different environmental review process and requirements. The Tribe has a housing project that has been held up for several years due to delays in the multiple environmental review processes. The project came to a standstill and remains stalled.
***REQUEST*: We urge the Subcommittee to add report language to streamline and unify environmental review requirements for all federal Indian housing-related programs.**

Finally, while outside the purview of this Subcommittee, we urge you to reach out to your Appropriations Committee colleagues to reject any proposed cuts to the HUD Section 184 Indian Loan Guarantee Program and Title VI loan program. In addition, we ask that you work to improve the LIHTC program to guarantee that at least 10% of tax credits are allocated to the housing crisis on Indian lands. **These programs represent vital access to outside investment capital and enable tribes to leverage our limited Indian Housing Block Grant funds.**

Forest Management and Wildfire Prevention: The Lincoln National Forest (LNF) and nearby BLM lands were carved out of the initial Reservation boundaries promised to the Tribe. The Mescalero people have maintained strong cultural ties to these lands. To this day, we continue to gather plants important to our traditions and conduct ceremonies on these federal lands.

Since 1960, the Tribe has leased approximately 860 acres of LNF lands under two special use permits to establish, manage, and operate Ski Apache. The Tribe has made significant improvements to the Resort, including a recent $15 million investment to triple the ski lift

capacity and $2.6 million for world-class zip lines to provide year-round recreation. Ski Apache employs 350 people and contributes many millions of dollars to the local economy in tourists and lodgers. To protect these investments and our sacred lands, the Tribe has a considerable interest in maintaining a healthy forest and preventing wildfires and resulting flooding.

However, tribal forestry programs receive far less funding than our state and federal counterparts. The 2013 IFMAT Report acknowledges that BIA allocations to tribes average only $2.82/acre; whereas, National Forests receive $8.57/acre and state forests in the western U.S. average an astounding $20.46/acre. At one-fourth to one-tenth of the funding our state and federal counterparts receive, tribes are able to accomplish vastly more reductions in hazardous fuels and have healthier, functioning forest ecosystems. This work is not sustainable.

Nature provided us a preview of what will happen if the Mescalero forestry program is allowed to die. The Little Bear Fire started modestly on June 4, 2012, caused by lightning in the White Mountain wilderness in LNF. Over the ensuing five days, LNF deployed few assets and the fire jumped the fireline blazing through the Ski Apache Resort and onto Tribal lands. Within two weeks, the Little Bear Fire burned 35,339 acres in LNF, 8,522 acres of private land, 112 acres of state land and 357 acres of the Reservation. The fire also destroyed more than 255 buildings and homes in the region and 44,500 acres of prime watershed. The overall estimated cost of the fire, including suppression and damages, exceeded $100 million.

A comparison of the impacts of the Little Bear Fire on the healthier Mescalero tribal forests and much less healthy LNF demonstrates the need for continued funding of smart fuels management projects. In 2008, the Tribe completed an important, cost-effective hazardous fuels reduction project on the Eagle Creek portion of the Reservation. As the Little Bear Fire moved across the landscape, the previously treated Eagle Creek project area was used as a defensible space to turn the Little Bear Fire away from the steep, densely forested terrain of the North Fork of the Rio Ruidoso, and prevented complete devastation of the Village of Ruidoso source waters. The Little Bear Fire is proof positive that hazardous fuels reduction projects work to save lives, protect property, and maintain healthy forests.

Hazardous fuels funding levels must be restored to enable tribes to continue to protect our communities. Each year, more forests throughout the country are burning, more critical watersheds are jeopardized, and more communities are placed at risk. Congress must acknowledge and fulfill the legal treaty and trust obligations of the United States to help protect and care for Indian lands and our forests as permanent homes. Tribal forestry programs must be funded accordingly. The United States must fully fund hazardous fuels treatment for Indian lands and nearby federal lands separately from the national firefighting budgets. The FY18 Omnibus took positive steps by increasing BIA Forestry funding to $54.1 million, including a $2 million increase for forest thinning projects.

REQUEST: **We urge the Subcommittee to build on this progress and support the Intertribal Timber Council's request to fund BIA Forestry at $79.1 million (+$25 million) as a first step towards the additional $100 million needed for tribal forest funding parity with other federal forestry programs recommended in the IFMAT III report. We ask that you oppose the President's request to cut BIA Forestry funding by $2.8 million.**

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

May 24, 2017

Chairman Calvert, Ranking Member McCollum and members of the Committee, thank you for the opportunity to submit this testimony regarding federal appropriations for the National Endowment for the Arts in fiscal year 2018. My name is Pam Breaux, and I am the 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 FY2018.

Last year, while considering funding for FY2017, this Committee voted unanimously to increase funding for the agency by $2 million. The states and NASAA are extremely grateful to the Committee for this, particularly given the limitations Congress faces because of sequestration. As you look to the next budget, NASAA hopes you will consider increasing funding for the NEA, which makes a substantial impact in communities throughout the United States.

In asking for an increase in funding for the NEA, it is important to acknowledge the continued bipartisan support that this Committee and Congress have 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 $41 million in FY2016; these dollars help to leverage additional public and private investments in the arts, empower states and regions to address their unique priorities, and serve far more constituents than federal funds alone could reach.

State arts agencies use their share of NEA funds, 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 families. Should Congress support an increase for the NEA, state arts agencies will be able 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. An example area of focus for

1200 18TH ST NW, SUITE 1100 ★ WASHINGTON, DC 20036 ★ 202-347-6352 ★ FAX: 202-737-0526
NASAA@NASAA-ARTS.ORG ★ WWW.NASAA-ARTS.ORG

NASAA and state arts agencies is 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). Federal leadership has enabled State Arts Agencies to replicate this successful partnership at the state level. In a recent poll NASAA conducted of state arts agencies, over 90 percent of respondents said that are either currently undertaking or interested in pursuing arts therapy programs for veterans.

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. Thank you for your consideration.

Respectfully submitted,

Pam Breaux
Chief Executive Officer

1200 18TH ST NW, SUITE 1100 ★ WASHINGTON, DC 20036 ★ 202-347-6352 ★ FAX: 202-737-0526
NASAA@NASAA-ARTS.ORG ★ WWW.NASAA-ARTS.ORG

National Association of
Chemical Distributors

Advancing Stewardship, Creating Connections

March 22, 2017

The Honorable Rodney Frelinghuysen
Chairman, Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Nita Lowey
Ranking Member, Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Ken Calvert
Chairman, Subcommittee on Interior,
Environment, and Related Agencies
United States House of Representatives
Washington, DC 20515

The Honorable Betty McCollum
Ranking Member, Subcommittee on Interior,
Environment, and Related Agencies
United States House of Representatives
Washington, DC 20515

Dear Chairman Frelinghuysen, Ranking Member Lowey, Chairman Calvert, and Ranking Member McCollum:

On behalf of the National Association of Chemical Distributors[1] (NACD), I am writing to express serious concerns about the proposal in President Trump's budget blueprint to eliminate the U.S. Chemical Safety Board (CSB). We request that the U.S. House of Representatives Committee on Appropriations reject this proposal and continue to adequately fund this important agency.

Congress authorized the CSB as part of the Clean Air Act amendments of 1990 to create an independent entity charged with investigating chemical accidents and making recommendations outside the inspection and enforcement programs of regulatory agencies such as the Environmental Protection Agency and the Occupational Safety and Health Administration. This independence has allowed the CSB to investigate thoroughly the circumstances and root causes of chemical accidents and to develop materials and make practical recommendations to prevent future incidents.

Since its inception, the CSB has made nearly 800 safety recommendations to industry, government agencies, labor unions, and other organizations. In addition, the CSB has issued 90 comprehensive reports detailing the conditions that led to tragic chemical incidents and making distinct recommendations on how to prevent similar incidents. To supplement these reports, the CSB has produced almost 70 safety videos. Each of these videos provides a compelling and valuable training tool for industry, including clear lessons on how to avoid chemical accidents. These CSB activities have made the chemical industry and the public safer.

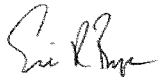
While the CSB had some challenges a few years back, the agency is now fully back on course. Since Vanessa Sutherland took over as chairperson in late 2015, the agency has released seven final reports, issued 47 new recommendations, closed 30 recommendations, and released two new safety videos. The CSB has also developed a five-year strategic plan and has substantially increased public outreach. Now is not the time to stop this agency's excellent work in its tracks.

[1] NACD's over 440 member companies are vital to the chemical supply chain, providing products to over 750,000 end users. NACD members are leaders in health, safety, security, and environmental performance through implementation of NACD Responsible Distribution®, a condition of membership and a third-party-verified management practice. For more information, visit www.nacd.com.

Through their participation in Responsible Distribution, NACD members are committed to health, safety, security, and environmental performance. Our members have consistently used the CSB's reports, recommendations, and videos to improve their safety performance further. To promote improved safety performance throughout the entire chemical industry, we urge the Committee to continue to adequately fund the CSB in FY 2018 and beyond.

Thank you for your consideration.

Sincerely,



Eric R. Byer
President

cc: Members of U.S. House of Representatives Committee on Appropriations
Members of U.S. Senate Committee on Appropriations
The Honorable Mick Mulvaney, Director, White House Office of Management and Budget
The Honorable Vanessa Allen Sutherland, Chairperson, Chemical Safety Board

NACAA
national association of clean air agencies

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 2018 Budget for the U.S. Environmental Protection Agency
May 25, 2017

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to testify on the FY 2018 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 (CAA), which are part of the State and Tribal Assistance Grant (STAG) program. Specifically, NACAA strongly opposes the Administration's proposal to cut state and local air quality grants by 30 percent (from $227.8 million in FY 2017 to $159.5 million in FY 2018) and is very concerned about the significant hardship this will pose on the public's health and welfare. We ask that Congress, at a minimum, continue to fund these grants at last year's level. Additionally, NACAA requests that grant funds for fine particulate matter monitoring remain under Section 103 authority, rather than being shifted to Section 105 authority.

NACAA is a national, non-partisan, non-profit association of state and local air pollution control agencies in 45 states, the District of Columbia and four territories. 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.

Steep Cuts Will Have Devastating Impacts on State and Local Programs

For many years, state and local air pollution control agencies have struggled with insufficient resources and have done what they could to address their budget shortfalls. However, due to economic hardships, states and localities increasingly rely on federal grants. Unfortunately, since grant levels have essentially remained flat in recent decades, taking inflation into consideration, grant funding has actually decreased by nearly 17 percent since 2000.

State and local agencies would find it difficult to accommodate *any* cuts to federal air quality grants; additional cuts of 30 percent would be devastating. Such reductions would severely impede the ability of many agencies to continue essential programs and, in the most extreme cases, some smaller l ocal agencies could conceivably have to close down entirely. With such cuts, many state and local air pollution control agencies will have trouble fully implementing the CAA's health-based air standards and delivering the clean and healthful air the public deserves. Additionally, these agencies and their regions could be subject to harsh sanctions under the CAA, including the withholding of millions of dollars in federal highway funds, severe emissions "off-set" limits that could interfere with economic development, and the possibility of EPA imposing Federal Implementation Plans on states.

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Maintaining funding for state and local agencies will not only protect public health, but will also allow them to continue to provide services to the public and the regulated community, such as more expedited permit processing, compliance assistance and streamlined regulatory operations. These services, if adequately funded, contribute to economic development and administrative efficiencies.

NACAA recently surveyed state and local air quality agencies to learn what a reduction of approximately 30 percent in federal air quality grants would mean to their programs.[1] The results reveal a very disturbing picture: cuts of the magnitude proposed would likely have a devastating impact on their efforts to provide healthful air quality for the public. Indeed, if Congress enacts such cuts, we fear more people will die prematurely and get sick unnecessarily.

In responding to the NACAA survey, agency after agency painted a similar picture of severe curtailments to their programs in the face of the steep cuts being proposed: cancellation of programs, loss of staff and a diminished capacity to obtain and maintain healthful air quality. Nearly every respondent reported that cuts of this magnitude would severely reduce the benefits the agencies can provide. These include not only to the general public, with respect to decreasing air pollution, maintaining clean air and generally protecting public health, but also to the regulated community, in terms of permitting, compliance assistance and other services.

The respondents provided a long and varied list of ways in which a 30-percent reduction would impact state and local air quality, affecting nearly every function they perform. They identified many activities to be reduced and/or eliminated, including monitoring, inspections, enforcement, permit issuance, compliance assistance, data analysis, equipment maintenance and complaint response, along with losing staff who are needed to do all that work, among others.

The impacts of these reductions are far reaching. Numerous agencies reported that they would be operating at a bare minimum level and that the services they provide the public would be limited or even eliminated. Perhaps most importantly, efforts to obtain healthful air quality and maintain clean air would suffer as a result of these resource constraints on their programs.

Agencies also reported that their state or local governments, which already provide the lion's share of funding for clean air programs, would not be able to make up for the reductions in federal grants through additional state or local appropriations, general funds, grants or other contributions. Additionally, several agencies noted that they could consider increasing fees to address the shortfall, but that gaining approval for additional fees is unlikely as well.

Finally, state and local air quality agencies reported that a 30-percent cut in grants could force them to turn some of their important Clean Air Act implementation work back to the federal government. Since local communities, including many regulated entities, generally prefer working with their local and state agencies (as opposed to EPA), the return of responsibilities to the federal government would be a tremendous loss. Additionally, since the

[1] NACAA Report, *Impacts of Proposed FY 2018 Budget Cuts on State and Local Air Quality Agencies* (May 22, 2017), http://www.4cleanair.org/sites/default/files/Documents/NACAAFundingReport-FY2018.pdf

proposed budget calls for sharp cuts to EPA's operating budget as well, the agency would not be in a good position to take on the tasks that the state and local agencies can no longer carry out.

While the responses taken as a whole provide an overall impression of the adverse impacts of the proposed grant reductions, reading what state and local agency officials said in their own words about their individual agencies offers a sense of the harm these critically important programs and public health would suffer. A sampling follows:

"A cut in our federal grant of 30 percent would impose serious and adverse impacts on our individual state and collective ability to effectively run our air pollution control programs. There would very likely be many more people in our state getting sick and possibly dying as a result of these budget cuts."

"We are insufficiently staffed to assure citizens are protected from asbestos. Asbestos is a carcinogen and was widely used in buildings...Our current staffing...is only able to inspect 8% of the structures. This inability to verify compliance places the public directly at risk."

"Without question, a cut of 30 percent to the already-reduced funding levels would devastate our program...[W]e would be forced to cut our staffing by at least one-third...a reduction in staffing along the proposed lines would significantly delay the issuance of permits for new construction."

"If you cut back on enforcement programs, such as inspections and compliance assistance, your regulated community tends to be out of compliance more of the time. This can result in increased emissions which affect the health of your citizens."

"Because we are at the federal minimum for our air monitoring network and unable to fully meet our planning, inventory, and asbestos compliance requirements, a reduction of 30% would be devastating. We clearly would be unable to meet the federally-mandated responsibilities."

"The state and local funding cuts combined with the proposed 30% federal funding cut will result in about a 72% reduction in [our] overall budget. This will significantly impact [our] ability to be here at all, and if we are still here, it will be at a 60-70% decreased staffing level leaving us with 7-10 FTEs to manage a 6 county area. At this level, we will not be able to meet the core requirements of the state contract and federal grants."

"A reduction of federal funds may result in an air quality monitoring network that does not meet federal requirements."

"These cuts ignore reality; because we still have to meet all the existing federal requirements...When we fail, due to a lack of resources, it will be local taxpayers who bear the burden of paying environmental groups' legal fees."

"We'd no longer do any air toxics work."

Air Pollution Is Still a Significant Threat to Human Health in Spite of Improvements

There are many important problems that fall under this Subcommittee's jurisdiction, but it is unlikely that any pose more of a threat to public health than air pollution. In fact, tens of thousands of people in this country die prematurely each year 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.[2] This Subcommittee has the opportunity to address very serious public health and welfare problems by providing adequate federal funding for state and local air agencies' efforts.

According to EPA figures, about 120 million people in this country (about 40 percent of the population) lived in counties that exceeded at least one of the federal health-based air pollution standards in 2015.[3] With respect to hazardous air pollutants (HAPs), EPA's National Air Toxics Assessment (NATA) indicate that in 2011 "all 285 million people in the U.S. ha[d] an increased cancer risk of greater than 10 in one million," while one-half million people have an increased risk of cancer of over 100 in a million, due to exposure to HAPs.[4]

While we have made great improvements in air quality in this country and even though the programs under the Clean Air Act have provided significant health and welfare benefits, air pollution remains a significant threat to human health and there is much work to be done.

NACAA Recommends that Authority for Monitoring Grants Remain Under Section 103

EPA has proposed 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 a match. 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 for the 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 retain these grants under Section 103 authority.

Conclusion

NACAA strongly opposes the Administration's proposed decrease of 30 percent in grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act for FY 2018, as part of the State and Tribal Assistance Grant (STAG) program (decreasing grants from $227.8 million in FY 2017 $159.5 million). We recommend that Congress provide funding at last year's level, at a minimum. 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.

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[2] *FY 2014-2018 EPA Strategic Plan* (April 10, 2014), page 8

[3] *FY 2018 EPA Budget in Brief* (May 2017), page 11, https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-budget-in-brief.pdf

[4] http://www.epa.gov/national-air-toxics-assessment/2011-nata-assessment-results

Written Testimony to House Appropriations Subcommittee on Interior, Environment & Related Agencies

Contact: Kristina Surfus, Director of Legislative Affairs
National Association of Clean Water Agencies (NACWA)

May 24, 2017

As the Subcommittee begins to develop legislation to fund USEPA in the Fiscal Year 2018 (FY18) budget, the National Association of Clean Water Agencies (NACWA) thanks you for your past support for strong funding for clean and safe water and appreciates the opportunity to submit our appropriation testimony for FY18. NACWA represents a growing network of nearly 300 public wastewater and stormwater agencies of all sizes nationwide. Below are our key appropriations priorities for FY18.

Agency: USEPA
Program: Clean Water State Revolving Fund
Funding Request: $2.8 B (2x FY17 enacted level)

The Clean Water State Revolving Fund (CWSRF) is a critical tool which municipal clean water agencies around the U.S. leverage to help meet their federal obligations under the Clean Water Act (CWA). The low-interest loans, and in limited cases grants and loan forgiveness, that the CWSRF provides help clean water agencies make critical infrastructure investments as affordably as possible for ratepayers. The CWSRF has been instrumental in many communities' successes in complying with National Pollutant Discharge Elimination System (NPDES) permits, implementing secondary (biologic) treatment of wastewater, and reducing the frequency and size of sewer overflows during wet weather events. The CWSRF is also essential for many communities working to implement new regulatory requirements ranging from updated water quality standards to tightening nutrient limitations. And, the CWSRF is increasingly used to help implement innovative stormwater and nutrient management projects and green infrastructure.

The CWSRF is increasingly crucial at a time when – even with tools like the CWSRF – sewer and water rates are increasing well above the rate of inflation. Key drivers of rising rates include federal consent decrees requirements, associated capital construction and debt service, CSO and SSO controls, and sewer rehabilitation and replacement.

As you know, recent water crises have focused increasing national attention on the state of our nation's water infrastructure. NACWA has welcomed proposals to dramatically boost water infrastructure spending, and believes that the requested doubling of federal appropriations would be an appropriate step in FY18. Of course, we also recognize the limitations Congress faces. In light of this, at minimum we urge Congress to maintain level funding with the $1.39 B enacted in FY17 to help ensure these programs remain strong.

Agency: USEPA
Program: Integrated Planning
Funding Request: Provide at least $6.5 M for Integrated Planning

NACWA utility members have been encouraged by the *Integrated Planning Framework for Municipal Stormwater & Wastewater* which EPA put forth in 2012. NACWA urges Appropriators to provide at least $6.5 million to help advance this approach, which promises to aid municipalities in addressing their CWA obligations strategically. Integrated Planning allows for prioritizing clean water investments within a compliance schedule that focuses on the highest-impact investments first, generating greater "bang for the buck" and allowing communities to address environmental and public health issues holistically and cost-effectively. NACWA has been pleased to see bipartisan support for Integrated Planning from Congress. We urge funding for this program to help the Agency provide technical assistance to pilot communities as this approach becomes better accepted and understood across the U.S.

Agency: USEPA
Program: Geographic Programs
Funding Request: $473 M (Maintain FY17 enacted levels across all Geographic Programs)

USEPA's Geographic Programs, including the Great Lakes Restoration Initiative (GLRI), Chesapeake Bay Program, Long Island Sound, among others, support watershed-based investments aimed at improving water quality and related goals. The goals and impacts of these programs cross multiple states, impact waters of national significance, and leverage significant state, local, and private dollars. In many cases, the geographic programs have helped forge partnerships between clean water agencies, upstream landowners, conservation groups, and other stakeholders to strategically address root problems and advance water quality, reduce historic contamination, restore habitat, and many other goals that advance the Clean Water Act goals of fishable and swimmable waters. NACWA was pleased to see funding ultimately maintained for these programs in FY17 but is alarmed by the President's FY18 Budget Proposal which proposes their elimination. We urge Appropriators to restore funding for these important and successful programs this year.

Agency: USEPA
Program: Categorical Grants: Nonpoint Source §319
Funding Request: $165M (Maintain FY17 enacted level)

Nonpoint Source grants are provided to state, tribes, and territories to aid implementation of EPA-approved Nonpoint Source Management Programs under Sec. 319 of the CWA. Activities provided under these programs include technical and financial assistance to municipalities, outreach and education, and technology transfer and training. These programs also help monitor and assess the impacts of nonpoint management projects, an area where continued research and documentation is in demand by public entities and the private sector.

The CWA has been remarkably successful in reducing point source discharges, and in many watersheds nonpoint sources remain the largest outstanding driver of water quality impairments. Nonpoint sources also contribute to acute public health risks such as harmful algal blooms and threats to drinking water. Continued progress on improving water quality under the CWA relies in large part on the ability to improve nonpoint source management. NACWA was alarmed to see this program proposed for elimination in the President's FY18 Budget Proposal and we urge Appropriators to restore funding.

Agency: USEPA
Program: Categorical Grants: Pollution Control §106
Funding Request: $230 M (Maintain FY17 enacted level)

Under Sec. 106 of the CWA, EPA provides federal assistance to states and tribes to aid in their role of enforcing the CWA. Strong state programs are essential to the cooperative federalism approach of the Act. The clean water agencies represented by NACWA continually engage with their state programs offices on all aspects of CWA permitting, compliance and enforcement. NACWA is interested in efforts to help streamline programs but is concerned by proposed cuts to these grants in FY18, as they may have near-term impacts on the functioning of state programs to the detriment of the regulated community.

Thank you for your thoughtful consideration, and please do not hesitate to contact NACWA for additional information.

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'18 U.S. ENVIRONMENTAL PROTECTION AGENCY FUNDING

May 24, 2017

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. The program has a proven track record – it makes sense, it saves energy and money and Americans embrace it. With a slowly recovering economy, ENERGY STAR helps consumers and businesses control expenditures over the long term. The program is strongly supported by product manufacturers, utilities and homebuilders, and ENERGY STAR leverages the states' voluntary efficiency actions. Voluntary ENERGY STAR activities are occurring in public buildings, such as schools, in conjunction with State Energy Offices, in Alabama, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia Washington, West Virginia, Wisconsin, and Wyoming. The proposed elimination of this program in the President's budget is a grave mistake.

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, communities 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. The program is voluntary.

ENERGY STAR focuses on energy efficient products as well as buildings (e.g., residential, commercial, and industrial). Over 1 billion ENERGY STAR certified products were shipped in 2015 across more than 85 product categories for a cumulative total of well over 5.2 billion products since 1992. The ENERGY STAR label is recognized across the United States. In 2014, 89 percent of households recognized the ENERGY STAR label when it was shown to them. This constitutes an increase of 48 percent since the Consortium for Energy Efficiency first conducted the National Awareness of ENERGY STAR survey in 2000. 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 2016, millions of consumers and 16,000 voluntary partners, that included manufactures, builders, businesses, communities and utilities, tapped the value of ENERGY STAR and achieved impressive financial and environmental results. Their investments in energy-efficient technologies and practices reduced utility bills by well over $34 billion.

An estimated 500,000 homes were improved through the whole house retrofit program, Home Performance with ENERGY STAR (HPwES) through 2015. This work was performed by 48 locally sponsored programs and more than 2,100 participating contractors across the nation. Over 30 states, including California, Minnesota, and Nevada, operate or support the Home Performance with ENERGY STAR programs.

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 325 ENERGY STAR rated schools in the state, a 67% increase since 2012. Over the past few years, Kentucky has moved aggressively to promote and build 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. Over 27 percent of Utah's K-12 schools are certified as ENERGY STAR.

EPA provides technical assistance to 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. Portfolio Manager is the industry-leading benchmarking tool used voluntarily by more than 325,000 commercial buildings. Portfolio Manager is used to measure, track, assess, and report energy and water consumption.

Additionally, the industrial sector embraces ENERGY STAR and companies such as GM, Eastman Chemical, Nissan, Raytheon, Boeing and Toyota are recognized for sustained energy excellence by the program. At the close of 2014, the number of industrial sites committed to the ENERGY STAR Challenge for Industry grew, while 306 sites met or exceeded their targets by achieving an average 20% reduction in industrial energy intensity.

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 of at least $55 million in FY'17. Funding for the ENERGY STAR program is justified. It's a solid public-private relationship that leverages resources, time and talent to produce tangible results by saving energy and money. 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.

Contact: David Terry, NASEO Executive Director (dterry@naseo.org); and Jeff Genzer, NASEO Counsel (jcg@dwgp.com).

Written Public Testimony of the National Association of State Foresters
Submitted to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Concerning FY 2018 USDA Forest Service Appropriations

May 26, 2017

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) 2018 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 communities. The comprehensive process for delivering these services is articulated in each State's Forest Resource Assessment and Strategy (State Forest Action Plan), authorized in the 2008 Farm Bill and continued in the Agriculture Act of 2014.

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: State Foresters ask for your continued support to pass legislation that fixes the broken wildfire funding system and addresses much-needed forest management reforms, either separately or in tandem.

The current wildfire suppression funding model continues to the challenge the Forest Service's ability to achieve its overall mission and negatively impacts Agency programs of priority to State Foresters. Over time, the portion of the Forest Service's budget dedicated to fire has grown from under 20 percent to more than 50 percent of the agency's total budget. As wildfire eats up a larger share of the agency's budget, less is available to other critical programs. Compounding the issue is the practice of fire transfers - occurring when appropriated suppression funds run out – that disrupts or cancels projects that conserve and enhance our nation's public and private forests. **The Department of the Interior and the Forest Service need a long-term fire funding solution that would result in stable and more predictable budgets.**

In addition to the wildfire funding issue are the challenges posed by the nation's unhealthy, overgrown and fire-prone federal forests. **We support environmentally responsible forestry reforms on federal lands as part of the funding remedy or as a separate effort.**

State Fire Assistance (SFA): 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 state Forest Action Plans. We now grapple with increasingly expensive and complex wildland fires - fires that frequently threaten human life and property. In 2016 there were 67,743 wildfires that burned 5.5 million acres. **Eighty two percent of the total number of fires were where state and local departments had primary jurisdiction. 46% of the total acres burned were on state and private lands. In 2015, 85 percent of all local and state crews and engine dispatched outside of their geographic area were responding to federal fires, primarily on initial attack.**

Attacking fires when they are small is the key to reducing fatalities, injuries, loss of homes and cutting federal fire-fighting costs.

SFA and Volunteer Fire Assistance (VFA) are the fundamental federal mechanisms 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 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. In fiscal year 2015, these two programs delivered more than $169 million in equipment for use by state and local first responders. ***NASF supports funding the Stote Fire Assistance program at $87 million and Volunteer Fire Assistance at $15 million in FY 2018. The need for increased funding for fire suppression on federal lands has broad support and the administration's budget recommends a funding increase to meet the anticipated fire threat. Some of the largest and costliest federal land fires begin on state, local and privately owned lands. The need to increase fire suppression funding for state, local and private lands, where over 80 percent of wildfires occur, is just as urgent and should reflect the increases on federal lands.***

Forest Pests and Invasive Plants

Also among the greatest threats identified in the state 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 non-native insects and diseases damage the nation's forests each year. **They are also devastating the trees and forests of America's cities and towns**. For example, the cost of replacing a single street tree is approximately $1000. 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[1] and there is an estimated 81.3 million acres at risk of attack by insects and disease over the next 15 years.[2] These losses threaten clean and abundant water availability, wildlife habitat, clean air, and other environmental services. Furthermore, 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. **Forest pests know no bounds. Controlling pests on private lands can stop millions of dollars in damage much of which would occur on public 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 pests and pathogens. ***NASF supports funding the Forest Health Management—Cooperative Lands Program at $48 million in FY 2018.***

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.[3] 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 state Forest Action Plans for keeping working forests intact and for providing a full suite of benefits to society. Almost 90 percent of those who have stewardship plans, implement them. **Almost 50 percent of the nation's wood supply comes from small landowners who are the target of this program.** Last year this program assisted over 455,000 landowners in developing or revising their stewardship plans or leading them to resources who are able to assist. Again **fires and diseases know no bounds.** A robust program has positive impacts on the nation's watersheds, wildlife habitat and neighboring public lands. ***NASF supports funding the Forest Stewardship Program at $29 million in FY 2018. Increosing active management on federal lands has broad support and has received increased funding***

[1] 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

[2] 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

[3] Forest2Market. *The Economic Impact of Privately-Owned Forests*. 2009.

in recent years through the Forest Products budget line item, while funding for Forest Stewardship has decreased. . The need to provide funding on state and private lands is just as urgent.

Forest Legacy Program

This program provides critical federal assistance to states and private landowners to **keep working forests working through permanent conservation easements and in some cases, fee acquisitions**. Each easement acquisition is required to have a long-term forest stewardship plan.

Working forests play an important role to sustain the economic, ecological, and social well-being of America's rural and urban areas through the jobs they support and the benefits they provide, such as wildfire threat reduction, clean air and water, wildlife habitat, and outdoor recreation space. ***NASF supports funding the Forest Legacy Program at $62 million in FY 2018. NASF supports the program being fully funded from the Land and Water Conservation Fund and not be included in the discretionary budget cap. NASF also recommends report language requiring coordination with State Foresters prior to recommendation and selection of easements and acquisitions due to land management considerations and tax implications.***

Urban and Community Forest Management Challenges

Urban and community 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. **There are demonstrable studies that show positive impacts urban trees and forests have on: childhood asthma, mitigating the impacts of auto exhaust, reducing home heating and air conditioning costs, providing economically viable solutions for storm water absorption, enhancing retail business and even reducing crime rates.** In fact, urban and community forests have been shown to provide environmental, social, and economic benefits to the more than 80 percent of Americans living in medium and large size cities and towns.[4] 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. The program directly serves more than 7,000 communities across the United States. The program has over a 2:1 match for federal dollars provided for this program. ***NASF supports funding the Urban and Community Forestry program at $31 million in FY 2018.***

Importance of Forest Inventory Data in Monitoring Forest Issues

The Forest Inventory and Analysis program (FIA) enables forest managers and the natural resource community to understand the scope and scale of trends and changes in forest conditions and to make projections of future conditions. Funding for FIA supports state and private lands, which account for two-thirds of America's forests and provide public benefits such as clean air and water, wildlife habitat, outdoor recreation, jobs and wood products.

NASF is concerned with the recent proposed and realized reductions to the USDA Forest Service Research and Development budget and recommends a total R&D funding level of $303 million—$83 million allocated to FIA. ***NASF supports funding the Forest Inventory and Analysis program at $83 million in FY 2018.***

Landscape Scale Restoration

National priority Landscape Scale Restoration (LSR) projects are a key way that states, in collaboration with the USDA Forest Service and other partners, address critical forest priorities across the landscape. LSR projects focus only on the most critical priorities identified in each state's Forest Action Plan and on achieving national goals as laid out in the

[4] United States Census Bureau, *Growth in Urban Population Outpaces Rest of Nation, Census Bureau Reports*. Available at https://www.census.gov/newsroom/releases/archives/2010_census/cb12-50.html. Last Accessed March 5, 2015.

State and Private Forestry national themes. As a result, LSR contributes to achieving results across the landscape and to making meaningful local, regional, and national impacts.

Competitive allocation of Cooperative Forestry Assistance Act funds was codified in the 2008 Farm Bill. The LSR budget line item was subsequently included in the fiscal year 2014 appropriations bill as the funding mechanism for a competitive process aimed at addressing critical priorities identified in state Forest Action Plans and based on the tenets of the State and Private Forestry redesign effort—conserve working forest landscapes, protect forests from harm, and enhance public benefit from trees and forests.

LSR allows state forestry agencies to target resources toward the highest priority forest needs in a state, group of states, or region, while also meeting national priorities.

Regional review teams comprised of state and federal officials with knowledge of the on-the-ground realities within the region carry out a rigorous review process to select the LSR projects that will receive funding within their region. Selected LSR projects are, as a result, the best and most ground-truthed landscape-scale, cross-boundary, outcome-driven projects. **NASF supports funding the Landscape Scale Restoration program at $23 million in FY 2018. NASF does not support increases in this program coming at the expense of other programs described above. NASF also supports report language which would allow for additional funding over FY 2017 levels for LSR to be allocated for the highest national priorities as identified in each of the State Forest Action Plans as determined by each State Forester.**

EPA Categorical Nonpoint Source Pollution Grants (Section 319)

In addition to USFS programs, state foresters also receive critical program support through the EPA, most notably through the STAG (State and Tribal Assistance Grant) categorical grants for nonpoint source pollution (aka "319 funds"). Despite the need to make substantial changes in how the EPA functions and interacts with the States, these grants allow for the cooperation inherent in "cooperative federalism", are an appropriate function for the agency, and should be kept robustly funded. For many state forestry agencies, these funds are critical in supporting delivery of water quality best management programs and helping private forest owners protect water resources in their forests, leading to clean water outcomes that benefit all citizens. **NASF supports maintaining level funding for the Nonpoint Source Pollution Grants – a level of $170 million.**

NCSHPO
National Conference of State Historic Preservation Officers

SUITE 342 HALL OF THE STATES
444 NORTH CAPITOL STREET, NW, WASHINGTON, DC 20001-1512
202/624-5465 FAX 202/624-5419 WWW.NCSHPO.ORG

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

May 25, 2017

Fiscal Year 2018 Historic Preservation Fund (HPF) Total Request:

- $55 million for State Historic Preservation Offices (SHPOs), including $5 million for a competitive grant program for finding and documenting America's historic places
- $11.98 million for Tribal Historic Preservation Offices (THPOs)
- $13 million for competitive grant programs related to Civil Rights
- $4 million Historically Black Colleges and Universities (HBCUs) to document, interpret, and preserve the stories and sites associated with the Civil Rights Movement

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

Recognizing the importance of our national heritage, in 1966 Congress passed the National Historic Preservation Act (NHPA16 USC 470), 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 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.

To help states do this work, in 1976, Congress established the Historic Preservation Fund (HPF) that requires a forty percent minimum match. – emphasizing again the unique federal-state partnership. The HPF is funded from outer-continental shelf lease revenues – not tax dollars, so that the depletion of one non-renewal resource can be used to help preserve another non-renewable resource – our heritage.

Jobs, Economic Development & Community Revitalization

Historic preservation has stimulated economic growth, promoted community education and pride, and rescued and rehabilitated significant historic resources in communities throughout the country. 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 more than 40,000 buildings, created more than 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.

Historic preservation also stimulates economic development through heritage tourism. Cultural and heritage travelers spend an average of $994 per trip and contribute more than $192 billion annually to the U.S. economy.[1] SHPOs are essential, ground level partners in identifying and interpreting the historic places that attract these visitors. A modest 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.

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 historic resource surveys 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

[1] 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.

Adequate funding is essential 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 $11.98 million. THPOs assume the federal compliance role of the SHPO on their respective Tribal lands. The number of THPOs continues to increase annually. Funding increases are necessary to prevent a decrease in the average THPO grant.

The NCSHPO also supports $13 million for competitive grants to preserve the sites and stories related to the Civil Rights movement and $4 million for a similar program for Historically Black Colleges and Universities.

State Historic Preservation Offices' Accomplishments

Although the HPF has been authorized at $150 million, appropriation levels have never approached that amount. Even with chronic underfunding, since its creation in 1976 through the end of 2014, the HPF has facilitated more than 1.75 million listings on the National Register, the survey of millions of acres for cultural resources, and $117 billion in private investment through the Historic Tax Credit - which has rehabilitated 40,000 historic buildings and created 2.5 million local jobs.

Conclusion

On behalf of all 59 SHPOs, I'd like to thank Chairman Calvert, Ranking Member McCollum, and members of the U.S. House Committee on 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.

Testimony

Before the House Interior, Environment and Related Agencies Subcommittee
May 24, 2017

By
Lauren Schapker, Government Affairs Director
National Ground Water Association
202.888.9151
lschapker@ngwa.org

The National Ground Water Association (NGWA) requests that $5 million be allocated in the FY2018 Interior, Environment & Related Agencies appropriations bill to the United States Geological Survey (USGS) Groundwater and Streamflow Information Program to continue implementation and maintenance of a national groundwater monitoring network (NGWMN).

In addition to funding, NGWA is also requesting eligibility of the cooperative grant funding be expanded to tribes, as well as state and local governments. Tribes are currently able to provide data, but are not eligible to receive funding to help create and/or maintain a groundwater monitoring network.

NGWA is the world's largest association of groundwater professionals, representing public and private sector engineers, scientists, water well contractors, manufacturers, and suppliers of groundwater related products and services. NGWA maintains that management of groundwater resources should be a coordinated effort between federal, state and local governments based on the strengths of each government level, the best science available, and the nature of the resource. The NGWMN is a great example of cooperation between levels of government, in order to manage and protect a vital natural resource.

Water is one of the most critical natural resources to human, ecosystem and economic survival. Nationally, over 40 percent of the drinking water supply comes from groundwater and, in some locations, it is relied on by 80 percent of Americans for drinking water. Groundwater also serves as a key source of agricultural irrigation water.

While the health of the American people and our nation's economic prosperity depends 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

NGWA℠
The Groundwater Association

Address 601 Dempsey Road, Westerville, Ohio 43081-8978 U.S.A.
Phone 800 551.7379 • 614 898.7791 Fax 614 898.7786
Email ngwa@ngwa.org Websites NGWA.org and WellOwner.org

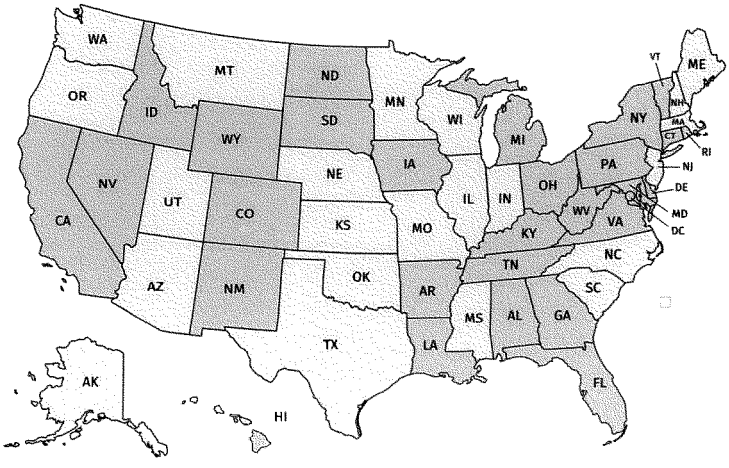
the nation's food, energy, economic, and drinking water security without understanding the extent, availability and sustainability of a critical input – groundwater.

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, the SECURE Water Act, 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).

Following completion of the pilots and reports on the viability of the NGWMN, congressional support for the network has enabled national implementation of the program:

FY2015: $2.6 million
FY2016: $3.6 million
FY2017: $4.1 million

However, national implementation has no yet been achieved. To date, only 22 grants have been awarded to state and local agencies, with the third round of awards currently pending.



NGWA
The Groundwater Association

Address 601 Dempsey Road, Westerville, Ohio 43081-8978 U.S.A.
Phone 800 551.7379 • 614 898.7791 Fax 614 898.7786
Email ngwa@ngwa.org Websites NGWA.org and WellOwner.org

While continuing support for the NGWMN is requested at this time, it is important to note that the requests will be finite once all states are connected to the network. From there, the costs of ongoing maintenance of the network are expected to be minimal.

Once implemented nationwide, the NGWMN would provide consistent, comparable nationwide data that would be accessible through a public web portal for federal, state, local government and private sector users. In these tight fiscal times, the proposed network would 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. Activities funded include: site selection, web services development, well drilling, well maintenance, among others.

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.

A selection of state projects funded is listed below to demonstrate to type of work being funded by Congress in the first rounds of cooperative agreements.

- Alaska Department of Natural Resources received funding to become a data provider, serving water level data to the portal. In addition, funding is received to do well maintenance and well drilling.
- Minnesota Pollution Control Agency received funds to re-establish web services to provide data to the network and expand coverage across all of the states principal aquifers.
- South Carolina Department of Natural Resources received funding to set-up web services to provide water level data to the NGWMN.
- Texas Water Development Board received funding to select and classify water quality wells and incorporate them into the NGWMN.

A complete list of all cooperative agreements funded is available for FY2015 and FY2016. Each recipient of funding must also provide USGS a report, following the conclusion of the funding period.

Though the amount of funding requested is small in the context of the Department of Interior's annual budget request, funding is vital considering that, for a small investment, we can begin finally to put in place adequate monitoring of the hidden resource that provides over 40% of the nation's drinking water supply and serves as a key driver for our agricultural economy.

NGWA℠
The Groundwater Association

Address 601 Dempsey Road, Westerville, Ohio 43081-8978 U.S.A.
Phone 800.551.7379 • 614.898.7791 Fax 614.898.7786
Email ngwa@ngwa.org Websites NGWA.org and WellOwner.org

Thank you for your consideration of this request. With questions or in request of additional information, please contact Lauren Schapker, NGWA Government Affairs Director, at lschapker@ngwa.org or 202.888.9151.

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 more than 11,000 members from all 50 states and 72 countries include some of the leading public and private sector groundwater scientists, engineers, water well contractors, 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 groundwater resources.

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Public Witness Testimony
Submitted to the Interior, Environment and Related Agencies Subcommittee
Committee on Appropriations, U.S. House of Representatives
Regarding FY 2018 Funding for the National Endowment for the Humanities
Stephen Kidd, Executive Director, National Humanities Alliance (May 24, 2017)

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Humanities Alliance, with our nearly 200 member organizations, I write to express strong support for the National Endowment for the Humanities (NEH).

Overview

For FY 2018, we respectfully urge the Subcommittee to fund the National Endowment for the Humanities at $155 million.

We would like to thank the Subcommittee for appropriating $149.8 million to the NEH for FY 2017, thereby increasing the Endowment's funding by nearly $2 million for the second consecutive year. These increases are critical steps in rebuilding the capacity of the NEH, which has been severely eroded in recent years. Despite the recent increases, the Endowment's current funding is 20 percent below its FY 2010 level, when adjusted for inflation. Modestly increasing the NEH's budget to $155 million would allow the Endowment to regain its capacity to support the humanities at a time when the humanities are increasingly called upon to meet national needs.

While we recognize the seriousness of the fiscal situation faced by Congress and the Administration, and we understand the difficult choices that are before this Subcommittee, we believe that expanding the capacity of the NEH should continue to be a priority. In the remainder of this testimony, I will highlight some of the many ways that the NEH serves national needs and helps accomplish critical national goals.

NEH Serves National Needs

The National Endowment for the Humanities' funding is distributed to the Federal/State Partnership, which supports humanities councils in every state and territory; Competitive Grants divisions, which award peer-reviewed grants in research, education, preservation, digital humanities, challenge grants, and public programs; and the Common Good Initiative, which harnesses the power of the humanities to address society's pressing challenges. I will highlight just five examples of how NEH grants serve clear national needs.

The NEH's Standing Together program aids veterans' reintegration into civilian life and deepens public awareness of the experience of war.

For the past four years, the NEH has supported innovative programs that harness the power of the humanities to serve veterans. Increased appropriations over the past two years have been critical to expanding this program, although much unmet demand continues to exist. In FY 2017, the NEH introduced the Dialogues on the Experience of

War program, which supports community discussion groups for veterans and their families. The NEH awarded one of these grants to a faculty member at the University of Oklahoma to develop a course for past, current, and future (ROTC) service members. Through an exploration of the history and literature of war, the course encourages veterans to express thoughts on the experience of war.

Other efforts funded through the Standing Together initiative include writing programs for veterans suffering from PTSD; intensive college-preparation programs; and training for Veterans Affairs staff to help them understand the experiences of veterans.

The NEH plays a key role in the preservation of native languages and cultures.

The NEH supports the documentation and teaching of native languages, history, and culture. A recent grant supported the creation of the first ever project documenting spoken Creek (Muskogee), including 24 hours of audiovisual recordings, transcriptions, and translations into English. The project, a partnership between the Seminole Nation of Oklahoma, the College of William & Mary, the University of Oklahoma, and Bacone College, also documents traditional practices, and oral and tribal history in Creek. These resources are then made available online to facilitate greater access and use of the materials in passing on the language and cultural heritage of the Muskogee and Seminole tribes to the next generation. The NEH's Office of Challenge Grants, meanwhile, awarded funding to the Northwest Indian College in Bellingham, Washington to develop programs to preserve the culture and revitalize the language of the Salish people. These are just two examples of NEH's long-term commitment to sustaining, revitalizing, and preserving Native American languages and cultures.

The NEH is the only entity, federal or private, with a national mandate to ensure that support for the humanities serves all Americans.

Through NEH on the Road, the NEH brings museum exhibitions to underserved regions, making use of existing exhibitions from larger museums to efficiently provide high-quality exhibitions to communities across the country. More than half of the communities served have fewer than 50,000 residents. For example, in Red Cloud, Nebraska, a community of only 1,020, more than 3,000 people saw *Our Lives, Our Stories: America's Greatest Generation*. Additionally, between 2012 and 2023, *For All The World To See: Visual Culture and The Struggle for Civil Rights*, will travel to a total of 50 sites, including in Boise, Idaho, Park City, Utah, and Belton, Texas.

To ensure a wide reach, the NEH has dedicated-funding lines for innovation in humanities curricula in community colleges, HBCUs, Hispanic-Serving Institutions, and Tribal Colleges. A recent grant to Columbus State Community College in Columbus, Ohio, funds the development of a course on the history of Western medicine, disease, and public health, the first such general education course taught at a community college. This

course is specifically designed for students interested in medical fields to afford an understanding of the social, political, and cultural dimensions of disease.

The NEH safeguards our historical and cultural legacies

With small grants to historical societies, historic sites, archives, and town and county record offices around the country, the NEH ensures that local historical documents and artifacts are preserved under the proper conditions and accessible in the long-term. For example, the NEH recently awarded a grant to Scarborough Library at Shepherd University to assess the preservation of memorabilia, photographs, books, scrapbooks, correspondence, and maps related to the history of Shepherdstown, West Virginia.

In a massive undertaking, the NEH is also enabling the digitization of historical newspapers from around the country through the National Digital Newspaper Program. To date, the NEH has provided support for the digitization of approximately 11 million pages of newspapers published between 1690 and 1963 —making these resources accessible for scholars, students, and anyone interested in researching local history or genealogy.

With a modest investment, the NEH stimulates private, local investment in the humanities and cultivates tourism.

NEH matching grants over the last 50 years have generated more than $4 billion in non-federal donations to humanities projects and institutions. The NEH's investments in museums, historic sites, research, and the preservation of historic artifacts have played a key role in developing local cultural heritage tourism economies, which attract 78% of all leisure travelers. Over several decades, for example, the NEH has supported the development of new exhibitions at Thomas Jefferson's Monticello. These grants have had an outsized impact on the local economy as Monticello welcomes nearly 400,000 annual visitors, 93% of whom are from outside Virginia and 50% of whom stay in a hotel for at least one night adding at least $13.1 million to the local economy.

In addition to these highlighted programs, each year the NEH awards hundreds of competitive, peer-reviewed grants to individual scholars and a broad range of nonprofit educational organizations around the country. Grantees include universities, two- and four-year colleges, humanities centers, research institutes, museums, historical societies, libraries, archives, scholarly associations, K-12 schools, local education agencies, public television/film/radio producers, and more. Through its competitive grants programs, the NEH supports the preservation of collections that would be otherwise lost, path-breaking research that brings critical knowledge to light, programs for teachers that enrich instruction in schools, and public programs that reach individuals and communities in every district in the country.

Overall, the NEH's support is crucial for building and sustaining humanities' infrastructure in all 50 states, serving American citizens at all stages of life.

Conclusion

We recognize that Congress faces difficult choices in allocating funds in this and coming years. We ask the Subcommittee to consider modestly increased funding for the humanities through the NEH as an investment in opportunity for all Americans, innovation and economic growth, and strengthening our communities. Thank you for your consideration of our request and for your past and continued support for the humanities.

Founded in 1981, the National Humanities Alliance advances national humanities policy in the areas of research, preservation, public programming, and teaching. Nearly 200 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.

Statement of John Garder,
Director of Budget and Appropriations, National Parks Conservation Association
Before the Appropriations Subcommittee on Interior, Environment and Related Agencies
May 24, 2017

Chairman Calvert, 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. I appreciate the opportunity to provide our views regarding the National Park Service (NPS) FY18 budget.

National parks protect America's heritage and deliver robust economic returns of $10 in economic benefits nationally for every dollar invested in the NPS. The economic value of parks has grown along with visitation so that last year, national parks supported nearly $35 billion in economic activity and 318,000 jobs. NPCA and other polling indicates the vast popularity of national parks and strong bipartisan support for adequately funding them. And of course they are deeply loved by the American people in part because they protect our cultural and natural heritage.

We acknowledge the tremendous challenge the subcommittee faces in setting thoughtful spending priorities, so we are grateful for your consistent support for national parks. NPCA and our partners in the National Parks Second Century Action Coalition commend your subcommittee for providing needed increases for the National Park Service the last four fiscal year, with a particularly noteworthy increase in FY16. This will be helpful for parks to try to keep up with their funding challenges. As they are still behind where they need to be to meet their mission, we urge you to do your best to build on this support as the System enters its next century of service to the American people.

Top three FY18 Priorities: NPCA requests appropriated funding for NPS with a focus on these accounts:

1. $2,535,436,369 for 'Operation of the National Park System'
2. $303,089,287 for 'National Parks Construction'
3. $30,000,000 for 'National Park Partnerships'/Centennial Challenge

These amounts represent a similar increase as that enacted for the system's centennial year.

However, we must note there are other programs critical to NPCA. My testimony outlines these and several other issues:

- The Budget Control Act and need for another budget deal;
- Park operations and construction funding and their connection to the maintenance backlog;
- The Centennial Challenge program;
- The Land and Water Conservation Fund and Historic Preservation Fund;
- National Heritage Areas;
- The Federal Lands Recreation Enhancement Act;
- Policy riders;
- And the administration's workforce reduction effort.

Budget Control Act (BCA) and budget process: We've been dismayed to see the many challenges to the budget and appropriations process in recent years, and the threat and harm they have brought to national parks. We were deeply dismayed in FY13 when the BCA, due to the failure of the Joint Select Committee on Deficit Reduction to identify offsets, mandated sequester cuts that were so damaging to national park operations that they resulted in shuttered facilities and thousands of ranger positions going unfilled. We were consequently pleased with the two-year budget deals that have provided needed relief from that indiscriminate and damaging instrument with spending levels that are already austere absent the sequester.

One of our largest concerns now is the need for another budget deal to prevent the sequester, and we urge the committee to work with your colleagues to ensure a deal. We are urging Congress to reach such a deal as a central component of our FY18 advocacy.

The President's FY18 budget: Not helpful to FY18 is the extraordinarily damaging president's budget, which if enacted would be the largest cut to the park service since WWII. It seeks to cut more than 1,200 staff (FTEs), cut park operations by 8%, reduce deferred maintenance funding despite claims to the contrary, and much more. The deep cut to EPA threatens the health of park air and waters. We urge the subcommittee to wholeheartedly reject that deeply flawed proposal.

The Interior allocation: NPCA believes the allocation provided to the subcommittee in recent years has been insufficient and emblematic of the austere constraints on domestic discretionary investments. In part to address this concern, we continue to urge legislation to address the dysfunctional system of catastrophic wildfire funding that burdens the Interior allocation. We support a clean fire funding fix, a bipartisan solution that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

Further, we feel that 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, all of which should receive mandatory funding support outside of the Interior bill.

Park operations and the maintenance backlog: The subcommittee's recent increases for maintenance accounts will be very helpful for national parks—but we regret to acknowledge that more is needed. After adjusting for inflation, FY17 levels for park operations is still $96 million, or 4% below levels in FY10, when NPCA analysis indicated an annual operations shortfall of approximately a half billion dollars. Many parks remain understaffed: between FY10 and FY16, FTEs for the park service were reduced by 2,515 FTEs—an 11.3% reduction in staff (from FY18 NPS budget justifications). As you know, these losses can be damaging, with impacts such as less day-to-day maintenance, less scientific inventory and monitoring, reduced hours or even closed public facilities, fewer visitor programs, and other challenges to parks fulfilling their mission. The challenge is compounded by a 13% increase in visitation over the last two years, with some parks struggling with much more than that average.

Support for our request would help address the $11.3 billion deferred maintenance backlog. The backlog continues to threaten the protection of nationally significant resources and, eventually the experience of visitors. Recent increases have been helpful but are still insufficient to meet the need. While the backlog is one of our highest funding priorities, we do not want a focus on the backlog to cause other needed work to fall further behind; therefore, we respectfully request broad investments

in park operations to address cyclic maintenance and repair and rehabilitation, but also, importantly, the many operating needs beyond maintenance.

Construction and the backlog: The NPS construction account is a principal mechanism for addressing major repair needs, yet even after the FY16 increase in that account, it remains $286 million, or 58% below levels of fifteen years ago after adjusting for inflation. This is why the requested increase for this account is so important to address needed projects throughout the park system.

Dedicated backlog funding: We respect that it can be very difficult to identify budgetary offsets for mandatory programs, yet urge Congress to recognize that a more realistic long-term solution is needed to address the maintenance backlog. Under current allocations established by the BCA, it is difficult to see how this subcommittee will be able to address even the highest priority non-transportation facilities' needs. We were grateful for the recent opportunity to testify to the House Natural Resources Committee on this issue on March 16th, 2017 and recommend review of NPCA's testimony submitted for that hearing.

We are heartened at the bipartisan introduction of the National Park Service Legacy Act, S. 751 and H.R. 2584. We're grateful of the support of several Interior appropriators for those bills, including a lead on the House bill, Rep. Kilmer of this subcommittee. We urge the members of the committee to cosponsor the bill and work with other members of Congress and the administration to ensure its passage as a standalone bill or as a component of a larger infrastructure or other appropriate bill.

Centennial Challenge: We commend this subcommittee for restoring the Centennial Challenge program in FY15, and for the increases for the program in FY16 and 17. This support has leveraged more than two dollars for every dollar invested for signature projects across the National Park System that enhance the visiting experience. Many more philanthropic opportunities await, so we hope the subcommittee can support the request for an increase in this exciting program that enjoys strong bipartisan support. We commend Congress for passage of the Centennial Act in the last Congress to dedicate funding to that program and to a newly established endowment. Given the extraordinary philanthropic interest in the program, sustained or increased appropriations would help leverage additional philanthropic dollars—a wise investment. We understand the intent of the committee in the FY18 omnibus report in directing Centennial Challenge dollars to focus on deferred maintenance. While we commend you on the increase and concur that maintenance is a pressing need as outlined above, this could have the effect of preventing matching dollars for the many philanthropic-driven projects that improve the visiting experience in other ways beyond maintenance.

Land and Water Conservation Fund (LWCF): The acquisition of inholdings is directly related to better managing the places in which our nation already has made a significant investment. Thus we urge support for the NPS federal land acquisition and management portion of LWCF, a critical tool for protecting our national parks. We were pleased the FY16 omnibus included better funding for the LWCF program and a three-year reauthorization. However, we were also disappointed to see a cut to LWCF in FY17, leaving insufficient funds for several proposed projects. We urge the subcommittee to reject the president's draconian request for this account and restore appropriated funding. Additionally, we request support for permanent reauthorization of the program through support for H.R. 502, which now has more than 160 bipartisan cosponsors.

Historic Preservation Fund (HPF): The HPF provides the primary source of funding for State Historic and Tribal Historic Preservation Offices in all 50 states. The HPF also supports the Historic

Tax Credit program, responsible for the rehabilitation of over 40,000 buildings, the creation of 2.5 million jobs and the leveraging of $117 billion in private investments in historic preservation projects. We commend the committee on the increase for the fund in FY17 to $81 million and request continued support for the program at that level.

National Heritage Areas (NHAs): NPCA is a strong supporter of the National Heritage Area program. The 49 existing NHAs have generated $13 billion in economic activity and $1.2 billion in tax revenues, and generated over 900,000 volunteer service hours. This mighty program with a modest budget ($19.8 million in FY17) deserves support from both Congress and the president. Furthermore, support for H.R. 1002 would establish a program structure and provide uniform standards for designating, funding and assessing all NHAs.

Federal Lands Recreation Enhancement Act (FLREA): We appreciate this subcommittee has supported short-term extensions of FLREA. Reauthorization is critical for NPS to retain needed fee revenue. As NPCA continues to support a long-term reauthorization of FLREA with the respective authorizing committees, we ask the subcommittee to continue support for annual extensions.

Policy Riders: Efforts to attach environmentally damaging policy riders only further threatens the appropriations process, so we were grateful that the final FY17 bill was largely free of the many proposed riders that would have threatened parks, their ecosystems, and the health of visitors and wildlife within them. We urge continued rejection of efforts to attach damaging riders.

The Administration's Workforce Reduction Effort: We are deeply concerned about the administration's effort to reduce the size of the federal workforce as it relates to the park service and the agencies that support it, particularly EPA, which ensures the health of park water and air. As noted earlier, parks are already understaffed. We are concerned not only about the potential for this process to further reduce park service staff but also eliminate or merge important programs and offices. We ask the committee to monitor this exercise and remind the administration that these actions are within your jurisdiction. One option for such a statement would be through report language similar to that provided in the Agriculture section of the FY17 omnibus report.

In conclusion: NPCA has emphasized to this subcommittee over the years the importance of providing more adequate funding for America's treasures. As the subcommittee has acknowledged, the National Park Service and System are deeply popular with the American public and are important for local economies. As we emphasize the importance of providing staff to serve record numbers of visitors, and staff and resources to address the repairs backlog, we should not forget the profound importance of park sites in preserving and interpreting our natural and cultural heritage—a heritage that defines America's very identity. This subcommittee has recognized these places as priorities; we again commend you for supporting their needs and urge your continuing support.

This subcommittee and its Senate counterpart have also emphasized the importance of a sustainable funding model for NPS. As you know, NPCA has long explored concepts to supplement but do not supplant the federal responsibility to appropriate funding for our nation's parks. In this spirit, we again urge cosponsorship of the maintenance backlog legislation, H.R. 2584.

Again, respectfully recognizing what we expect will be another constrained allocation, we urge you to provide the best funding level possible for NPS to help the agency recover from underfunding.

Thank you for the opportunity to testify.

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April 25, 2017

The Honorable Ken Calvert
Chairman
House Interior, Environment, and Related Agencies Subcommittee
2205 Rayburn House Office Building
Washington, DC 20515

The Honorable Betty McCollum
Vice Chair
House Interior, Environment, and Related Agencies Subcommittee
2256 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Calvert and Vice Chair McCollum:

On behalf of the more than 31,000 members of the National Society of Professional Engineers, we write to you in support of the US Chemical Safety Board (CSB) and urge the subcommittee to fully fund CSB in the Fiscal Year 2018 budget despite President Trump's recommendation to eliminate CSB. I also write to you, Vice Chair McCollum, as a resident of the great state of Minnesota.

NSPE and the professional engineers we represent rely on the agency's independent chemical incident reports, recommendations, and safety bulletins to protect the health, safety, and welfare of the public. Professional engineers, as a requirement of their state-issued license, must hold these three considerations paramount above all other considerations in our designs, reports, and all other areas of the practice of engineering. It is vital that this independent, non-regulatory agency exist to provide feedback on why chemical disasters arise and how to prevent these disasters from occurring again. Products that the CSB provides, including safety reports, recommendations, bulletins, and videos, are frequently used and cited by the industrial community, academia, and professional associations.

The US Chemical Safety Board was created by Congress "to investigate accidents to determine the conditions and circumstances which led up to the event and to identify the cause or causes so that similar events might be prevented." The CSB is an independent, nonregulatory agency that investigates the root causes of chemical incidents and shares its findings broadly across industries and with the public to mitigate the occurrence of similar incidents. The CSB was instrumental in investigating the BP Deepwater Horizon oil spill in the Gulf of Mexico, as well as investigating over 130 other chemical incidents and providing nearly 800 safety recommendations, 78% of which have been closed.

NSPE greatly appreciates this opportunity to provide comment to the House Interior, Environment, and Related Agencies Subcommittee. We ask for your support in preserving the US Chemical Safety Board by providing full funding in the Fiscal Year 2018 budget. NSPE and the professional engineers it represents have a foremost responsibility to protect the public health, safety, and welfare—and to make others aware of ways that safety may be jeopardized.

If we can answer any questions or comments, please contact Arielle Eiser, senior manager of government relations, at aeiser@nspe.org.

Sincerely,

Kodi Jean Verhalen, P.E., Esq., F.NSPE
President

National Trust *for*
Historic Preservation
Save the past. Enrich the future.

Statement of the National Trust for Historic Preservation
Tom Cassidy, Vice President for Government Relations and Policy
Fiscal Year 2018 Interior, Environment and Related Agencies Appropriations
Committee on Appropriations, U.S. House of Representatives
May 24, 2017

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee, I appreciate this opportunity to present the National Trust for Historic Preservation's recommendations for Fiscal Year 2018 appropriations. My name is Tom Cassidy and I am the Vice President 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, funding levels proposed in the Administration's budget request threaten to sharply curtail the ability of federal agencies to fulfill their responsibilities to manage preservation, conservation and recreation programs on federal lands. We look forward to working with this Subcommittee 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.

National Park Service: Historic Preservation Fund. The Historic Preservation Fund (HPF) is the principal source of funding to implement the nation's historic preservation programs. The Committees have done remarkable work to provide strong funding levels to further the purposes of the Historic Preservation Fund in recent years, and we look forward to working with you to continue this progress. We urge you to reject the Administration's proposed cut of $29.8 million from the HPF. This would result in the lowest funding level for SHPOs since 2009 and the lowest funding level for THPOs since 2011, when there were 118 THPOs compared to approximately 175 today. In addition, the elimination of four separate competitive grant programs funded last year would result in a sharp decrease in the delivery of preservation services throughout the nation.

We support maintaining at least the Fiscal Year 2017 enacted level of $80.91 million for the Historic Preservation Fund, including a minimum of $47.9 million for State Historic Preservation Officers (SHPOs) and $10.4 million for Tribal Historic Preservation Officers (THPOs). We also urge you to maintain at least level funding of $13 million for competitive grants to preserve the sites and stories of the Civil Rights movement, $4 million for grants to Historically Black Colleges and Universities, and continue to fund $500,000 for the successful 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. We also support continuation of the Save America's Treasures program, which received $5 million in Fiscal Year 2017.

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 rehabilitation

of more than 42,250 buildings. Since its creation more than 30 years ago, the HTC has created more than 2.4 million jobs and leveraged more than $131 billion in private investment.

National Park Service: Operation of the National Park System. The National Park Service (NPS) is responsible for 413 units of the National Park System ranging from the battlefields where our ancestors fought and died to recent additions like the Birmingham Civil Rights National Monument and the Reconstruction Era National Monument. 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 strongly oppose the President's proposed budget cuts for National Park Service Operations. The Administration's request of $2.225 billion—a cut of nearly $200 million from Fiscal Year 2017—would result in decreased stewardship of historic and cultural resources and reductions in visitor services at a time when our national parks are more popular than ever. We encourage the Committee to provide at least level funding from Fiscal Year 2017 of $2.45 billion.

National Park Service: Deferred Maintenance. The National Park Service is responsible for maintaining a system comprised of more than 84 million acres that tells the stories of remarkable people and events in our country's history. Unfortunately, after 100 years of operation and inconsistent public funding, the National Park System faces a deferred maintenance backlog estimated at almost $12 billion, of which 47% is attributed to historic assets. Deferred maintenance in our national parks puts historic and cultural sites at risk of permanent damage or loss, and in the absence of funding, the condition of these assets will continue to deteriorate and become more expensive to repair and preserve in the future.

- **Construction**. We concur with the recommendation in the President's budget blueprint "that the National Park Service assets are preserved for future generations by increasing investment in deferred maintenance projects." Similarly, we support the Administration's budget request for a $7.2 million increase over FY17 enacted for the Line Item Construction program, which addresses the deferred maintenance for the NPS' highest priority non-transportation assets with projects larger than $1 million.

- **Repair and Rehabilitation; Cyclic Maintenance.** We strongly oppose the Administration's proposed reductions for Repair and Rehabilitation and Cyclic Maintenance. These investments support a service-wide deferred maintenance strategy that directs funds to high priority mission critical and mission dependent assets required to maintain historic structures and that are essential to abate the continued growth of the deferred maintenance backlog. After years of level funding or modest increases for both Repair and Rehabilitation and Cyclic Maintenance, we were pleased to see increases for FY 2016 and FY 2017 and thank the Committee for its commitment to addressing the deferred maintenance backlog. Additional investments will contribute to the successful preservation of historic sites and other resources in the National Park System.

Finally, we strongly support the creation of a reliable, dedicated federal funding source distinct from annual appropriations to address the deferred maintenance backlog, as outlined in bipartisan legislation (H.R. 2584 / S. 751) in the House and Senate.

National Park Service: Leasing Historic Structures in National Parks. We appreciate the Committees' strong support of expanded use of historic leasing authorities by the NPS. We look forward to working with the Subcommittee and the Service as it completes the report called for in last year's report and Omnibus.

National Park Service: National Heritage Areas. We recommend funding for the Heritage Partnership Program and our National Heritage Areas (NHAs) at the Fiscal Year 2017 enacted level of $19.8 million. The Administration's proposal to eliminate NHA funding would severely impair the sustainability of the program and render many NHAs unable to function. Small investments in NHAs have big impacts.

National Park Service: Philanthropy and Partnerships. The National Trust supports the Centennial Challenge, which provides federal funding to match donations for signature National Park Service projects and programs, and urge the Committee to consider funding this initiative at least at the FY 17 enacted level. 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.

As part of our commitment to 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. Since 2014, HOPE Crew has trained over 600 young people and veterans at 100 projects nationwide, resulting in 80,000 hours and $14.3 million in preservation work to protect places that are significant to their communities, including rehabilitating structures at Martin Luther King, Jr. National Historic Site, Little Big Horn Battlefield National Monument, Golden Gate National Recreation Area, and Shenandoah National Park. Projects like these help reduce the maintenance backlog while providing job skills and education for the next generation of stewards of America's most important historic sites.

Bureau of Land Management: Cultural Resources Management. The cultural resources 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. We recommend $17.3 million, a modest increase of $1.2 million above the FY 2017 enacted level. This account has been level funded for years. Increased funding 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 surveys of sensitive areas, site protection and stabilization projects for sites vulnerable to unauthorized activities and damage due to fire, erosion and changing water levels. Funding would also support updated predictive modeling and data analysis to enhance the BLM's ability to address large-scale, cross-jurisdictional land-use projects.

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. Since FY 2003, the cultural resources 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. The Administration's proposed overall reduction of 1,062 FTE from BLM would sharply erode the agency's capacity to fulfill its mission and responsibilities. We urge the Committee to reject this proposed dramatic reduction in staffing.

Bureau of Land Management: National Landscape Conservation System. The BLM's National Landscape Conservation System (National Conservation Lands) includes 36 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. We encourage the Committee to provide $50.6 million to the base program for the National Landscape Conservation System, an increase of $13.8 million above the Fiscal Year 2017 enacted level. The increase in base funding will 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. We also support maintaining funding for wilderness management of at least $18.2 million and providing level funding of $779,000 for national monument management on Oregon and California Grant Lands. We urge you to reject the Administration's proposed cuts to these programs, which would result in reduced visitor services, decreased maintenance and care of trails, and fewer educational and interpretive resources.

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.

Department-Wide: Land and Water Conservation Fund. The National Trust supports robust funding for the Land and Water Conservation Fund (LWCF), and we urge the Committee to reject the drastic cut proposed for the program in the Administration's budget request. We encourage the Committee to restore funding to the FY 2016 enacted level of $450 million, which is just half of the $900 million from offshore mineral leasing revenues dedicated to LWCF annually. 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. Within LWCF funding, we encourage the Committee to provide at least level funding of $10 million for the American Battlefield Protection Program.

Independent Agencies: National Endowment for the Arts and National Endowment for the Humanities. We urge the Committee to reject the Administration's proposed elimination of funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH) and instead maintain the Fiscal Year 2017 enacted level of $149.8 million for each program. NEA and NEH funding is critical to communities around the country. It supports efforts by the National Trust's Historic Sites and others to tell a fuller American story and engage visitors with history in compelling ways. For example, support from the NEA has created programs like Art and Shadows at the Shadows-on-the-Teche in Louisiana that put regionally-based artists in residence at the site, resulting in programming that attracted new audiences and served as a prototype for broader arts-focused programming that now draws people from around the country to the town's downtown commercial district. NEH support has brought teachers from around the country to learn about history in the places that it was made and carry those experiences back to their classrooms, such as exploring the intellectual underpinnings of the Constitution at James Madison's Montpelier or discovering the rich, but largely unknown, African American history in the President's neighborhood at Decatur House.

Thank you for the opportunity to present the National Trust's recommendations for the FY 2018 Interior, Environment and Related Agencies appropriations bill.

WRITTEN TESTIMONY TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2018 APPROPRIATIONS FOR THE UNITED STATES FISH AND WILDLIFE SERVICE, MAY 24, 2017

BY DESIREE SORENSON-GROVES, VICE PRESIDENT GOVERNMENT AFFAIRS

SUBMITTED BY THE NATIONAL WILDLIFE REFUGE ASSOCIATION

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association and its membership of representatives from Refuge Friends organizations and concerned citizens, thank you for your support for the National Wildlife Refuge System (NWRS), particularly for the much-needed $2.5 million funding increase for Fiscal Year 2017 (FY17). We appreciate the opportunity to offer comments on the FY18 Interior Appropriations bill and respectfully request:

- $586 million for the Operations and Maintenance (O&M) accounts of the NWRS
- $900 million for the Land and Water Conservation Fund (LWCF), with $150 million allocated for the FWS, including these high priority requests:
  - $10m for Everglades Headwaters NWR
  - $2m for Clarks River NWR
  - $6.2m for Hakalau Forest NWR
  - $2m for Neches River NWR
  - $2m for Bear River WCA
  - $5m for Silvio O. Conte NFWR
  - $3m for Cache River NWR
  - $1.5m for Rappahannock River Valley
  - $2m for Blackwater NWR
  - $2m for Northern Tallgrass Prairie NWR
  - $2.2m for Cherry Valley NWR
  - $3m for St. Marks NWR
  - $1m for Lower Rio Grande NWR
  - $2.5m for Upper Klamath NWR
  - $1.5m for Grays Lake NWR
  - $1.5m for Dakota Tallgrass WMA
  - $1m for Sacramento NWRC
  - $1m for Ridgefield NWR
  - $1m for Laguna Atascosa NWR
  - $1.5m for Baca NWR
  - $2m for Willapa NWR
  - $750,000 for Maine Coastal Islands NWR
- $60 million for the Refuge Fund;
- $100 million for the FWS Partners for Fish and Wildlife Program per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S. 821)
- $15 million for the FWS Coastal Program;
- $60 million for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);
- $70 million for the State and Tribal Wildlife Grants Program;
- $47.6 million for the North American Wetlands Conservation Fund;
- $6 million for the Neotropical Migratory Bird Fund; and
- $13 million 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. 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.

Now, with the expansion of the Papahanaumokuakea Marine National Monument, the Refuge System is responsible for 850 million acres of land and water and therefore must have adequate funding to keep pace with this newly expanded area of responsibility. The Service is also expanding their outreach by working to make conservation more accessible to the American public via urban refuges and urban partnerships. To begin bridging these gaps, the Refuge Association urges Congress to fund these critical programs that leverage federal dollars and serve as economic drivers.

National Wildlife Refuge System – Operations & Maintenance

The Refuge Association 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, with $586 million in FY18, to manage its 850 million acres, 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 48.5 million annual visitors without increases in maintenance and operation funds.

Funding for the Refuge System has declined substantially from a funding level of $503 million in FY10 to its current $483.9 million – approximately $102 million below what it needs to keep pace with inflation and salary increases. This has forced the Service to cut back on programs and create efficiencies whenever possible. Because of these new efficiencies, the Service has cut its deferred maintenance backlog nearly in half from $2.7 billion to $1.4 billion as of the end of FY16. But budget cuts also led to the loss of 442 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 protection and management, hunting, fishing, volunteerism and scientific research.

For instance, visitor services staff has declined by 20% since FY11, forcing a reduction in public programs and hours of operation, yet there is more demand than ever for recreational opportunities on refuges. Visitation to all refuges since FY11 has increased by 8% to 48.5 million annual visitors. Overall, more people are looking to recreate on wildlife refuges, but fewer staff is available to provide those opportunities.

Reductions in visitor services can be extremely troubling to constituencies who want to visit. At Minnesota Valley NWR visitor services staff was cut by half. As a result 9000 student visits were eliminated and the refuge complex received 20,000 fewer visitors typically reached through local community events. Bill Williams and Havasu NWRs in Arizona are two of the most highly visited refuges in the nation with over 3.2 million annual visitors, yet neither have any dedicated visitor services staff.

Equally troubling is a 14% 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 20% of annual work hours on our national wildlife refuges, and in FY15 contributed 1.4 million work hours valued at $32 million. The Refuge System could not function without its volunteer work force, yet they are being turned away when the Refuge System needs them the most.

During these years of challenging budgets, the Refuge System's potential to drive local economies and create jobs is of paramount importance. *Banking On Nature*, a report issued by the FWS in 2013, details the extraordinary economic benefit the Refuge System provides. $2.4 billion are generated in economic output in local communities, contributing more than $340 million in annual tax revenue while supporting 35,000 private sector U.S. jobs.

In addition, invasive species control is critically required at the Arthur R. Marshall Loxahatchee NWR in Florida. This Service manages the refuge on state-owned lands, and invasive weeds have degraded much of the 144,000-acre refuge. The State has threatened to revoke the Service's license agreement unless the invasive species can be brought under control. $5 million annually is required each year for the next four years to remove invasive species, plus an additional $3 million each year thereafter to maintain invasive species control.

The Refuge Association appreciates the Subcommittee's consideration of our request of $586 million for FY18 for National Wildlife Refuge System Operations and Maintenance.

Land and Water Conservation Fund (LWCF)

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. Some in Congress have argued that public lands like the Refuge System can't manage what they have and thus, all land acquisition should end. However, between 1995 and 2015, lands contained within the Refuge System have only grown by 5.6%, while at the same time, visitation has grown by 30%. The real cause of rising operations and maintenance costs is that the public is hungry for more opportunities to recreate.

Increasingly, LWCF is being used to conserve working lands and local culture through the acquisition of easements that secure conservation protection while leaving the land in private ownership and on the tax rolls. 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 have broad community and state support in New England's Connecticut River Watershed, the Everglades Headwaters, and the Bear River Watershed.

In many cases, however, land acquisition is required to conserve intact and functional natural habitat. By acquiring critical habitat areas and linking conserved lands, the Refuge System enhances the 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 $150 million provided in FY18 to the USFWS for conservation easements and refuge in-holdings, including the projects enumerated on Page 1 and those advocated by Refuge Friends.

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. The System relies on appropriations to the Refuge Fund to compensate for the shortfall between revenues and tax replacement obligations. However, declining revenues and lack of appropriations have resulted in the Service paying less than 50% of its obligations since 2001. Payments to local municipalities in FY16 averaged only 25% of the total owed. The negative impact on local communities is felt even more starkly in difficult economic times and reduced funding threatens the partnerships that are so important for successful conservation. Some municipalities have passed resolutions supporting increased funding for the Refuge Fund. We will share these with the subcommittee separately.

The Refuge Association requests $60 million for the Refuge Fund. We also call 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 – Partners for Fish and Wildlife Program (Partners Program)
With 75% of all fish and wildlife species dependent upon private lands for their survival, the 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 25 years, restoring over one million acres of wetlands, three million acres of uplands, and 11,000 miles of streams. The Partners Program leverages federal dollars, generating nearly $16 in economic return for every $1 appropriated for projects.

The Refuge Association and the landowner-led Partners for Conservation request $100 million for FY18, per reauthorization under Senator John Barasso's Wildlife Innovation and Longevity Driver Act (S. 821)

Riders
The Refuge Association appreciates the work of this subcommittee to keep the FY17 Omnibus Appropriations bill free of policy riders. In years past, these provisions have hampered the passage of critical funding legislation and forced the Congress to abandon regular order to ensure federal programs receive funding. These issues deserve fair and open debate in the Congress, and must not be included on critical appropriations legislation. We are especially concerned with the recommendation in the President's FY18 budget request to open the Arctic National Wildlife Refuge to drilling. This pristine, fragile landscape would be irreversibly damaged should drilling occur, and we urge this committee not to include this recommendation in your FY18 bill.

The Refuge Association requests a clean FY18 Interior, Environment, and Related Agencies Appropriations bill free of any policy riders.

We believe that with sound conservation policy, adequate funding, and the power of more than 36,000 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 thousands of species of fish. We look forward to working with Congress in 2017 to accomplish this goal and appreciate your consideration of our requests. Please let our staff know if you have any questions.

Written Testimony for the Record
House Subcommittee on Interior, Environment and Related Agencies
FY 2018 Funding for the Bureau of Indian Education

Name: Robert B. Cook, MA Oglala Lakota, Pine Ridge Reservation, South Dakota

Title: Senior Managing Director, Native Alliance Initiative

Institutional Affiliation: Teach For America

Thank you for the opportunity to submit testimony on the importance of funding for the Bureau of Indian Education (BIE) in Fiscal Year 2018. As the Senior Managing Director of the Native Alliance Initiative at Teach For America, I respectfully urge the Subcommittee to continue its investment in American Indian education programs and our schools serving Native children.

Teach For America (TFA) recruits and develops the most outstanding college graduates and professionals in the country to become teachers in high-needs schools in urban and rural communities across the country. The experience many corps members have as successful teachers convinces them that the problem of educational inequity is solvable and results in more than two-thirds of our alumni remaining in the field of education as teachers, school leaders, community advocates and policy-makers. Teach For America's Native Alliance Initiative works hand-in-hand with tribes and Native communities to expand educational opportunities for their students in Native communities in South Dakota, Oklahoma, New Mexico, Minnesota, Hawaii and Washington by recruiting emerging leaders that have an understanding of our diverse Native cultures and histories.

Providing Native children with a quality education is central to the federal government's trust responsibility to tribes. Sadly, this commitment has rarely been kept. Our experience shows—and the data confirms—that Native youth face significant obstacles that result in lower academic outcomes and opportunities as compared to non-native students. Far too many students live in extreme inter-generational poverty and unemployment. Our students attend schools that the 2016 GAO report found 69 out of 180 BIE failed to meet current health and safety inspections. They face severe teacher shortages and fail to access technological and broadbent resources necessary for a quality education.

As a result, our communities face some of the lowest high school and college graduation rates. Only 49% of Native students graduate from high school, compared to a national average of 86%. This continuing statistic is unacceptable at any standards.

To help address these disparities, TFA expanded to New Mexico in 2001 and now serves Native students in Hawai'i, Oklahoma City, Greater Tulsa, Minnesota, Washington and South Dakota. Our corps members teach students representing more than 100 Federally Recognized tribes across seven Teach For America regions. Last school year, over 500 TFA corps members taught nearly 10,000 children from Native backgrounds. To date, TFA corps members have taught more than 90,000 Native students.

Teach For America is focused on recruiting native teachers to teach Native children. Since 2009, TFA has recruited over 250 Native teachers into classrooms and 75% of our Native alumni work in or have jobs related to education leadership, policy and advocacy. We enhanced our commitment to recruiting Native teachers in 2016 when TFA-South Dakota launched a financial

grant program to increase recruitment and retention of Native teachers, or individuals with ties to Native communities who want to live and teach in South Dakota tribal and public school serving high density Native students.

TFA's work is making a real difference, but continued funding from BIE is critical to the students we serve. In particular, I respectfully request that you consider supporting:

- **$25 million for Broadband Internet Access** which is critically important given that less than 10% of Indian Country has broadband services and more than half of BIE schools have adequate internet connectivity.

- **$430 million for BIE school construction** needed to address the significant and serious backlog of repairs and maintenance needed at BIE schools as highlighted in the Department of Interior's 2016 report titled "Condition of Indian School Facilities."

- **$76 million for BIE facilities maintenance** for the preventive and routine upkeep of BIE facilities.

- **$5 million for BIE Immersion Grants** to provide Native students equal access to opportunities to learn their language, history and culture within their school setting.

I fear that without a continued and sustained funding commitment from this Committee, American Indian students will continue to lack the opportunity to receive a quality education that are connected to their culture and history.

I recognize the unique challenge faced by this Subcommittee to fund many important priorities. However, we cannot allow our children to remain under-served and under-represented. We can and must do better. I ask that you continue the federal government's investment in BIE programs in FY18.

Thank you for your continued support and the opportunity to provide this testimony.

Name: Robert B. Cook, MA Oglala Lakota
Title: Senior Managing Director, Native Alliance Initiative
Institutional Affiliation: Teach For America

Testimony in Support of FY 2018 Funding for the Department of the Interior and Smithsonian Institution

May 24, 2017

Submitted by:
Joseph Cook, Ph.D.
President
Natural Science Collections Alliance
1201 New York Avenue, NW, Suite 420
Washington, DC 20005

Submitted to:
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2018 appropriations for the Smithsonian Institution and Department of the Interior. We encourage Congress to use 2017 enacted levels as the basis for 2018 funding decisions and to include new investments that address agency backlogs in the preservation and curation of scientific and cultural collections within Interior and the Smithsonian Institution.

The Natural Science Collections Alliance is a non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our membership consists of institutions that are part of an international community of museums, botanical gardens, herbaria, universities, and other institutions that contain natural science collections and use them in research, exhibitions, academic and informal science education, and outreach activities.

Scientific collections, and the collections experts who make, care for, and study those collections, are a vital component of our nation's research infrastructure. Whether held at a museum, government managed laboratory or archive, or in a university science department, these scientific resources contain genetic, tissue, organismal, and environmental samples that constitute a unique and irreplaceable library of Earth's history. The specimens, their associated data, and collections experts drive cutting edge research on significant challenges facing modern society, such as improving human health, enhancing food security, and understanding and responding to environmental change. Collections inspire novel interdisciplinary research that precipitates innovation and addresses some of the most fundamental questions related to biodiversity.

The institutions that care for scientific collections are important research centers that enable other scientists to study the basic data of life; conduct modern biological, geological, anthropological, and environmental research; integrate across these diverse disciplines; and provide undergraduate and graduate students with hands-on training opportunities. In-house institutional staff expertise is vital to the development and deployment of this critical research infrastructure.

According to the federal Interagency Working Group on Scientific Collections, "scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise." In recognition of the importance of collections, the Office of Science and Technology Policy issued a memo that directed federal agencies to budget for the proper care of collections. "Agencies should ensure that their collections' necessary costs are properly assessed and realistically projected in agency budgets, so that collections are not compromised."

Preservation of specimens and the strategic growth of these collections are in the best interest of science and the best interest of taxpayers. Existing scientific collections that are properly cared for and accessible are a critical component of the US science infrastructure and can be readily integrated into new research on significant questions. Specimens that were collected decades or centuries ago are now routinely used in cutting edge research in diverse fields related to genomics, human health, biodiversity sciences, informatics, environmental quality, and agriculture.

The Smithsonian Institution is a valuable federal partner in the curation and research on scientific specimens. The scientific experts at the National Museum of Natural History care for an astounding 140 million specimens and ensure the strategic growth of this national treasure. To increase the availability of these scientific resources to researchers, educators, other federal agencies, and the public, Smithsonian is working on a multi-year effort to digitize its collections. That effort will substantially increase awareness of the availability of these collections via the Internet.

Smithsonian has also been working to strengthen curatorial and research staffing and to backfill positions left open by retirements and budget constraints. The current staffing level is insufficient to provide optimal care for the collections. Future curatorial and collections management staffing levels may be even more in jeopardy given the proposed funding cuts at science agencies that support staff positions embedded at Smithsonian, such as the U.S. Geological Survey.

Interior is an important caretaker of museum collections; the Department has an estimated 146 million items, comparable in size only to the Smithsonian Institution. Although many of the department's collections are located in bureau facilities, numerous artifacts and specimens are also housed by non-governmental facilities, such as museums and universities.

In addition, the United States Geological Survey (USGS) furthers the preservation, inventory, and digitization of geological scientific collections, such as rock and ice cores, fossils, and samples of oil, gas, and water. The National Geological and Geophysical Data Preservation program helps states with collections management, improves accessibility of collections data, and expands digitization of specimens to ensure their broader use. One example of the pay offs of this program is the potash mineral deposit discovered in Michigan that is worth an estimated $65 billion. Rock samples from Michigan were entered into a national database, where private companies discovered their existence and are now assessing the potential for mining.

Another USGS program is supporting public access to biodiversity information. The Biodiversity Information Serving Our Nation system is the only web-based federal resource for finding species in the United States and contains 250 million records. It also serves as the U.S. connection to the Global Biodiversity Information Facility. USGS also supports the documentation and conservation of native pollinators through its Native Bee Inventory and Monitoring Lab.

Another USGS program that furthers the curation of and research with biological collections is proposed for elimination. USGS has more than a million specimens of birds, mammals, amphibians, and reptiles that are housed at the Smithsonian. This arrangement goes back to 1889, but is suggested for termination by the Administration. We urge Congress to continue this valuable program. For more on this program, see http://nscalliance.org/wordpress/wp-content/uploads/2011/02/nsca-usgs-smithsonian-report.pdf.

The Bureau of Land Management has a large backlog of cultural resources to inventory on public lands. Presently, 90 percent of public lands have not been assessed for heritage resources. Such assessments need to be conducted before unique resources are lost to looting, vandalism, fire, or environmental change.

The National Park Service needs to continue its investments in scientific collections, including cataloging of millions of museum objects. The Park Service curates a wide range of specimens and artifacts, from historical and cultural items to preserved tissues from protected species and living microorganisms collected from national parks. Several parks have made progress on addressing planning, environmental, storage, security, and fire protection deficiencies in museum collections, but much work remains to be done. The President's budget request would undo past progress, with the percentage of museum objects in 'good' condition decreasing from 75 percent to 70 percent by the end of FY 2018.

Conclusion

Scientific collections are critical infrastructure for our nation's research enterprise. Research specimens connect us to the past, are used to solve current societal problems, and are helping to predict threats to human health, methods for ensuring food security, and the impact of future environmental changes. Sustained investments in scientific collections are critical for our nation's continued scientific leadership.

Please support adequate funding for the Department of the Interior's Capital Working Fund, as well as programs within Interior bureaus and the Smithsonian Institution that will support these organizations' efforts to preserve scientific collections – a truly irreplaceable resource.

Thank you for your thoughtful consideration of this request.

Jesse Thompson
District III Supervisor
Navajo County Board of Supervisors

Testimony of Navajo County Board of Supervisors
Submitted to the
House Appropriations Sub-Committee on the Interior, Environment and Related Agencies
For the Record of the
May 16, 2017 American Indian and Alaska Native Public Witness Hearing

The Navajo County Board of Supervisors wishes to thank you for the opportunity to provide testimony to this Committee. We would like to specifically thank Chairman Calvert and Ranking member McCollum for taking the time to visit the Navajo Nation last year to experience first-hand the deplorable conditions of the school bus routes that thousands of children must endure on a daily basis. As you are already aware, significant additional funding is needed to maintain those dirt school bus routes so that Native American students can get to school like every other American student.

The Government Accountability Report issued Monday, May 22, 2017, for the first time documented the devastating impact these roads have on the attendance at Navajo schools. Federal neglect of transportation facilities (identified in the Bureau of Indian Affairs road inventory) directly contributes to Native American students missing at least 10 days of school per year, thus exceeding the federal criteria for chronic absenteeism. Students cannot get to school when they are trapped on a bus that is stuck in the mud.

Please support the bi-partisan request Congressmen Chaffetz and O'Halleran submitted on March 29, 2017 that asked this Committee to direct a portion of the BIA Tribal Priority Allocation for dirt school bus route maintenance. Congress should direct BIA to focus on those roads where maintenance is needed most; the same dirt school bus routes you rode on last year. Objective criteria for allocating these funds can be found in the GAO's report.

Native American students who live on the poorest, most remote, least developed reservations in our nation need the same chance to get to school, stay in school, and become contributing members of our economy as students who live elsewhere. If you have any questions about tribal road maintenance projects within our county's section of the Navajo Nation, please contact our Director of Public Works, Mr. Glenn Kephart at 928-524-4112 or glenn.kephart@navajocountyaz.gov .

Thank you very much for your kind consideration of this important issue.

Testimony of the Officers of the Environmental Council of the States
Before the
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Addressing the FY18 Budget for the U.S. Environmental Protection Agency
May 24, 2017

Dear Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee,

The undersigned Officers of the Environmental Council of the States (ECOS), on behalf of the organization, submit this testimony on the President's proposed Fiscal Year 2018 (FY18) budget for the U.S. Environmental Protection Agency (EPA), and specifically regarding the Categorical Grants within the State and Tribal Assistance Grants (STAG Categorical Grants).

States are collectively and independently reviewing the President's proposal. We appreciate the interactions and outreach by the Administration to seek state input on the budget to date, and look forward to further engagement on the budget with the Administration and Congressional Delegations. It will be important that budget adjustments are made thoughtfully and with caution to assure sustained support to programs that advance the well-being of our communities and to the many partnerships we employ to deliver programs that drive critical environmental and public health protection.

The Administration's proposed funding of $597 million for the STAG Categorical Grants continues a national conversation about how to deliver environmental programs in our country efficiently and with a focus on results and outcomes.[1] ECOS is committed to, with our federal, state, and local partners, assessing how we, collectively, perform environmental protection work today in the most efficient, least duplicative, manner possible.

Core State Environmental Work

Through authorization and delegation over the last 45 years, states have become the primary implementers of federal environmental statutes, today with 96 percent of the delegable authorities under federal law. The STAG Categorical Grants fund core state environmental work, which include all aspects of operating delegated federal programs such as issuing permits, conducting inspections, setting standards, collecting and managing data, bringing enforcement actions, providing compliance assistance and inspections, evaluating information submitted by regulated entities, citizen complaint response, external engagement and communication, developing regulations, drafting policies, classifying waterbodies, preparing for and responding to accidental or intentional releases of contaminants, and cleaning up and restoring sites. The STAG Categorical Grants make up on average 27 percent of State Environmental Agency

[1] ECOS notes that some funding for states is contained in other parts of the EPA proposed budget. For purposes of this testimony, however, ECOS focuses on the STAG Categorical Grants.

Budgets.[2] Decreases in STAG Categorical Grants will have impacts on state environmental agencies that must be thoughtfully considered.

Supercore STAG Categorical Grants

While all the STAG Categorical Grants are important to states, ECOS identified several STAG Categorical Grants as "supercore" because they directly support core state environmental responsibilities. Supercore STAG Categorical Grants sustain state performance of core legal obligations and health protection responsibilities. They are:

1 - Hazardous Waste Financial Assistance (RCRA Core Funding)
2 - Water Pollution Control (Clean Water Act Section 106)
3 - State and Local Air Quality Management (Clean Air Act Sections 103, 105, 106)
4 - Nonpoint Source Control (Clean Water Act Section 319)
5 - Public Water System Supervision (PWSS) (Safe Drinking Water Act Section 1443(a))
6 - Environmental Information (E-Permitting, Modernization of Data Systems)
7 - Multipurpose Grants (created in FY16 Omnibus for state defined high priority activities)

The new Multipurpose Grants are the type of flexible, state-priority informed funding that states have been seeking for a long time. In 2016 all 56 states, territories, and the District of Columbia accepted the share of the $19,800 million in Multipurpose Grants funding for which they were eligible. Projects undertaken included National Ambient Air Quality Standards implementation activities, process or system improvement efforts (many involving electronic data management systems), water pollution control, drinking water, and pesticides. Most importantly, the selected projects were important to the respective states, territories, and the District of Columbia.

State Revolving Funds

We acknowledge the Administration's clear signal in favor of water infrastructure investment, with level funding proposed for the STAG State Revolving Loan funds (SRF). States recognize the significant need for investment in clean and safe water infrastructure nationally; ECOS recently documented that just the top 20 ready to go in 2017 water and wastewater projects per state total over $14.4 billion.[3] SRF funds are not cost-free to states – there is a 20 percent state match required. And while states can set-aside up to 31 percent of drinking water SRF funds to support state programs and activities to ensure safe drinking water, and four percent of clean water SRF funds for administrative costs, the overwhelming majority of SRF funds are distributed out to communities and are not for supporting the core state environmental work discussed above.

Rescissions

States have voiced concerns that funds must be dispersed in a timely manner to allow efficient and effective use by states. States are currently working with EPA to address this real issue and improve administrative processes. We urge Congress to consider this ongoing concern and work

[2] https://www.ecos.org/news-and-updates/green-report-on-status-of-environmental-agency-budgets/
[3] https://www.ecos.org/documents/ecos-inventory-of-states-2017-ready-to-go-water-and-wastewater-projects/

as a basis to not include rescissions of unobligated STAG funds in the FY18 enacted budget. For rescissions which are necessary in future years, we suggest rescissions should be taken equitably across federal and state grant accounts.

The Importance of Flexibility

States are managing state level cuts to their budgets, and historic flat federal STAG funding, by leaning business processes and by strategically applying practices that improve efficiency, such as targeting inspections to priority areas and implementing technological advancements. Within each state, needs and priorities can vary in part from priorities set by EPA at the federal level. State commissioners require maximum flexibility to direct the federal resources in ways that suit their unique needs and circumstances. While the states may agree with and appreciate funding for specific efforts, states need flexibility to budget for and implement work activities most effectively. Directed funding undermines state flexibility and needed support for on-going every day implementation of the nation's environmental laws. The states, as co-regulators with EPA, wish to preserve and expand state flexibility to address state and regional priorities within EPA's national framework. Fewer funding directives and instructions help streamline state-EPA discussions about the work to be accomplished and allow states to move more quickly to turn appropriated federal dollars into positive environmental and public health results.

EPA's Scientific Research Role

State environmental agencies significantly value much of the research that EPA performs. States recently submitted to EPA for consideration a comprehensive inventory of current state research priorities.[4] Ensuring that EPA has sufficient funding to directly assist states with key research needs is important, part of effective government, and much more efficient than multiple states seeking to answer common environmental science questions. ECOS hopes to work with the Administration and Congress to see that appropriated EPA research dollars respond to identified state environmental agency research needs.

A Call to Revisit Cooperative Federalism

The amount of federal funding appropriate for environmental programs delegated to states is closely related to how we collectively view cooperative federalism. States are committed to engaging the Congress, the Administration, and all other parties and interests in how we can more fully define how cooperative federalism today impacts policy, operations, and fiscal positions, and how we ensure effective public health and environmental protections. We believe that we can build on the foundations of national statutes, learn from the innovations and successes of state programs, and confidently meet the challenge of providing 21st century environmental protection with the best of 21st century methods and relationships.

Conclusion

ECOS values our work with the Appropriations Committee and Subcommittee, and appreciates consideration of our views. We are confident the funding appropriated will be well used, and

[4] https://www.ecos.org/wp-content/uploads/2017/04/ERIS-Survey-Summary-One-Pager.pdf

that states will continue their dedicated efforts to deliver the clean environment all Americans want and deserve in the most efficient, modern, and results-oriented way possible. We welcome the opportunity to answer any questions or provide any further information. Questions about our testimony can be directed to ECOS' office at 50 F Street NW, Suite 350, Washington D.C. 20001, via phone at 202-266-4920, or via email to adunn@ecos.org.

We thank you for the opportunity to share our perspectives, and are willing to provide the Committee with any input in the future.

John Linc Stine, Commissioner, Minnesota Pollution Control Agency
ECOS President

Todd Parfitt, Director, Wyoming Department of Environmental Quality
ECOS Vice President

Becky Keogh, Director, Arkansas Department of Environmental Quality
ECOS Secretary/Treasurer

Martha Rudolph, Director of Environmental Programs, Colorado Department of Public Health and Environment
ECOS Past President

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THE NATIONAL OPERA CENTER AMERICA

Written Statement of
Marc A. Scorca, president and CEO, OPERA America

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

FY2018 Funding for the National Endowment for the Arts (NEA)
May 24, 2017

Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of OPERA America, its Board of Directors and its more than 2,000 organizational and individual 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 2018.** 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, funding for the arts was mostly limited to larger cities. The NEA has helped to strengthen regional dance, opera, theater and other artistic disciplines that Americans enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. Not only has every congressional district received direct funding from the NEA, but 40% of the NEA's budget is automatically distributed to state arts councils, reaching tens of thousands of audience members and communities across the country.

The NEA envisions a "nation in which every American benefits from arts engagement, and every community recognizes and celebrates its aspirations and achievements through the arts." The agency has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

Opera is a continuously growing art form that can address the diverse needs and backgrounds of our communities. New opera companies are being established in communities that have never before had access to live performances. OPERA America's membership includes approximately 160 professional U.S. company members representing 48 states (including D.C.).

Opera audiences are growing more diverse. From 2008 to 2012, the percentage of African American attendees increased by 59%, Hispanic attendance grew by 8.3%, and those of other

non-white groups grew by 19.4%. During this time period, younger audiences have also increased. The 18-24 age bracket grew by 43.2% and those in the 25-34 bracket grew by 33.8%.

Since 1900, nearly 1,000 new operatic works have been produced by professional opera companies in North America. Of that 1,000, 589 operas premiered between 1995 and 2015. **In the 2015-2016 season, 33 North American operas premiered.** The growth in number and quality of American opera corresponds directly to the investment of the NEA's earlier investment in the New American Works program of the former Opera-Music Theater Program.

Beyond the opera house, opera companies are finding new and exciting ways to bring the essence of opera to other local theaters and community centers, frequently with new and innovative works that reflect the diverse cultures of the cities they serve. Strong partnerships with local schools extend the civic reach of opera companies as they introduce children to a multi-media art form and discover promising young talent.

The NEA is a great investment in the economic growth of every community
Despite diminished resources, including a budget that is $17 million less than it was in 2010, the NEA awarded more than 2,400 grants in 2016 in nearly 16,000 communities. 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.**

In 2016, small-sized organizations (organizations with budgets under $350,000 per year) received 30% of the NEA's direct grants and 40% of NEA supported activity took place in high poverty neighborhoods.

The return of the federal government's small investment in the arts is striking. The Bureau of Economic Analysis (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 4.2 percent (or $729.6 billion) of current-dollar GDP in 2014. 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 (*Arts and Economic Prosperity IV*, Americans for the Arts). **It is estimated that the North American opera industry injects over $1 billion directly into the economy each year.**

On average each NEA grant leverages at $9 from private and public funds. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. 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.

The more than 2,400 grants awarded to nonprofit arts organizations and arts programs supported projects that encourage artistic creativity and bring the arts to millions of Americans.

NEA grants are awarded to opera organizations through its core programs: Art Works; Challenge America Fast Track Grants; and Federal/State Partnerships. **In fiscal year 2016, the NEA awarded 66 grants to the opera field through the Art Works category, totaling $2,133,000.**

The Industry
$12,000
Los Angeles, CA
To support the premiere of a new multidisciplinary opera, "Galileo," by composer Andy Akiho. Adapted from Bertolt Brecht's play, "Life of Galileo," the work will connect Brecht's text to a contemporary aesthetic, exploring new ways of realizing his theatrical theories. To draw out the mythical, promethean strands of the play's themes, the opera will be staged around an enormous bonfire on a stretch of public beach in Santa Monica, near the Santa Monica Mountains National Park. Director Yuval Sharon will create a new version of Brecht's original work which composer Andy Akiho will set to music in a highly percussive original score. The project's multidisciplinary collaborations with Los Angeles-based theater and dance companies will continue the organization's mission of creating new works that honor the origins of the genre while pushing to expand its traditional boundaries.

Minnesota Opera
$70,000
Minneapolis, MN
To support the world premiere of "The Shining" by composer Paul Moravec and librettist Mark Campbell. Adapted for the opera stage from the best-selling novel by Stephen King (1977), the macabre tale portrays Jack Torrance who has arrived at the Overlook Hotel, having taken a new job in the hopes of a fresh start for himself and his family. With music by Pulitzer Prize-winning composer Paul Moravec, this is the fourth new work of Minnesota Opera's New Works Initiatives, a seven-year program designed to invigorate the operatic repertoire with an infusion of contemporary works. Performances occurred at the Ordway Center and Minnesota Public Radio broadcast the performance.

Musical Arts Association/The Cleveland Orchestra
$40,000
Cleveland, OH

To support the Cleveland Orchestra's performances of Bela Bartok's opera, "Bluebeard's Castle," reimagined as an opera/ballet. The Joffrey Ballet will collaborate with the Cleveland Orchestra to create newly commissioned choreography, which will be added to the orchestral interlude opening the fourth scene to further the expression of the silent wives in the final scene. The performance will engage audiences through performances at Severance Hall, a radio broadcast, and through education workshops with college students.

Seattle Opera
$30,000
Seattle, WA
To support performances of Mary Stuart by composer Gaetano Donizetti. Engagement activities surrounding the performances include pre- and post-performance talks and dress rehearsals for students. Performances will be broadcast through radio and live-streaming

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, leaving its programs seriously underfunded. The continued bipartisan support for the NEA has continued to support artists and audiences, allowing opera and the arts to address critical issues, making communities healthier and more vibrant. The "Dear Colleague" letter in the U.S. House of Representatives **received a record 154 signatures** in support of the NEA.

We urge you to continue toward restoration and increase the NEA funding allocation to $155 million for FY18.

On behalf of OPERA America, thank you for considering this request.

OPERA America
330 Seventh Avenue
New York, NY 10001

Contact: Brandon Gryde, Director of Government Affairs
202-833-1717 / bgryde@operaamerica.org

Testimony of April Snell, Executive Director, Oregon Water Resources Congress
Submitted to the United States House Appropriations
Subcommittee on Interior, Environment, and Related Agencies

April 19, 2017

RE: FY18 Budget for the U.S. Fish and Wildlife Service Fisheries Restoration Irrigation Mitigation Act Program

The Oregon Water Resources Congress (OWRC) is writing to express its strong support for the U.S. Fish and Wildlife Service Fisheries Restoration Irrigation Mitigation Act (FRIMA) Program and is requesting that appropriations for this program be increased to **$15 million** in FY18, which is what FRIMA was originally authorized for. The FRIMA program is an essential costshare funding program that helps water users and fishery agencies better protect sensitive, threatened, and endangered fish species while ensuring water supply delivery to farms and communities.

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.

FY18 Appropriations
The FRIMA program meets a critical need in fishery protection and restoration, complimenting other programs through the U.S Fish and Wildlife Services (FWS). Fish passage and fish screens installations are a vital component to fishery protection with several benefits:

- Keeps sensitive, threatened and endangered fish out of canals and water delivery systems
- Allows fish to be safely bypassed around reservoirs and other infrastructure
- Eliminates water quality risks to fish species

There are over 100 irrigation districts and other special districts in Oregon that provide water supplies to over one million acres of irrigated cropland in the state. Almost all of these districts are affected by either state or federal Endangered Species Act listings of Salmon and Steelhead, Bull Trout or other sensitive, threatened or endangered species. The design and installation of fish screens and fish passage to protect the myriad of fish species is often cost-prohibitive for individual districts to implement without outside funding sources.

Oregon irrigation districts anticipate no less than $25 million in funding will be required to meet current fish passage and fish screen needs. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB) program in Oregon, but the primary cost-share for fish screen and fish passage projects has been provided by the districts and their water users. Project needs include both construction of new fish screens and fish passage facilities as well as

significant upgrades of existing facilities to meet new requirements (new species, new science) of the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service and the FWS. Upgrades are often needed to modernize facilities with new technologies that provide better protection for fish species as well as reduced maintenance and increased lifespan for the operator.

Background of the Fisheries Restoration Irrigation Mitigation Act (FRIMA) Program
FRIMA, originally enacted November 2000, created a federal partnership program incentivizing voluntary fish screen and fish passage improvements for water withdrawal projects in Idaho, Oregon, Washington and western Montana. The funding goes to local governments for construction of fish screens and fish passage facilities and is matched with non-federal funding. Irrigation districts and other local governments that divert water for irrigation accessed the funding directly, while individual irrigators accessed funding through their local Soil and Water Conservation District (SWCD), which are local governments affiliated with the Natural Resources Conservation Service (NRCS).

FRIMA was reauthorized as part of the Water Infrastructure Improvements for the Nation Act (WIIN) of 2016 for only $18 million, well short of the estimated $500 million in fish screening and passage needs in the Pacific Northwest alone. The original legislation in 2000 (PL.106-502) was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest states. As one of the members of that coalition, we appreciate and strongly support your efforts to reauthorize the FRIMA program. The FRIMA legislation authorized $25 million annually, to be divided equally among the four states from 2001 to 2012, which was when the original authorization expired. The actual funding appropriated to the FRIMA program (through Congressional write-ins) ranged from $1 million to $8 million, well short of the $25 million it was authorized for and far short of what is needed to address fish passage and screening needs across the region. However, that small amount funding was used to leverage other funds and assisted the region in making measurable progress towards addressing fish screens and fish passage needed to protect sensitive, threatened, and endangered fish species.

FRIMA funding was channeled through FWS to state fishery agencies in the four states, distributed using an application and approval process based on a ranking system implemented uniformly among the states, including the following factors: fish restoration benefits, cost effectiveness, and feasibility of planned structure. All projects provided improved fish passage or fish protection at water diversion structures and benefitted native fish species in the area, including several state or federally listed species. Projects were also subject to applicable state and federal requirements for project construction and operation.

Program Benefits
FRIMA projects provide immediate protection for fish and fills a large unmet need in the Pacific Northwest for cost-share assistance with fish screening and fish passage installations and improvements. A report by FWS covering program years FY 2002-2012 provides state-by-state coverage of how the Congressional provided funding has been used in the program. Compared to other recovery strategies, the installation of fish screens and fish passage infrastructure has the highest assurance for increasing numbers of fish species in the Pacific Northwest. Furthermore,

the installation of these devices have minimal impacts on water delivery operations and projects are done cooperatively using methods that are well accepted by landowners and rural communities.

The return of the FRIMA program will catalyze cooperative partnerships and innovative projects that provide immediate and long-term benefits to irrigators, fishery agencies, and local communities throughout the Pacific Northwest. This program is also a wise investment, with past projects contributing more than the required match and leveraging on average over one dollar for each federal dollar invested. FRIMA provides for a maximum federal cost-share of 65%, with the applicant's costshare at 35% plus the on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the projects and the state agencies monitor and review the projects.

Oregon's Project Benefits
Twenty-six fish screens or fish passage projects in Oregon were previously funded using FRIMA for part of the project financing. These projects have led to:

- Installation of screens at seventeen diversions or irrigation pumps
- Removal or modification of twelve fish passage barriers
- Three-hundred sixty-five miles being re-opened to fish passage

In addition, the Oregon Department of Fish and Wildlife (ODFW) has used some of the FRIMA funding to develop an inventory of need for fish screens and passages in the state. Grants ranged from just under $6,000 to $400,000 in size with a local match averaging 64% of the project costs, well over the amount required under the Act (35%). In other words, each federal dollar invested in the FRIMA program generates a local investment of just over one dollar for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon used some of its FRIMA money:

Santiam Water Control District Project: Fish screen project on a large 1050 cubic feet per second (cfs) multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, ODFW, Marion Soil and Water Conservation District, and the City of Stayton. Approved **FRIMA** funding of **$400,000** leveraged a **$1,200,000** total project cost. Species benefited included winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

South Fork Little Butte Creek: Fish screen and fish passage project on a 65 cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and ODFW. Approved **FRIMA** funding of **$372,000** leveraged a **$580,000** total project cost. Species benefited included listed summer and winter steelhead, coho salmon, and cutthroat trout.

Running Y (Geary Diversion) Project: Fish screen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, ODFW, and Jeld-Wen Ranches. Approved **FRIMA** funding of **$44,727** leveraged a total project cost of **$149,000**. Species benefited included listed red-band trout and short-nosed sucker.

Lakeshore Gardens Project: Fish screen project on a 2 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and ODFW. Approved **FRIMA** funding of **$5,691** leveraged a total project cost of **$18,970**. Species benefited included red-band trout, short-nosed sucker and Lost River sucker.

Conclusion

Increasing appropriations for FRIMA will fill a vital funding gap for fish screens and fish passage projects that are needed to better protect sensitive, threatened, and endangered fish species, which also benefits the economy, local communities, and the environment we share. FRIMA funds projects that are ready to be constructed and will provide immediate improved protections for fish and immediate jobs for the construction of the projects. Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at low cost, with low risk and significant benefits. The return of the FRIMA program will catalyze cooperative partnerships and innovative projects that provide immediate and long-term benefits to irrigators, fishery agencies, and local communities throughout the Pacific Northwest. We respectfully request the appropriation of at least $15 million for U.S. Fish and Wildlife Service Fisheries Restoration Irrigation Mitigation Act program for FY 2018.

Sincerely,
April Snell, Executive Director
Phone: 503-363-0121 Address: 795 Winter St. NE, Salem, OR 97301

Testimony of April Snell, Executive Director, Oregon Water Resources Congress
Submitted to the United States House Appropriations
Subcommittee on Interior, Environment, and Related Agencies

April 19, 2017

RE: FY18 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 continuing 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 FY18. The CWSRF is an effective loan program that addresses critical water infrastructure needs while benefitting the environment, local communities, and the economy.

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.

FY18 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 2012: Report to Congress and Drinking Water Infrastructure Needs Survey and Assessment: Fifth Report to Congress,* the estimated funding need for drinking water infrastructure totaled $384 billion (in 2011 dollars) and wastewater infrastructure needs totaled $271 billion (in 2012 dollars). Appropriations for water infrastructure, specifically CWSRF, should not be declining but remaining strong in order to meet these critical needs. In 2015 appropriations for the CWSRF program was approximately $1.448 billion and declined to $1.394 billion in FY16. We are concerned as we see this negative downward trend continuing while the infrastructure needs only become more critical.

We also continue to be highly supportive of expanding "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 that EPA continues "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.

OWRC was very satisfied to see the passage of the Water Infrastructure Improvements for the Nation Act (WIIN) by Congress in December last year. An integral piece of the funding puzzle for our member districts was reinstated by this act, irrigation district eligibility for principal forgiveness. The 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. Irrigation districts are often located in rural communities and have a small number of farmers with limited capacity to take on loan debt. Even a small reduction in the principal repayment obligations can make the difference in whether or not a district can move forward with a project. Reductions in eligibility for principal forgiveness in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

CWSRF Needs

The appropriations for the CWSRF program over the past few years has been far short of what is needed to address critical water infrastructure needs in Oregon and across the nation. This has led to fewer water infrastructure projects, and therefore a reduction in improvements to water quality. DEQ's most recent "Proposed Intended Use Plan Update #1 - State Fiscal Year 2017," lists 15 projects in need of a total of $86,148, 504 in Oregon alone. The federal capitalization grant funding awarded FY16 will total $14,974,000, which is wholly inadequate to address and complete these much needed projects.

Unfortunately, due to recent cutbacks and lack of availability principal forgiveness for irrigation districts (which was recently reinstated with the passage of the WIIN Act), only two irrigation districts submitted applications for funding in 2017: Middle Fork Irrigation District (MFID), and Central Oregon Irrigation District (COID). MFID requested $20,000,000 for the design and construction of multiple projects to improve water quality and quantity associated with its irrigation diversions in the Middle Fork Hood River watershed. COID requested $1,140,000 for

design and construction to pipe approximately 3,000 linear feet of open canal and to upgrade their fish screen at the inlet on the Deschutes River. 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.

CWSRF and Irrigation Districts

OWRC and our members are highly supportive of the CWSRF, including promoting the program to our members and annually submitting federal appropriations testimony to support increased funding for the CWSRF. We believe it is an important funding tool that irrigation districts and other water suppliers are using for innovative piping projects that provide multiple environmental and economic benefits.

Eight OWRC member districts have successfully received loans from the CWSRF over the last several years and many more will apply if eligible to receive some principal forgiveness. Numerous irrigation districts and other water suppliers need to pipe currently open canals, which reduces sediment and water temperature and provides other water quality improvements as well as increasing water availability for fish and irrigators by reducing water loss from the delivery system. In 2009, four irrigation districts received over $11 million funding in Oregon from the American Recovery and Reinvestment Act (ARRA) 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. Without the irrigation district projects, it is likely that Oregon's CWSRF would not have qualified for ARRA funding.

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. 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. 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 2018.

Sincerely,
April Snell, Executive Director
Phone: 503-363-0121 Address: 795 Winter St. NE, Salem, OR 97301

May 9, 2017

The Honorable Ken Calvert
Chairman
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Betty McCollum
Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Calvert and Ranking Member McCollum:

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 fiscal year 2018 programs at the U.S. Department of the Interior, Environmental Protection Agency, and U.S. Forest Service that increase engagement in the outdoors. We also urge you to resist efforts to cut funding that would limit the ability of the federal government to adequately manage and protect our public lands, air, and water for future generations to enjoy.

OAK is a national strategic partnership of nearly 100 businesses and organizations representing more than 60 million Americans, with a common interest in connecting children, youth, and families 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.

The Outdoor Industry Association reports that outdoor recreation contributes $887 billion annually to the U.S. economy while supporting more than seven million jobs covering every corner of the country. Actions taken now to create more opportunities for kids, youth, and families to be active in the outdoors will make an essential contribution to this growing economic sector by creating jobs and increasing recreation and tourism spending that supports the local, regional, and national economies, with the added benefits of improving children's health and creating the next generation of stewards and champions of our public lands.

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 develop valuable work and life skills in the outdoors will be a detriment to our nation. Specifically, we request that the Subcommittee on Interior, Environment, and Related Agencies continue to fund the following programs minimally ***at the final fiscal year 2017 amount in FY 2018:***

U.S. Department of the Interior: OAK supports the Department of the Interior's critical work to protect America's public lands, air and water, and ensure all children, youth and families have opportunities to experience the great outdoors, regardless of where they live. Last year, we celebrated the Centennial of the National Park Service with record visitation. We urge you to invest in our public land agencies to ensure they are

adequately managed, protected and capable of delivering high quality programming that allows young people from all walks of life to be physically active in the outdoors. Specifically, we request your support for the following critical programs:

- Youth in the Outdoors programming at $64.8 million. Maintain funding for engaging youth in the outdoors across the department: Bureau of Land Management, $1 million; Bureau of Reclamation, $3.5 million; U.S. Geological Survey, $23.7 million; Fish and Wildlife Service, $13.5 million; National Park Service, $18.2 million; Bureau of Indian Affairs, $5 million. Engaging youth on their public lands will take a cross-departmental approach.
- Centennial Challenge at $20 million. OAK supports this economically wise program that leverages private dollars with federal funds to improve visitor experiences including education programs and projects for youth. It is a proven effective program initially launched during the George W. Bush Administration. Previous investments have yielded more than twice funded amounts in private donations, and many more opportunities await with a funding boost.
- Land and Water Conservation Fund (LWCF) at a minimum of $400 million. OAK continues to call for the permanent reauthorization and full and dedicated funding of LWCF and urges Congress to resist any efforts to divert funding from the Fund's intended purpose. LWCF is paid for with non-taxpayer dollars. More than 50 years ago, Congress made a commitment to the American public that a small portion of revenues from offshore drilling would go to natural resource conservation and outdoor recreation programs, as an offset for the depletion of the offshore oil and gas resources that belong to us all. 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. LWCF also supports the new Outdoor Recreation Legacy Partnership Program which will create new opportunities for outdoor play as well as development or enhancement of outdoor recreation partnerships in our larger urban communities.
- 21st Century Conservation Service Corps (21CSC) Partnerships. Include language to support continued cost-effective partnerships between 21CSC and Department of Interior agencies through the Public Lands Corps program. 21CSC engages young Americans and returning veterans in service to strengthen our infrastructure and public lands, boost local economies, and multiply returns on our country's most valuable assets – it's unmatched landscapes and people. Corps accomplish millions of dollars of projects each year and engage thousands of other volunteers, at no additional cost to the federal government, to help address priority conservation, recreation, infrastructure, access and habitat projects in national parks, wildlife refuges and other lands and waters. 21CSC develops the next generation of outdoor stewards, recreationists, sportsmen and women, and resource managers. While gaining in-demand skills through service, Corps members build respect for our country, hard work, and the outdoors.

Environmental Protection Agency: OAK supports the Environmental Protection Agency's essential work of protecting human health and the environment - air, water, and land. The EPA also administers critical programs that ensure our children have access to healthy environments where they live and learn, and opportunities to learn in and about the environment. We urge you to maintain funding for the EPA to fulfill its mission and to continue administering the following low-cost, highly effective programs that have been recommended for elimination by the White House:

- National Environmental Education Act (NEEA) at $8.7 million. Programs funded through NEEA have far-reaching and well-documented positive impacts. They enable citizens from all walks of life to make informed, scientifically sound environmental decisions regarding energy consumption, water quality and conservation. They provide practical applications for math, science, technology, and engineering. Outdoor and environmental learning increases academic performance across subject areas and is critical for ensuring America's children have the knowledge and experience to compete in the global economy.
- Environmental Justice Small Grants Program at $6.7 million. Grants support and empower communities working on solutions to local and environmental and public health issues. The program provides critical support to community-based organizations and local and tribal organizations working with communities facing environmental justice issues.

U.S. Forest Service: OAK supports the U.S. Forest Service's (USFS) efforts to engage youth with the natural world in rural and urban areas. USFS has multiple conservation education initiatives and outreach activities that ensure children, youth and families can access nature. We urge you to maintain funding for the following programs:

- Community Forest and Open Space (CFP) program at $5 million, with an understanding that FY 2017 was funded at $2 million. The CFP has supported 27 community forest projects in cities and towns across 15 states and territories through public-private partnerships, supporting nearby access to forests and trees for children, youth, and families.
- Urban and Community Forestry (U&CF) program at $31.3 million, with an understanding that FY 2017 was funded at $28.04 million. U&CF has served more than 200 million people in more than 7,700 communities across the U.S. through the development and maintenance of local urban forestry programs, increasing nearby nature access to forests and trees.
- 21st Century Conservation Service Corps (21CSC) Partnerships. Include language to support continued cost-effective partnerships between 21CSC and the US Forest Service through the Public Lands Corps program. 21CSC engages young Americans and returning veterans in service to strengthen our infrastructure and public lands, boost local economies, and multiply returns on our country's most valuable assets – it's unmatched landscapes and people. Corps accomplish millions of dollars of projects each year and engage thousands of other volunteers, at no additional cost to the federal government, to help address priority project on national forests, in particular wildfire remediation and response. Corps also provide important invasive species remediation and other projects key to forest health. 21CSC develops the next generation of wildfire fighters, outdoor stewards, recreationists, sportsmen and women, and resource managers. While gaining in-demand skills through service, Corps members build respect for our country, hard work, and the outdoors.
- Conservation Education programs. We ask for your support for several smaller and cost-effective programs throughout the Forest Service that provide children and youth with opportunities to learn in and about our forests. Conservation Education and grants programs, such as More Kids in the Woods and Children's Forest are all important programs that help the next generation connect with and build an appreciation for the outdoors.

OAK is working towards a future where all children, youth, and families have safe and readily available

opportunities to connect with the outdoors. Moving forward, OAK will continue to advance initiatives that get every child active, healthy, and outdoors by working closely with federal, congressional, state, and local partners. OAK is also committed to celebrating diversity, working towards equity, and practicing inclusion in all of our work.

We would be honored to meet with you at your convenience to discuss our recommendations. We look forward to working with you to further efforts to ensure all kids and families have the access, opportunities, skills and encouragement to experience our public lands and natural world. For questions about this request or to schedule a meeting please contact Jackie Ostfeld, chair of the Outdoors Alliance for Kids at 202-548-6584 or jackie.ostfeld@sierraclub.org.

We thank you for considering our request and look forward to working with you.

Sincerely,

Alliance for Childhood
American Forests
American Hiking Society
American Society of Landscape Architects
American YouthWorks
Association for Experiential Education
Avid4 Adventure
Big City Mountaineers
Boys & Girls Clubs of America
California Outdoor Engagement Coalition
Children & Nature Network
Conservation Legacy
Discover Outdoors
GirlTrek Inc.
Great Basin Institute
Hipcamp
IslandWood
Kids4Trees
Latino Outdoors
Montana Conservation Corps
National Interscholastic Cycling Association
National Park Trust
National Recreation and Park Association
NatureBridge
O'Neill Sea Odyssey
Outdoor Outreach
Outdoors Empowered Network
Rocky Mountain Youth Corps
Safe Routes to School National Partnership
Sierra Club
SOS Outreach
Student Conservation Association
The Corps Network
The North Face
The Trust for Public Land
The Wilderness Society
Transforming Youth Outdoors
YMCA of the USA

CC: Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations

Partnership for the National Trails System
222 S. Hamilton #13 Madison, WI 53703 Phone: (608) 249-7870
www.nationaltrailspartnership.org Fax: (608) 257-3513

GARY WERNER, EXECUTIVE DIRECTOR **May 24, 2017**
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.

2018 will be the **50th year** since Congress established the **National Trails System** as a bold experiment in public/private collaboration for public benefit. While most of the trail making is done by tens of thousands of citizen stewards increased funding is needed to close gaps in these trails. To continue the progress that you have fostered and **to begin the next 50 years with an increased investment in the National Trails System**, the Partnership requests that you provide **annual operations funding for each of the 30 national scenic and historic trails** for **Fiscal Year 2018** through these appropriations:

- **National Park Service: $16.233 million** for **administration** of **23 trails** and for coordination of the long-distance trails program by the Washington office. **Construction: $357,200** for the **Ice Age Trail** and **$250,000** for the **Pacific Crest Trail.**
- **USDA Forest Service: $85 million for trails construction and maintenance (CMTL) with $7.796 million** of it to **administer 6 trails** and **$1.3 million** to manage parts of **16 trails** administered by the NPS or BLM. **$600,000** for **Iditarod Trail** construction and maintenance.
- **Bureau of Land Management: $2.812 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 **Iditarod Trail. Maintenance: $300,000** for the Iditarod Trail and **$250,000** for the **Pacific Crest Trail,**

- We ask you to **create a $1.5 million National Trails System Challenge Cost Share Program** for the **National Park Service.**
- We ask you to restore the **Bureau of Land Management's Challenge Cost Share Program** with **$3 million** and **allocate $500,000 of it for the national scenic and historic trails.**

We ask you to appropriate **$900,000,000** from the **Land and Water Conservation Fund and allocate $54,832,000** of it to these agencies to purchase **72 tracts along five national scenic and seven national historic trails** described in the **National Trails System Collaborative Landscape Planning** proposal:

- **Bureau of Land Management: $2,895,000**
- **US Fish and Wildlife Service: $12,719,000**
- **US Forest Service: $18,331,000**
- **National Park Service: $20,887,000.**

National Park Service

The **$16.233 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. An **increase of $570,000** for the **Old Spanish Trail** will enable the Park Service to begin implementing the Trail's new Comprehensive Administrative Strategy working with the Old Spanish Trail Association to increase volunteer participation in signing, interpreting, and educating the public about the trail. The Park Service will be better able to collaborate with the Bureau of Land Management in administering the trail and to consult with other agencies to protect the cultural and natural resources along it from destruction by energy projects.

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 and community outreach programs of the Santa Fe Trail Association. **Increases of $313,224** for the **Oregon Trail** and **$255,192** for the **California Trail** will enable the Park Service to work with the Oregon-California Trails Association to develop digital and social media to connect with youth in the cities along these trails providing information about their many layers of history and to better protect the historical and cultural heritage sites and landscapes along them from destruction by energy development in the West. We request an **increase of $300,000** to **$833,000** 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.

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 **$1,278,000** we request for the **Ice Age Trail** includes a **$443,000 increase** to build partner and citizen capacity for building new and maintaining existing trail, protecting the natural and cultural resources on the lands purchased for the trail, and to provide the Park Service with a planner to accelerate planning of the land protection corridor for the trail.

Construction: We request that you provide **$357,200** for the **Ice Age Trail** to build 30 miles of new trail and several trailhead parking lots and **$250,000** 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 **restore** the **Bureau of Land Management Challenge Cost Share program,** appropriate **$3 million** to fund it, and allocate **$500,000** of that to fund projects along the **national scenic and historic trails.** We ask you to create a **National Park Service National Trails System Challenge Cost Share program** with **$1.5 million** funding to continue the steady progress toward making these trails fully available for public enjoyment as a wise investment of public money that will generate public benefits many times greater than its sum.

USDA - Forest Service

We ask you to appropriate **$85 million for trails construction and maintenance (CMTL)** to begin to address the considerable maintenance backlog on the trails in the National Forest System. Within this appropriation we request that you provide **$7.796 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 **$7.796 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 **$600,000** of **additional funding** for construction and 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 **$84 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, $1,332,000** for the **Old Spanish Trail,** and **$4,000,000** for the Bureau to manage **4,645 miles** of thirteen other national scenic and historic trails. We request **$300,000** to construct new sections of the **Iditarod Trail** and to maintain these trails: **Iditarod Trail - $300,000** and **Pacific Crest Trail - $250,000.** We also request **$3,140,000** to operate **five historic trails interpretive centers.**

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System** (NLCS), we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY17 and FY 18 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 FY19. 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 full funding of the **Land and Water Conservation Fund** at the authorized **$900 million** for the component federal and state programs funded under **LWCF.** Within this amount we request that you appropriate **$54,832,000** for the **National Trails System Collaborative Landscape Planning** proposal to acquire 72 parcels along these 12 national scenic and historic trails:

Bureau of Land Management: $2,895,000 | 12 parcels | 1,845 acres

Nez Perce National Historic Trail (ID) $2,295,000 to protect riparian ecosystems and migratory corridors with habitat for sage grouse, pronghorn antelope, and elk, and historic and cultural resources.
Pacific Crest National Scenic Trail (OR) $600,000 for trail and resource protection within the Cascade Siskiyou National Monument in Southern Oregon.

US Fish and Wildlife Service: $12,719,000 | 7 parcels | 6,462 acres

Appalachian National Scenic Trail (PA) $1,800,000 for protection of a keystone habitat for bog turtles, black bear, Indiana bats, northern flying squirrels, and bald eagles along the Kittatinny Ridge.
California National Historic Trail (ID): $1,570,000 to protect the largest breeding concentration of Sandhill Cranes and a haven for other waterfowl near Grays Lake NWR from agricultural development;
Captain John Smith Chesapeake National Historic Trail (VA) $8,500,000 to preserve and provide access to the site of a historic encounter between John Smith and indigenous peoples and protect a major eagle and migratory bird stopover habitat at Fones Cliff in the Rappahannock NWR;

Lewis and Clark National Historic Trail (WA) $849,000 to preserve a wealth of unique ecosystems and enhance ecosystem connectivity between State-protected lands and the Steigerwald NWR.

US Forest Service: $18,331,000 | 41 parcels | 8,704 acres

Appalachian National Scenic Trail (NC, TN, VA, VT) $7,626,000 to protect the largest remaining inholding of the Green Mountain NF, relocate trail segments, preserve trail viewsheds, and provide ecological connectivity and watershed protection near or adjacent to the Pisgah NF State-protected lands;

Continental Divide National Scenic Trail (MT, CO) $1,065,000 to protect alpine headwaters of the Rio Grande River and high-altitude habitat for Elk, deer, and Canada Lynx within the Helena National Forest;

Florida National Scenic Trail (FL) $90,000 to fill trail gaps and provide connectivity between protected areas along the Withlacoochee River and adjacent to Suwannee River State Park;

Pacific Crest National Scenic Trail (CA, WA) $9,550,000 to protect inholdings of the Shasta-Trinity NF, maintain public access to at-risk trail segments along riparian corridors, and preserve iconic viewscapes at Pine Mountain.

National Park Service: $20,887,000 | 12 parcels | 7,466 acres

Ala Kahakai National Historic Trail (HI): $6,000,000 to protect 444 archaeological sites at an ancient coastal indigenous gathering area that hosts a wealth of native plants and wildlife both above and below ground in lava tubes;

Appalachian National Scenic Trail (MA, NY, ME) $5,657,000 to protect the remaining 8 miles of shoreline and enable public access for Bald Mountain Pond, to enable multiple trail re-routings, to preserve delicate habitats for threatened and endangered species, to support connectivity of riparian and forest habitats, and to preserve iconic scenic viewsheds;

North Country National Scenic Trail (MI, WI) $5,900,000 to fill over nine miles of trail gaps, protect over 2,500 acres along the Sturgeon River downstream from the Ottawa National Forest, and to preserve public access to a 3,000-ft pristine shoreline of Lake Superior that provides critical habitat for endangered and migratory species;

Overmountain Victory National Historic Trail (TN) $330,000 to protect the historically significant Shelving Rock Encampment Site, preserve original trail roadbed, and facilitate interpretation;

Washington-Rochambeau Revolutionary Route National Historic Trail (NY) $3,000,000 for preservation of a Revolutionary War-era supply depot site and cemetery.

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 **2016 the trail organizations fostered 1,029,569 hours** of documented volunteer labor valued at **$24,256,645** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of $13,184,886** for the trails.

Sirs and Madams:

The National Endowment for the Arts is a crucial American cultural institution. I have been a recipient of the NEA Literature Fellowship twice, and on each occasion the grant afforded me the opportunity to continue working on the nonfiction book project I was then engaged in. It would have been impossible otherwise. In both instances, the books went on to get finished, won critical acclaim, made me proud. (One became a bestseller.) I am proud to be an American who can apply to a governmental institution that supports arts and culture. Please do not let the current Administration eliminate it.

Yours sincerely,

Paul Hendrickson, Senior Lecturer, Department of English, University of Pennsylvania

PerformingArtsAlliance
the Coalition of Performing Arts Advocates

Written Statement of Amy Fitterer: 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
May 24, 2017

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. **We urge the Committee to appropriate $155 million to the National Endowment for the Arts for FY18.** PAA member organizations include:

- Alternate ROOTS
- American Composers Forum
- Association of Performing Arts Professionals
- Chamber Music America
- Chorus America
- Dance/USA
- 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

The Performing Arts Alliance (PAA) is a national network of more than 33,000 organizational and individual members comprising the professional, nonprofit performing arts fields. We envision a United States in which the diverse ecology of the performing arts is deeply-valued and supported, adequately and equitably resourced, and where participation is accessible to all. The National Endowment for the Arts plays a key role in achieving this vision, and we submit this testimony to highlight the importance of federal investment in the arts.

The National Endowment for the Arts (NEA) holds a significant federal leadership role for the arts and culture in America. Its grants reach every congressional district and support arts organizations serving their communities in a variety of ways. Through the support of direct NEA grants and NEA partnerships with state arts agencies, arts organizations are helping people experience high-quality artistic presentations, access arts education and opportunities for artistic development, and are helping communities unite.

The NEA has several granting categories that support the arts in our nation. Our Town grants support collaborative projects between arts, culture, design, and development organizations working together to transform and revitalize communities through arts-focused strategies. STUDIO 365 Foundation in Lake Elsinore, CA is an example of this; FY16 Our Town support

helped it collaborate with the City of Elsinore for an ongoing project that offers vocational art and craft instruction to improve livability in the community, impacting the city's predominantly Hispanic population. The Arts Commission of Greater Toldeo is also investing in its community with FY15 NEA Our Town funding. Support is helping an ongoing collaboration between the Commission and the City of Toledo which is engaging artist residents in celebrations of Toledo's cultural heritage. Collaborators are offering creative programming to the community that is helping build a sense of neighborhood pride in areas suffering from high unemployment, crime, and poverty.

The NEA's Challenge America: Arts Engagement in American Communities program supports projects of small and mid-sized organizations that intentionally reach underserved populations with the arts. For example, Rabbit Run Community Arts Association in rural Madison, OH, received FY16 Challenge America support for a series of classical and contemporary theatre productions at Lake Erie College. Similarly, East Central University received Challenge America support to highlight the music of east-central Oklahoma in a music festival presented in the Ada Arts District Plaza. The festival featured folk musician John Fulbright as well as the Native American flute-centric group, *Injunuity*.

The NEA's Artworks funding category supports projects that create art of the highest standards of excellence; engage the public with diverse and excellent art; encourage lifelong learning in the arts, and strengthen communities through the arts. 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 their communities with support from the NEA.

Several arts organizations nurture new and emerging artists by creating programs that provide space for them to create new, high-quality works. **Ballet West** in Salt Lake City, UT is creating space for artists to develop new choreography through its Ballet West National Choreographic Festival. Ballet West invited ballet companies from across the country to develop new works, and participate in education and outreach by presenting their art to students from local schools.

The **Bowdoin International Music Festival** in Brunswick, ME is also nurturing artists to develop new works with program support from the NEA. FY17 support for the festival helps provide training opportunities for musicians, and offers high-quality arts experiences to the community through outreach performances at public libraries, social service agencies, and senior centers.

Many arts organizations rely on NEA support to help make their high-quality offerings broadly accessible to all in their communities. The **Idaho Shakespeare Festival** in Boise received FY16 Artworks support for its Idaho Shakespeare Festival Access Program. The program includes *Signing Shakespeare* which offers American Sign Language-interpreted performances of main stage productions for people who are deaf and hard-of-hearing.

Artworks support will help the Festival expand its outreach initiatives to schools in neighboring states.

Artown in Reno, NV is able to present Artown Festival 2017 free of charge with the support of FY17 Artworks funding. This outdoor festival will feature more than 50 artists and performers of various disciplines and will also include free workshops and family activities. Outdoor arts festivals are among the most accessible performing arts events. In its 2010 study, *Live from Your Neighborhood: A National Study of Outdoor Arts Festivals*, the NEA noted that festivals draw demographically diverse audiences that appear to mirror characteristics of the U.S. population.

NEA Artworks funding supports lifelong learning in the arts which often begins with educational outreach programming and artists residencies in schools. The **Ririe-Woodbury Dance Foundation** tailors its dance outreach activities to the specific needs and goals of its partner schools. Based in Salt Lake City, UT, the company received FY16 Artworks funding that is currently supporting its dance residency activities. These include creative movement classes, lecture demonstrations, and question-and-answer sessions which create opportunities to connect with students and audiences one-on-one.

The **Rose Ensemble** in St. Paul, MN is taking arts education beyond schools and into the community with its program of French music that is also highlighting the work of French architect Emmanuel Masqueray. The Ensemble will present concerts in venues designed by Masqueray in the Twin Cities; Sioux Falls, SD; and Benson, MN. The project includes an exploration of the relationship between music and architecture in pre-concert presentations and discussions.

Arts learning opportunities include the chance to learn about cultures and customs from around the world. **Portland Ovations** (Formerly Portland Concert Association) based in Portland, ME, presented the *Seeking Resonance* performing arts series with FY16 Artworks support. The multi-disciplinary series explored artistic expressions inspired by religious traditions and spiritual practices from around the world, and offered additional learning and engagement opportunities thorough master classes, discussions, workshops, and lectures.

Artistic celebrations of heritage can strengthen communities and bring them together. With FY16 Artworks support, the **Centrum Foundation** in Port Townsend, WA produced the Festival of American Fiddle Tunes and the Port Townsend Acoustic Blues Festival. Activities included workshops in traditional music for local musicians with master artists such as NEA National Heritage Fellow Marc Savoy, a renowned Cajun musician. Similarly, **Carnegie Hall** in Lewisburg, WV received FY17 Challenge America funding to support its multi-disciplinary exhibitions celebrating the cultural history of Southern traditional music. The project includes a presentation of "Music of the Coalfields" at the West Virginia Music Hall of Fame, classes, a film screening, and a concert with Blues musician Eric Bibb. A year-long celebration of the 30-year legacy of **Churchill Arts Council** in Fallon, NV is being supported with FY17

Artworks funding, and is set to offer the community a diverse range of music performances, educational workshops, and lecture-demonstrations at the Oats Park Art Center.

The artistic programming of the arts organizations supported by the National Endowment for the Arts gives vitality to their communities in numerous ways beyond the examples provided here. The federal investment in the NEA places value on the role of arts and culture in our society, and it realizes significant returns that are both measurable and intangible. We celebrate the NEA's FY17 budget increase and urge you to support $155 million to the National Endowment for the Arts in FY18. Thank you for considering our request.

Sincerely,

Amy Fitterer

Amy Fitterer
Chair
Performing Arts Alliance

Cristine Davis

Cristine Davis
General Manager
Performing Arts Alliance

"American Indian and Alaska Native Public Witness Hearings on Fiscal Year 2018," House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Port Gamble S'Klallam Tribe – May 17, 2017

Requests:

1. Environmental protection funding, including level funding of $28 million for the Puget Sound Geographic Program, $65 million for the Pacific Coastal Salmon Recovery Fund, and $26.5 million of the National Estuary Program.
2. Infrastructure funding, including for BIA Division of Transportation and Indian Reservation Roads Program, EPA Clean Water funds, and IHS Division of Sanitation Facilities Construction funds. Immediate needs include $5 million to upgrade pump stations and sewer lines and $3.5 million for a new boat ramp and dock for commercial fishing purposes.
3. BIA funding, including funding for the 477 Program.
4. Full funding for the IHS.
5. Support for tribal court systems.

Introduction. The Port Gamble S'Klallam Tribe is a sovereign nation comprised of over 1,200 citizens and located on Kitsap Peninsula in Northwest Washington State. The S'Klallam were called the Nux Sklai Yem ("Strong People"), and we entered into a treaty relationship with the United States in the 1855 Point No Point Treaty. That Treaty enshrined our reserved hunting, fishing, and gathering rights as well as provided for appropriations for our use and benefit. The United States, therefore, has both treaty and trust obligations to protect our lands and resources and provide for the well-being of our citizens. During this time of proposed budget cuts, we are deeply concerned about the impacts to our Tribe's treaty-protected rights and on our ability to administer essential governmental programs. We thank this Subcommittee for its hard work on behalf of Indian Country over the years and for this opportunity to submit written testimony to highlight some of our Tribe's top funding priorities.

Funding for environmental protection. Our Tribe and tribal citizens depend on the health and vitality of Puget Sound's ecosystems in many ways. Close to two hundred of our citizens harvest fish, shellfish, wildlife, and plants for subsistence, and over two hundred and twenty harvest fish and shellfish commercially. Commercial harvesting brings in around $5 million in annual revenue, supporting those citizens' families as their only source of income. Tribal and other local businesses rely on income generated by or related to both the subsistence and commercial harvesting activities. Additionally, our ability to harvest and access our many treaty reserved areas and resources, at levels close to their historic abundance, is crucial for our physical and mental health and well-being and the continuation of our ways of life and our culture. Indeed, the health and vitality of the Puget Sound is directly connected to who we are as indigenous peoples. However, the salmon, herring, and many shellfish stocks are extremely low compared with their historic levels, and the priority of restoring Puget Sound cannot be overstated.

We work closely with the Environmental Protection Agency (EPA) as well as other agencies such as the Puget Sound Partnership. We are also a member of the Northwest Fisheries

Commission, a coalition of federally recognized treaty tribes in the region. Our Natural Resources Department is on the front lines of protecting and restoring the resources upon which our treaty-protected rights and our culture depend, and nearly a third of its funding comes from EPA either directly or through the Puget Sound Partnership or the Northwest Fisheries Commission.

The success of our ongoing collaborative restoration and recovery efforts has largely depended on the Puget Sound Geographic Program. This important program has enabled implementation of our regional (and federally approved) recovery plan. This plan is built with extensive partner engagement and is technically reviewed, ranked and tracked for results by the Puget Sound Partnership. Like twenty-seven other national estuary programs around the country, the Puget Sound Partnership is sustained by the National Estuary Program base funds, with a modest but consistent $600,000 per year. Additionally, the multi-state Pacific Coastal Salmon Recovery Funds, administered by the National Oceanic and Atmospheric Administration (NOAA), has enabled focus on salmon recovery that we and other Puget Sound tribes highly depend upon. These funds are managed in an integrated fashion, achieving greater results together than they could alone. The loss of any of these critical pieces will significantly impact the entire system and our collaborative recovery efforts.

Last year, we worked with the Puget Sound Partnership, EPA, NOAA, and many others on the formation of a Puget Sound federal task force, which aligns and leverages federal efforts with the regional recovery plan. This significantly helps our local, regional, tribal, state, non-profit, and business collaborations by providing a coalition of federal partners we can easily work with in or efforts. These efforts include: providing Puget Sound tribes with critical funding to assist in recovery and restoration efforts; helping fulfill trust obligations to Puget Sound tribes; protecting tribal treaty rights and reserved treaty resources; creating jobs in a variety of industries; emphasizing incentive-based, non-regulatory approaches to recovery goals; sharing lessons learned across the nation; local engagement and decision making; promoting investments that benefit a wide range of interests; obtaining high returns on investment by leveraging funds from multiple sources; ensuring decisions are informed by learning, technical expertise, and science; and providing a strong basis for encouraging British Columbia and the Canadian government to increase their investments in the Salish Sea.

We are very concerned about cuts to EPA budgets, which would lead to the potential loss of 4.5 full-time employees that focus on the enhancement and protection of treaty resources that benefit the entire Puget Sound and Hood Canal region. We depend on EPA funds for 22% of our staff. We have over 188 intertidal harvesters, one-third of whom are at the federal poverty level. Cuts to the funds we receive from EPA would be devastating to our Tribe and would lead to a multitude of economic, social, cultural, and ecological problems.

We strongly urge the Subcommittee to protect EPA budgets and, in particular, to provide level funding of: $28 million for the Puget Sound Geographic Program; $65 million for the Pacific Coastal Salmon Recovery fund, for which Alaska, California, Idaho, Oregon, and Washington compete; and $26.5 million for the nationwide National Estuary Program, including $600,000 for each estuary of national significance.

Infrastructure funding. Our Tribe is one of the largest employers in North Kitsap County, providing hundreds of stable jobs, including through our infrastructure-development work. We have been effective stewards of federal funds, and our prior infrastructure projects would not have been possible without federal grants. We urge continued funding for the Bureau of Indian Affairs (BIA) Division of Transportation and Indian Reservation Roads Program, EPA Clean Water funds, and Indian Health Service (IHS) Division of Sanitation Facilities Construction funds. We have also used U.S. Department of Agriculture (USDA) Rural Development funds and the Indian Community Development Block Grant Program (ICDBG) for our infrastructure projects. Even though these latter two programs are not within the Subcommittee's jurisdiction, we request your broader support for these critical infrastructure funds.

Our immediate infrastructure needs include $5 million to upgrade pump stations and sewer lines. Our Tribe recently constructed a new wastewater treatment facility to replace an aging facility that was past its useful life and threatening tribal waters. With the new facility built, the challenge now is to upgrade a series of pump stations and sewer lines on the reservation that are connected to the new sewer facility. These pump stations and sewer lines are nearing the end of their useful life.

Additionally, we recently had to tear down an aging dock structure that was used by commercial fishermen for fishing activities. Right next to it is a boat ramp, also accessible by commercial fishermen, that is unusable due to age, erosion, and general wear and tear. We have designed a new dock and boat ramp for this important economic sector, but we lack the approximately $3.5 million to fund construction.

Preserve and enhance BIA funding. The BIA provides critical self-governance funding as well as a multitude of non-competitive and competitive grant funding. Cuts to BIA tribal support of any kind would have drastic consequences. We urge the Subcommittee to ensure that BIA funding is preserved and to work to enhance funding for tribal programs so that tribal needs are met. Our Tribe, for instance, is one of 266 tribes participating in the "477 Program," established by Public Law 102-477, which authorizes tribes to consolidate up to thirteen programs from the Departments of Interior, Labor, Education, and Health and Human Services. The current programs we have under 477 are the following: The Bureau of Indian Affairs Job Placement and Training Program, and the Bureau of Indian Education's Adult Education Program. As well as the Department of Health and Human Services Temporary Assistance for Needy Families (TANF) and the Administration for Children and Families 'Child Care Development Funds. The 477 Program allows us to design programs to best meet our local needs, and we urge the Subcommittee to continue funding included in the 477 Program.

Additionally, we understand that the President's budget may seek to eliminate demonstration programs that benefit only a few tribes. Our Tribe has a long history of success operating all different types of demonstration and pilot programs in coordination with state and federal agencies. By nature, tribal-specific efforts are under-studied and under-documented by comprehensive evaluations. Demonstration projects have illustrated true positive impacts that can be replicated in other communities, and we urge the Subcommittee to continue funding

demonstration projects and to support expansion of successful demonstrations so that more tribes can benefit from the lessons learned from these projects.

Full IHS funding. The Indian Health Service allows the Port Gamble S'Klallam Health Clinic to provide care to nearly 1,700 American Indian and Alaska Natives in Kitsap County. Our Clinic provides primary care, preventive services, dental care, women's health care, children's well child checks and immunizations, and referral authorization for Purchased/Referred Care and behavioral health services. Providing for Indian health care is one of the most sacred of the United States' trust and treaty responsibilities. IHS, however, is only funded at around 60% of need. Any cuts to IHS, therefore, are direct cuts to health services to American Indians and Alaska Natives and would put our tribal citizens in jeopardy. We request that the Subcommittee support full funding for the IHS to fulfill the United States' obligation to provide Indian health care.

Support for tribal court systems. We fear that reduced funding and the potential dismantling of certain programs through the Department of Justice will have a significant impact on Tribes. This funding is specific to tribal programs that allow for a coordinated, multi-system judicial approach to break the cycle of criminal behavior, domestic violence, alcohol and/or drug use, incarceration or other penalties (including recovery support services, screening, assessment, case management, and program coordination) to defendants/offenders. We have one judge and one prosecutor, and our court system simply cannot afford budget cuts as we move forward in refining court processes and as the Court's case load increases. We rely heavily on the Federal Government for funding of all our programs, including the Tribe's ReEntry program which has become a national model within Indian Country through funding of a Second Chance Act demonstration grant. We would like to further add our appreciation of the increasing collaborative relationship with the Federal Bureau of Investigation (FBI) through its development of the Indian Country liaisons. We hope to continue moving forward in this endeavor.

Other priority areas. Even though we recognize that the following are not within the Subcommittee's jurisdiction, we hope that you will also support funding for the following critical areas and programs: early childhood education; child care services; language programs; Medicaid; the National Institutes of Health; the Low Income Home Energy Assistance Program; Temporary Assistance for Needy Families; USDA Food and Nutrition Services; NOAA's Pacific Coast Salmon Recovery Fund; K-12 education funds; Federal Pell grants; FEMA preparedness; Indian housing funding; Department of Justice tribal court funds; and grants to implement the Violence Against Women Act.

Conclusion. We thank the Subcommittee for its work to ensure that the federal government is upholding the United States' treaty and trust responsibilities. We urge continued support for our Puget Sound recovery efforts and the programs that our Tribe administers to provide essential government services to our citizens. We invite the Members of the Subcommittee to visit Port Gamble S'Klallam to see the innovative and important programs we are operating with federal dollars. In the meantime, please do not hesitate to contact us if we can provide any further information.

Written Testimony of Kurt Riley
Governor, Pueblo of Acoma, New Mexico

"Public Witness Hearing for Fiscal Year 2018: American Indian/Alaska Native Programs"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 24, 2017

Requests:

1. Full funding and parity for the IHS through an exemption from sequestration and budget cuts.
2. Increased funding for preventative health services to reduce incident rates of chronic illness.
3. $450,000 to maintain and repair 383.8 miles of roads on the BIA roads inventory.
4. $30 million for the construction, project management, and inspection of the Mesa Hill Bridge.
5. Increased federal funding to maintain and construct Acoma Pueblo's irrigation infrastructure.
6. $8 million for the construction of a 35,000 square-foot innovative learning facility.
7. Maintain the $1 million set-aside for NAGPRA-related law enforcement going forward.

Introduction. Thank you Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to submit written testimony on the critical funding needs of American Indian and Alaska Native programs under the FY 2018 federal budget. Thank you for your hard work and for the dedicated efforts of your staff in advancing the interests of Indian Country within the Federal Government.

My name is Kurt Riley and I am the Governor of the Pueblo of Acoma, located in north-central New Mexico. Our Pueblo has maintained independent political relationships with foreign governments since at least the 16th century, when we treated with the Spanish *conquistadores* during their early explorations of the southwest. The Spanish Crown and the United States each recognized the Pueblos' right to self-rule and declared that all Pueblos be presided over by tribal Governors with full ownership of their land. In the spirit of this intimate and time-honored connection to our lands, I invite you to join me on a guided tour through Acoma Pueblo as I offer the following budget recommendations for FY 2018.

After following Interstate 40 an hour west of Albuquerque, we take Exit 100 and enter the sovereign territory of the Pueblo of Acoma. It is a land of turquoise skies, sunlit earth, and resilient people. The quiet of the plateau settles around you as we navigate down Veterans Boulevard to the Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL Hospital). Though we had to drive just a few miles from I-40 to reach the hospital, many Native patients must travel substantial distances to access an Indian Health Service (IHS) facility. It is our sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities than to maintain higher healthcare services and programs at the smaller facilities located in Native communities. Although that might be economical in the short-term, it comes at the long-term price of providing accessible quality care, thus creating one more hurdle on the path to wellness.

The ACL Hospital provides critical healthcare services to the I-40 corridor and surrounding Native communities; however, the quality and quantity of services being offered here has declined

in recent years. The ability of Acoma Pueblo and our federal partners to address the critical needs of the Acoma people is severely hindered by the lack of full funding for IHS programs. In 2015, for example, IHS spending for medical care per user was only $3,136, while the national average spending per user was $8,517—an astonishing 63% difference. Indian health programs also suffer from the cumulative effects of sequestration under the Budget Control Act of 2011 (Pub. L. 112-25). The disruption and ongoing unmet needs correlates directly with the staggeringly high rates of diabetes, chronic illness, and premature deaths that haunt our communities. ***We request that Congress exempt the IHS from sequestration and provide full funding for the IHS in FY 2018 to provide an expanded range of health services in Native and rural communities.***

As we walk through the corridors of the hospital, I welcome you to look inside the rooms. Each patient is a testament to the resiliency of the Native spirit. They draw on their identity as Pueblo people for strength in overcoming the generations of hardship that manifests itself today in the adverse health outcomes currently plaguing Indian Country, particularly in regards to behavioral and mental health. Acoma Pueblo strives to promote the physical, mental, and spiritual well-being of our people. ***To achieve this end, additional funding for preventative health services is needed to reduce future incident rates of serious illness in Native communities.*** It is our hope that the next time you visit ACL Hospital, these rooms will be empty thanks to the combined effect of improved access to quality care and preventative health services in Indian Country provided for in the FY 2018 budget.

Before we leave the hospital grounds, I would like to direct you to Mockingbird Drive. This area contains additional treatment centers as well as a residential area for the medical professionals and administrative staff serving our people. The name of the road is all too appropriate, as we are unable to meet the housing needs of these individuals and their families. Only 40 housing units are available; the majority of the staff must struggle to find alternative local housing, which is further complicated by the critical housing shortages at Acoma Pueblo. Limited or non-existent housing opportunities impair our ability to recruit and retain qualified medical professionals. ***We urge Congress to provide sufficient funding for the renovation and construction of adequate housing units at IHS facilities.***

Take a right down Pueblo Road—one of our main thoroughfares—and we will make our way south, deeper into Acoma territory. Do you feel the bumps and buckling asphalt beneath your tires? The slight vibration in the steering wheel as we hit another divot in the road? Acoma Pueblo has approximately 662 miles of roadways within its exterior boundaries; however, only 363.8 miles are included on the BIA roads inventory. This means that almost half of our tribal roads do not receive inventory-related funded from the BIA. Of those that do, the amount is insufficient to support the roads' maintenance needs. For FY 2016, we received $70,000 in BIA Tribal Program Allocation Funds (TAP) to maintain roads on the inventory, which translates into roughly $192 per mile. ***An annual funding allocation of at least $450,000 is needed to maintain the entire 363.8 miles of federal and tribal roads included on the BIA inventory.***

Stop! With only minimal safety features in place, it is easy to see how you almost missed the level railroad crossing that bisects our Pueblo. While the endless sky of New Mexico makes for wonderful vistas from the mesas, down on the ground it poses significant threats to our tribal members' safety. The flat terrain, misjudgments on the speed and distance of trains, and the lack

of fixed schedules for freight trains all contribute to unsafe railroad crossings. Nonetheless, our people must face the daily challenge of traversing the tracks because our hospitals and business centers are located on the north side of the tracks while our community service facilities are located in the south. Despite the significant threat to public safety posed by this situation, we have been repeatedly denied funding to construct the proposed Mesa Hill Bridge across the tracks. ***This is a shovel-ready project for which we request $30 million to cover the costs of construction, project management, and inspection.***

As we cross the tracks—safely this time—the rich lands of our Pueblo unfold. We strive to maintain our traditional lifestyle while also incorporating innovative practices that benefit our community. Alongside the road, for example, you will see traditional dirt irrigation ditches. Hundreds of years ago, our ancestors engineered complex irrigation systems to support the permanent settlement of communities in an otherwise arid landscape. These remarkable networks have sustained local water delivery and agriculture for generations. However, the effects of time, human activity, and changes in the natural environment have resulted in the need for extensive repairs and new construction. Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009 to support the irrigation infrastructure of the Rio Grande Pueblos, including Acoma Pueblo. With funding through the Bureau of Reclamation under this Act, Acoma has completed a survey of all irrigation ditches and farming lands in our community. ***The estimated cost to line eight miles of traditional dirt irrigation ditches with concrete is $2,500,000. Substantial federal funding is also needed to repair, construct, and restore an additional 36 miles of irrigation infrastructure at Acoma Pueblo.***

Acoma Pueblo is a rural, isolated community facing significant challenges stemming from the lack of economic development and a woefully inadequate municipal infrastructure. As we drive down Pinsbarri Drive (Indian Service Route 32), you will see the Acoma Community Center, Haakú Learning Center, and Sky City Community School where we strive to provide our tribal members with the tools to overcome these tremendous barriers. Technological advances and the expansion of broadband connections are rapidly changing the educational landscape in rural communities. Acoma Pueblo, like much of Indian Country, lacks access to a reliable broadband network to take advantage of these life-changing opportunities. We request funding to support the design and construction of an Acoma Library and Tribal Education Center with the broadband infrastructure and on-site resources to connect our tribal members with previously unheard-of access to continuing education in their home community. ***$8 million is needed for the construction of a 35,000 square-foot facility to include a library, state-of-the-art interactive learning center and outdoor learning facilities.***

Unlike our broadband network, the connection to our culture and identity as Acoma people is strong and unbroken. Along this journey, you have seen it in the ceremonial features of the land, heard it in the wisdom of our tribal leaders, and felt it in the resonant power of our items of cultural patrimony. At the junction of Kaatsiima Drive and Indian Service Route 38 is the Haakú Museum. This 40,000 square-foot facility focuses on the preservation of Acoma history and cultural expression. The items on display transmit our worldviews and values from generation to generation. When these items are removed from the community through illegal trafficking or theft, an irreplaceable aspect of our cultural identity is lost as well.

While you contemplate the profound beauty and complexity of the items on display, I would like to take this opportunity to thank you for providing expanded funding for NAGPRA-related law enforcement activities in the 2017 Omnibus. Because of the dedicated efforts of this Subcommittee and other champions of Indian Country, we have made significant progress in protecting our cultural patrimony. BIA and tribal officials will now have an enhanced capacity to combat and deter the trafficking of tribal cultural patrimony. Acoma Pueblo is confident that the movement to protect cultural heritage that began with the PROTECT Patrimony Resolution will only continue to grow stronger going forward. ***We strongly encourage Congress to maintain the $1 million allocation for NAGPRA-related law enforcement activities in FY 2018 and beyond and to continue to support programs that protect and repatriate items of tribal cultural patrimony.***

To complete our tour of Acoma Pueblo you will need to strap on your hiking boots. We will be climbing 365 feet up into the New Mexico firmament to visit Acoma Sky City, our ancestral home. The Acoma people have lived at this mesa-top settlement for at least 1000 years. It is the heart of our community—preserving and enriching our religious, cultural, and social life. As we climb the natural stairs to the top, I encourage you to feel the smooth, warm sandstone of the mesa beneath your hands; countless generations of Acoma people have worn handholds into the rock to stabilize and guide those that follow. With each step you take, you are shaping that same path today. While the climb is steep and challenging, together we can make it and the view from the top is an unforgettable reward.

Thank you for the opportunity to submit written testimony on these important considerations for the FY 2018 budget. We look forward to working with you, and we hope to have the opportunity to show you first-hand the magnificence of our lands as well as the challenges facing our community during a future visit to the Pueblo of Acoma. Dá'wá'éh; thank you.

Office of the Governor

Written Testimony

Of

Governor Craig Quanchello
Pueblo of Picuris
Penasco, New Mexico

To

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Chairman Calvert, Ranking member McCollum and Members of the Subcommittee thank you for giving me the opportunity to submit testimony for the record on the FY 2018 Interior, Environment and related agencies appropriations bill. I and the Pueblo of Picuris fully endorse the testimony of my fellow Pueblo Governors at last week's subcommittee hearing. Governor Chavarria of the Pueblo of Santa Clara, Governor Siow of the Pueblo of Laguna and Chairman Torres of the All Pueblo Council of Governors, all did an exceptional job of outlining some of the important issues we face as Native Americans.

The pueblo of Picuris is located in the northern part of New Mexico and is comprised of a little more than 300 Tribal members. The Pueblo sits on the edge of the Sangre de Cristo Mountains and is considerably more isolated than other Tribes in the state. The nearest city is Taos which is over 25 miles away. The Pueblo is in Taos County, New Mexico and has approximately 23,000 acres of land within the exterior boundaries of the Pueblo. We are governed by an eight member Tribal Council who are elected annually. The council consists of the Governor, Lieutenant Governor, Tribal Sheriff, 1st Fiscal, 2nd Fiscal, War Captain, 2nd War Chief and 3rd War Chief.

The Pueblo of Picuris is not immune to the issues facing the rest of Indian Country. The Pueblo has a higher high school dropout rate, unemployment, poverty and crime rate than our non-pueblo neighbors.

The Federal Governments Trust responsibility to Indian Country must be at the forefront of the Committees' budgetary decision making process of determining the FY 2018 Interior Appropriations Bill.

It is my hope Congress will ensure its Trust Responsibility for American Indians by fully funding programs at appropriate levels. Adequate and increase 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.

The following items are of great concern to the Pueblo of Picuris and request they be addressed through the funding process of the Interior, Environment and Related Agencies appropriations bill for FY 2018.

Support for Tribal Governments

- Provide full funding to BIA and IHS contract support costs
- Full funding for Fixed and Tribal pay costs

Education

- Adequate funding for tribal education systems by increasing funding for vocational and S.T.E.M curricula to diversify tribal schools.
- Support programs by funding those programs that promote the value and importance of Native Language.
- Fully fund Johnson O'Malley
- Increase funding for the Bureau of Indian Education facilities operations and maintenance

Health Care

- Increase funding to the Indian Health Service (IHS)
- Increase funding for the programs that promote preventative care

Child Welfare

- Full Funding for BIA Child Protection and Family Violence Prevention grant program
- Increase funding to support tribal services that assist families in crisis

Economic & Workforce Development

- Full funding for Office of Indian Energy and Economic Development

Environmental Protection and Natural Resources

- It is critical Congress recognize Tribal Cultural Patrimony and support dedicated NAGPRA Enforcement funds to strengthen the implementation of NAGPRA as well as dedicated funding to expand BIA law enforcement to include NAGPRA issues
- We urge Congress to preserve the designation of Bears Ears as a National Monument and support long-term protection of the land and its resources with adequate funding.

The level of current funding necessitates an increase to the aforementioned programs. The increase in funding is a responsible action to address the needs across Indian Country. The United States Government has the innate responsibility to ensure Indian Country receives the services and protections agreed to by established treaties; trust responsibility.

In closing, I am confident Congress will work cooperatively for the good of the 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.

Written Testimony of
Neil Portnow
President/CEO
Recording Academy

before the
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

on
Fiscal Year 2018 Funding of the National Endowment for the Arts

My name is Neil Portnow, I am the President/CEO of the Recording Academy, an organization that represents 23,000 individual music creators and professionals—songwriters, performers, studio professionals, and others creatively involved in making music. I appreciate the opportunity to submit this written testimony to the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies. The Recording Academy requests that the subcommittee funds the National Endowment for the Arts (NEA) for Fiscal Year 2018 at no less than $155 million.

The NEA has been invaluable to the development of music creators across the country, while helping preserve America's rich music culture. Since 1966, the NEA has provided $423.8 million in funding to domestic music programs—from teaching kids how to play an instrument to supporting festivals of international acclaim. The NEA is an essential part of the American music culture, and it must be funded to ensure that all Americans, from inner cities to rural counties, can continue to enjoy and participate in our rich music heritage.

As you consider funding levels for FY18, I encourage you to first reflect on what music means to our nation. From folks songs of centuries past, to the iconic American Jazz scene, to today's global pop stars, music is woven throughout our cultural tapestry. It binds us together as one nation with the power to bridge racial, religious, and regional divides. Music represents our shared history, our common values, and our dedication to build for ourselves a more perfect union. In times of triumph and tragedy, we turn to the abiding power of music to lift our spirits, soothe our souls, and remind us that everything will be okay.

Music and the arts give value to us as a nation beyond defined borders, ensuring that America continues to be a beacon of innovation and hope for people here and all around the world. President John F. Kennedy summed it up best, "The life of the arts is very close to the center of a nation's purpose, and is a test of the quality of a nation's civilization." His words remain true today; and for less than $1 per person, the NEA helps foster all of this and so much more.

I understand that you are tasked with a difficult and important responsibility; but as you finalize government spending for the next year, please remember why the arts must be protected today, tomorrow, and in the future. American culture makes America strong. Music and the arts further the very priorities the budget seeks to enhance. Our creative economy, with a $26 billion trade surplus, serves as a powerful ambassador abroad; it teaches our shared values and history in compelling ways, and it connects us as a people and as a world.

At a SXSW panel sponsored by the Recording Academy in 2014, Homeland Security Committee Chairman Michael McCaul noted:

> "Music can really make a difference in changing the attitudes and governance of some of these countries and really have a positive impact. While [drones] have been successful with high-value targets, they are not alone going to kill an ideology....Music has a very strong role to play in diplomacy and in that soft power to try and change the world to make it a better place."

When we're talking about "hard power" as opposed to "soft power," what we're really talking about is the difference between coercion and control versus persuasion and influence. That is where American culture and creativity excel. American music, art, theater, and dance liberate us, teach us to think and be strong, and are great ambassadors around the word.

Simply put, we didn't win the Cold War with just missiles; we also won the Cold War with Elvis, tailfins, and *Death of a Salesman*. Earlier I quoted President Kennedy, whose leadership proved critical to the U.S. and the world during that divisive period in our history. In a speech just a month before his death, Kennedy said, "I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist."

That is why I implore you and your colleagues in Congress to fully fund the National Endowment for the Arts at a level of no less than $155 million for FY18. Help protect and renew America's commitment to the arts and to music. It's our collective responsibility to preserve what binds us and to ensure that the whole world continues to benefit from one of our most unique and economically and spiritually important assets — and exports: American music.

It is an investment worth making.

Regional Air Pollution Control Agency
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June 6, 2017

The Honorable Ken Calvert
Chair
Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives
Rayburn House Office Building
Washington, DC 20515

Congressman Calvert:

This letter is written to express this agency's grave concerns with the Administration's FY2018 budget request to Congress which calls for steep cuts in funding to EPA, including a 30-percent reduction in federal grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act (from $227.8 million to $159.5 million). Such cuts would be devastating for many programs, including to the Regional Air Pollution Control Agency (RAPCA) in Dayton, Ohio. We hope that Congress will ensure that this funding is not cut in FY 2018 and vote to provide, at a minimum, level funding for next year.

The Regional Air Pollution Control Agency (RAPCA) is part of the Public Health – Dayton and Montgomery County organization and is the local air pollution control agency serving Clark, Darke, Greene, Miami, Montgomery and Preble counties in southwest Ohio. RAPCA is directly funded by U.S. EPA to implement the Clean Air Act and we work closely with Ohio EPA to accomplish the functions of issuing required air permits, conducting facility inspections and monitoring air quality, among other Clean Air Act requirements.

While great strides have been made in cleaning up the environment, air pollution remains a serious threat to public health. It causes tens of thousands of premature deaths in our country every year, as well as tens of millions of cases of adverse health impacts, such as cancer and damage to respiratory, cardiovascular, neurological and reproductive systems. Under the Clean Air Act, state and local air pollution control agencies have the "primary responsibility" for preparing implementation strategies to address air pollution problems. These tasks include, among others, air quality monitoring, planning and modeling, compiling air emission inventories, adopting regulations, analyzing data, and inspecting facilities. In southwest Ohio, for example, we are particularly concerned about ozone pollution and assuring compliance of high-profile facilities such as the Stony Hollow Landfill and the Fairborn Cement Plant in addition to being responsive to industry business needs with regards to assisting facilities with obtaining requisite construction air permits. Accordingly, we work with the local MPO (Multi-jurisdictional Planning Organization) Miami Valley Regional Planning Commission to issue ozone air pollution advisories to alert the public when needed, as well as performing enhanced inspections and ambient air monitoring of high-profile facilities, in addition to meeting "routine" Clean Air Act requirements.

There are many challenges facing our agency in meeting the Clean Air Act requirements.

Reductions in staffing levels and training, as well as staff retirements and retention are major obstacles to accomplishing our mission to protect public health. Additional cuts of the magnitude proposed by the Administration would devastate our program and our ability to provide healthful air quality for the public as well as provide timely services to the regulated communities. We would specifically cut back on ambient air monitoring in the community, if the S. 103 funding is incorporated into S. 105. And, we would be forced to turn parts of the program back to the state and federal EPA; this would include compliance assistance efforts to area businesses. In southwest Ohio, there is no longer a state air pollution control program. This would result in facilities having no local assistance to get the required state and federal air pollution permits. At the very least, this will significantly increase the time it takes to get the requisite permits and make it impossible for businesses to expand in a timely manner.

Maintaining the air program locally provides stakeholders in our region with opportunities for input to a local entity responsible for the air pollution control program. The staff at RAPCA is committed to serving the community in which we live, because we care about the air we breathe and the area we live in. We are dedicated to being more responsive to the requests from the public, the media, the business community, and to providing timelier service than the state. RAPCA is part of the Dayton region and we seek to improve the quality of life for all residents.

We at RAPCA are doing our best to improve air quality and provide quality services to the regulated community, but adequate federal funding is critical. Please help promote public health by ensuring that federal grants to state and local air quality agencies are not cut in FY 2018. We recommend that they remain at the level they were in FY 2017 – $227.8 million.

Thank you for your assistance. Should you or your staff have any questions or comments on this letter, please contact me at 937-496-7540 or jmarsee@rapca.org.

Sincerely,

Jennifer Marsee

Jennifer Marsee, RAPCA Administrator

cc:
Chairs of Appropriations Committees
Chairs of Interior, Environment, and Related Agencies Subcommittees

Congressman Michael Turner, 10th District of Ohio
Congressman Warren Davidson, 8th District of Ohio
Senator Sherrod Brown, Ohio
Senator Rob Portman, Ohio

OFFICIAL TESTIMONY OF
JEFFREY R. BENOIT
PRESIDENT AND CEO, RESTORE AMERICA'S ESTUARIES

PREPARED FOR

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
U.S. HOUSE OF REPRESENTATIVES

ON

FISCAL YEAR 2018 APPROPRIATIONS FOR THE U.S. FISH AND WILDLIFE SERVICE AND ENVIRONMENTAL PROTECTION AGENCY

May 24th, 2017

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, Galveston Bay Foundation, North Carolina Coastal Federation, EarthCorps, Save the Bay—San Francisco, Save the Bay—Narragansett Bay, and Tampa Bay Watch. Collectively, we represent over 250,000 members nationwide.

As you develop the Fiscal Year 2017 Interior, Environment and Related Agencies appropriations bill, Restore America's Estuaries and our members encourage you to provide the following funding levels within the Department of Interior, U.S. Fish and Wildlife Service (USFWS) and the U.S. Environmental Protection Agency (USEPA) for core programs that significantly support coastal community and ecosystem resilience and local economies:

- **$15 million for USFWS Coastal Program**
  (Interior: USFWS: Resource Management: Habitat Conservation: Coastal Program)
- **$26.723 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 protecting and restoring habitat, improving local water quality, and enhancing resilience. Healthy

coastlines protect communities from flood damage and extreme weather, improve commercial fisheries, safeguard 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 throughout the United States, 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** 557,790 acres of wetland and upland habitat and 2,625 miles of stream habitat.
- **Protected** more than 2.1 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 coastal conditions and increasing extreme weather. Support for the USFWS Coastal Program helps interested communities and partners address the new set of challenges facing coastal communities. The Coastal Program is the USFWS's key conservation tool delivering on-the-ground habitat restoration and technical assistance. Despite the Program's relatively small cost, it has a tremendous impact. In 2015 alone, the Coastal Program, along with 455 local partners, completed 266 projects restoring or protecting more than 90,000 acres of wetlands and uplands and 194 miles of stream habitat. A recent estimate by USFWS Coastal Program staff shows that the program **leverages, on average, $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, including environmental consultants, engineers, construction workers, surveyors, assessors, and nursery and landscape workers. These jobs generate indirect economic activities that benefit local hotels, restaurants, stores, and gas stations. In total, the Coastal Program estimates that the average project supports 60 jobs and stimulates 40 businesses resulting in nearly **thirteen dollars in economic returns for each dollar of federal investment**. Additionally, restoration jobs cannot be outsourced and $0.90 of every dollar spent on restoration stays within the state.

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 water, resulting in a direct economic impact to the local economy of $51,000. Lost and abandoned fishing gear like nets, lines, crab and shrimp traps pose many problems for people, fish and marine animals. Each year, derelict crab pots are estimated to trap and kill 372,000 Dungeness crabs, resulting in losses to the fishery of $1.2 million – 30-40% of the value of the annual commercial catch of Dungeness crab in Puget

Sound. This project removed 84 gillnets—preventing the loss of approximately 370,000 crabs and returning an estimated value of well over $1.5 million to the crab fishery alone.

In San Diego Bay, California, the Coastal Program provided funding and technical assistance to project partners to restore 300 acres of wetland, mudflat, and upland habitat to benefit more than 90 species of resident and migratory birds. Project partners transformed highly degraded salt ponds into lush habitat by breaching levees, regrading soils, and planting native vegetation. Just days after the completion of the project, tens of thousands of birds descended on the newly-restored habitat to rest, roost, and feed. Not only did this project restore a "Globally Important Bird Area," as designated by the American Bird Conservancy, but it also created 130 jobs and generated $13.4 million for the local economy.

At recent funding levels of approximately $13.4 million, the Coastal Program is able to provide technical assistance and support to partners, but can only provide limited project dollars. A modest increase over the amount included in the FY 2017 Omnibus would help the Coastal Program increase their capacity to leverage willing and interested partners to deliver highly-effective and site specific habitat conservation and restoration programs that prevent federal listing of species, promote species recovery, enhance coastal resilience, and boost local economies.

Restore America's Estuaries urges your continued support and funding for the USFWS Coastal Program and asks that you provide $15 million for Fiscal Year 2018.

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 National Estuary Program demonstrates real environmental results through on-the-ground habitat restoration and protection and their efforts are tailored to the specific local environmental and economic realities. Collectively, **NEPs have restored more than 1.5 million acres of land** since 2000.

NEPs work to ensure that federal agencies work together with state, regional, NGO, and private partners to better manage ocean and coastal resources for the benefit of the nation. Community partners are involved throughout the decision-making process to reduce conflicts, redundancies, and inefficiencies that waste time and money, and to ensure that restoration and conservation efforts are stakeholder-driven. NEPs play a key role in implementing national policies that result in better, more cost-effective coastal management that benefits states and local communities.

Restore America's Estuaries urges your continued support of the National Estuary Program and asks that you provide $26.723 million for USEPA National Estuary Program / Coastal

Waterways. Within this amount for FY 2018, 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 effectively accomplish on-the-ground restoration work which results in major benefits:

1. **Economic Growth and 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, including flood mitigation, shoreline protection, and enhanced fisheries, among others.
2. **Leveraging Private Funding** – In 2015, federal investment in the USFWS Coastal Program leveraged non-federal dollars at a ratio of 34 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 knocks down storm waves and reduces devastating storm surges before they reach the shore, protecting lives, property, and vital infrastructure for the nearly 40% of Americans that live in coastal communities.

We greatly appreciate you taking our requests into consideration as you move forward in the Fiscal Year 2018 appropriations process. 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 •• Building A • Stroud, OK 74079

Principal Chief KAY RHOADS
Second Chief JACKLYN K. KING
Secretary MARY F. MCCORMICK
Treasurer JARED A. KING
Committee Member ROBERT E. WILLIAMSON

WRITTEN TESTIMONY OF THE HONORABLE KAY RHOADS, PRINCIPAL CHIEF
SAC AND FOX NATION
SUBMITTED TO THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FY 2018 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS,
INDIAN HEALTH SERVICE AND THE ENVIRONMENTAL PROTECTION AGENCY
May 16, 2017

On behalf of the Sac and Fox Nation thank you for the opportunity to present our requests for the FY 2018 Budgets for the Bureau of Indian Affairs (BIA), the Indian Health Service (IHS), and for Tribal Environmental Funding (EPA). 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.

As a Self-Governance Tribe, the Sac and Fox Nation has been impacted by the Federal government's refusal to pay full contract support costs (CSC) for contracted and compacted programs since the statue was enacted. In 2014 and 2015, the Supreme Court determined that Tribes were entitled to CSC. Under the new budget structure, CSC accounts for BIA and IHS were created in the appropriations bill specifically for 2016 and 2017 as well as language establishing an indefinite appropriation for CSC in both agencies. So far, the full CSC that Tribes are entitled is being paid and other programs will not be reduced if payments are underestimated in the President's budget. Tribes agree that this structure achieves the Nation's legal obligation to fully pay CSC without imposing any corresponding reduction in direct services to any Tribe. **We continue to request full funding for CSC on a mandatory basis in FY 2018-2021 and make it a permanent, indefinite appropriation.**

In general, all Tribal programs including BIA and IHS line items should be exempt from any budget recessions, sequestrations and unilateral budget reductions that are not equally assessed to other funding beneficiaries.

1. <u>Tribal Specific Requests:</u>

<u>**A. $20,000 Tribal General Assistance Program (GAP) - EPA.**</u> Historically, EPA has not provided a nationally consistent approach for building Tribal environmental protection program capacity under General Assistance Program (GAP) or a mechanism to measure the progress Tribes are making toward their defined program development goals. The EPA has decided to enforce a new interpretation of the GAP which prohibits Tribal Nations from using any GAP money for labor, handling, sorting, weighting and transportation of waste and recyclables. This means that the Tribal Nations recycling programs are in jeopardy because there will no longer be funds to carry out these functions. This program benefits the Tribal Complexes but also

provides for drop off points for members and the community along with special community outreach events dealing with waste and other recyclables. Specifically, we would like to ask for a reversal of this interpretation or a line item dedicated to funding recycling departments work to allow these programs to continue. For Sac and Fox, $20,000 would be sufficient to perform these services for our Tribal citizens.

B. $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 the Department of the Interior (DOI) Indian Affairs (IA) 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 the Tribal Law and Order Act (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.

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 (AI/AN), 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.

The current funding level represents only approximately 10% of what is needed to fully fund the SFNJDC 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.

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. 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.**

2. NATIONAL REQUESTS – BUREAU OF INDIAN AFFAIRS

A. Fully fund all provisions of the Tribal Law and Order Act that authorizes additional funding for law and order programs that affect Tribal nations

B. Extend the Bureau of Prisons Pilot Project for Violent Offenders

*C. **Public Safety and Justice***

a. ***+$83 million to increases base funding for Tribal Courts** including courts in PL 280 jurisdictions, and to incrementally move towards fully meeting the need for Tribal court funding;*

*b. **+$200 million BIA law enforcement and detention** including an increase in funds for officer recruitment and training and for Tribal detention facilities operations and maintenance.*

D. $620,000 Juvenile Detention Education these critical funds were reinstated in FY 2016 at $500,000, reflecting the bipartisan support for funding to address juvenile justice issues. Funding the program at $620,000 level is essential funding that will be used to provide educational services to detained and incarcerated youth at BIA-funded juvenile detention facilities. One of the best methods to rehabilitate is through education, and eliminating this program creates additional costs by increasing the rate of criminal recidivism.

E. Fully Fund Fixed Costs and Tribal Pay Costs. Partially funding or failing to fund Pay Costs for tribes has devastated Tribal communities by causing critical job losses. Over 900 Tribal jobs have been lost and an estimated 300 more jobs will be permanently lost on an annual basis if 100 percent Pay Costs is not provided. The Tribal losses are being further exacerbated by recent projections of costs that have been significantly underestimated.

F. Increase Tribal Base Funding (instead of through grants). Provide increases via Tribal base funding instead of through grants to Tribal governments. Grant funding, particularly inside the BIA, is not consistent with the intent of Tribal self-determination. Tribal leaders have grown increasingly frustrated by the increase in Indian Affairs funding offer through grants. Allocating new funds via grants marginalizes and impedes the Tribal Self-Determination and Self-Governance.

G. 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.

3. NATIONAL REQUESTS – INDIAN HEALTH SERVICE

A. *+$314.9 million* Mandatory Funding (maintain current services). Provide an increase of $314.9 million over the FY2017 budget request. Current services calculate mandatory cost increases are necessary to maintain those services at current levels. These "mandatories" are unavoidable and include medical and general inflation, pay costs, contract support costs, phasing in staff for recently constructed facilities, and population growth.

B. *+$474.4 million* Purchased and Referred Care (PRC). Provide an increase of $474.4 million pays for urgent and emergent and other critical services that are not directly available through IHS and Tribally-operated health programs when: no IHS direct care facility exists, or the direct care facility cannot provide the required emergency or specialty care, or the facility has more demand for services than it can currently meet.

C. +$6 million to restore funding for OTSG to implement the Self-Governance statute in IHS. As of 2017, there are 354 Self-Governance (SG) Tribes. This represents slightly over 62% of all Federally-recognized Tribes. The Self-Governance process serves as a model program for Federal government outsourcing, which builds Tribal infrastructure and provides quality services to Indian people.

Thank you for allowing me to submit these requests on these FY 2018 Budgets.

Saint Regis Mohawk Tribe

Testimony Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
June 20, 2017

Request: Maintain Full Funding for EPA ($1,821,703) and Fully Fund EPA Programs Impacting Indian Country

Chairman Calvert and Ranking Member McCollum tekwanonhwerá:tons sewakwé:kon | we give greetings to you all,

The Saint Regis Mohawk Tribe ("SRMT" or "the Tribe") is deeply troubled by the Trump Administration's skinny budget which proposes the elimination of a number of critical Environmental Protection Agency ("EPA") competitive grant programs that allow our Tribe to maintain a robust Environment Division, provide our members with clean water, monitor the river for containments, support subsistence living, prevent costal erosion, and maintain the overall health and biodiversity of the St. Lawrence River. We request the House Subcommittee on Interior, Environment, and Related Agencies maintain full funding for the operation of EPA programs positively impacting Indian Country, particularly the following grant programs: Air Quality, State and Tribal Assistance, Water Pollution Control, Brownfields, Superfund, Pesticides, Solid Waste, the Great Lakes Restoration Initiative ("GLRI"), and Environmental Justice.

The Saint Regis Mohawk Tribal Council is the federally recognized tribal government responsible for promoting the health, safety, education and welfare of all of our community members. The Tribe is located on the Akwesasne Mohawk Territory in New York and has over 15,600 enrolled tribal members, with approximately 8,000 tribal members living on the reservation.

With three off-reservation Superfund sites located directly upstream and upwind from where we draw our drinking water and reside, the Tribe has worked diligently to establish a robust Environmental Division. The proposed elimination of more than $85.6 million in EPA program funding, would decimate SRMT's environmental efforts. Approximately 65 percent of our program funding would be eliminated forcing the Tribe to reduce its workforce and discontinue many of its monitoring and restoration programs.

The responsibility of EPA to assist, support, and work with Indian Tribes on important environmental issues that promote the well-being of our communities has been acknowledged and supported by every Administration since President Richard Nixon. The SRMT is gravely concerned with the substantial reductions in funding proposed by this

412 State Route 37
Akwesasne, New York 13655
www.srmt-nsn.gov
Phone: 518-358-2272

Administration for EPA programs that are critical to protecting the public health and well-being of our tribal community. For this reason, the Tribe requests the following:

1. Fully Fund the State and Tribal Assistance Grant Program
The EPA currently provides $12.8 million in air program funding to tribes under the State and Tribal Assistance Grant Program. Tribal governments often have limited revenue sources, so this funding is critical in ensuring that tribal governments are able to operate and maintain environmental protection programs on tribal lands. Tribes have used the tribal air quality programs to establish air quality programs, target critical needs such as indoor air quality, keep pace with increased major source permitting activities, and repair and replace aging air monitoring equipment. SRMT currently uses the State and Tribal Assistance Grant Program to support the Tribe's Air Quality and Environment programs, including:

- Monitoring and establishing criteria for pollutants at two sites for hazardous air pollutants, and other pollutants under the National Atmospheric Deposition Program;
- Conducting two emission inventories that were submitted to EPA in 2008 and 2011;
- Monitoring of over 36 Tribal river miles for water quality parameters and Tribally developed water quality standards approved by EPA; and
- Provide environmental oversight of three large Superfund sites immediately upstream of SRMT Tribal lands.

2. Fully Fund the Water Pollution Control Grant Program
In September 2007, SRMT became the first tribe in Region 2 to implement EPA approved water quality standards. Utilizing Clean Water Act authority, the Tribe is able to administer various sections of the Act and manage ambient water quality, non-point source pollutants, construction activities, and direct discharges to waters of the reservation. The purpose of the standards is to protect the Tribe's unique designated uses of surface and groundwater for use by tribal members and future generations. Other projects are funded by competitive grants. Currently, the Tribe monitors surface water for consumption and public safety, non-point source pollutant mitigation for construction and agriculture oversight and shoreline restoration, and to rehabilitate sturgeon, reintroduced Atlantic Salmon, conduct a fisheries population assessment, and provide fish advisories and contaminant monitoring.

3. Fully Fund the Brownfields Grant Program
In 2016, SRMT Environment Division's Brownfields Project received a $200,000 grant from EPA to inventory, investigate, and prioritize petroleum sites in Akwesasne for future cleanup efforts. This grant allows SRMT to enter into a cooperative agreement with EPA to assist the Tribe in developing its Brownfields response capacity in four areas throughout our territory. Cleaning up and reinvesting in these properties protects the environment, reduces blight, takes development pressures off green spaces and working lands, and protects many essential cultural, medicinal, ceremonial, traditional, and historical uses of natural resources exclusive to our territory. Through Brownfields grant funding, the SRMT Environment Division is working to develop a community-wide inventory and assessment, collect input from community members, and train tribal staff in Brownfield monitoring and mitigation activities to better serve our community.

4. Fully Fund the Superfund Program
Akwesasne is adjacent to the GM Central Foundry Division Superfund Site, Reynolds Metal Superfund Site, and the Grasse River Superfund Site. Because of this, we have been disproportionately burdened by the pollution caused by these industrial facilities. In 1990, the EPA provided significant financial and technical assistance to the Tribe to expand its Environment Division and to implement an environmental protection program. This funding has helped the Tribe achieve a number of its priorities, including: conducting a comprehensive community health assessment; remediating and redeveloping abandoned gas stations; assessing indoor air quality in homes; supporting the decommissioning and deconstruction of the Hogansburg Dam, and improving the maintenance of drinking water and wastewater systems. Despite these efforts, SRMT remains concerned about EPA's Superfund Remediation practices and the persistent pollutants that are damaging our water and air. Failure to actively remediate these sites due to a lack of federal funding endangers our people and way of life and is a violation of the federal trust responsibility.

5. Fully Fund the Great Lakes Restoration Initiative
Since 2010, SRMT has utilized GLRI funding to conduct several projects evaluating the health of the St. Lawrence River, to promote the health of its members who participate in subsistence traditions, mitigate the impacts of tribal environmental projects, and to restore critical species. In 2010, the Tribe received a $1.2 million grant to conduct a population, habitat quality, reproductive health, and contaminant analysis of biota tissue on turtles, avian, fresh water mussels, furbearers, and fish. This data was shared with relevant state, tribal, and federal resources agencies to update restrictions on fish and wildlife consumption. In 2010, SRMT received another $723,000 grant to conduct a sturgeon restoration project by investigating suitable spawning habitat. For SRMT, this project not only allowed for resources to be allocated toward protecting a culturally important species, but it also created training opportunities for the Mohawk community and youth on the importance of lake sturgeon life cycle and restoration, establishing best management practices for Mohawk fisherman who rely on sturgeon for subsistence practices, and creating relevant educational materials. Because of the success of SRMT's prior work, the Tribe received another $98,000 grant in 2016 to survey, salvage, and relocate freshwater mussel from the Hogansburg Dam, which was decommissioned by the Tribe that year.

6. Fully Fund the Pesticides grant program
The SRMT Environmental Division has worked diligently to create awareness about the use of dangerous pesticides for human, wildlife, and environmental health of our territory. In 2016, SRMT's Environmental Division received a $50,000 grant to, among other tasks, host a pesticides forum on integrated pest management, preventing infestations, monitoring for pests, and the risk of using pesticides. The Pollinators Protection Plan was also discussed in an effort to reduce the use of pesticides negatively impacting bees and other pollinators along with other best practices for creating welcoming environments for pollinators.

7. Fully Fund the Environmental Justice Small Grants Program

In 2013, SRMT's Environmental Division received a $30,000 grant to help fund an outreach program that educated the tribal community on ways to reduce exposure to substances in the indoor environment that can trigger asthma attacks. This type of funding is critical to ensuring the health and wellbeing of our members.

With all of the great work that the Tribe has been able to conduct to promote the health and wellbeing of our environment and our community, we urge you to not only oppose the President's proposed EPA budget reductions for Fiscal Year ("FY") 2017 and FY 2018, but to fully fund critical programs that promote tribal self-determination and sovereignty, and promote the public health and well-being of our tribal members.

Thank you for your time and consideration. Should you have any questions, please feel free to contact the Office of Tribal Council.

Skén:nen | In peace,

THE SAINT REGIS MOHAWK TRIBAL COUNCIL

sanjuancounty.org

SAN JUAN COUNTY COMMISSION

Bruce B. Adams - Chairman
Rebecca M. Benally - Vice-Chair
Phil Lyman - Commissioner
Kelly Pehrson - Administrator

Testimony of San Juan County (Utah) Commission
Submitted to the
House Appropriations Sub-Committee on the Interior, Environment and Related Agencies
For the Record of the
May 16, 2017 American Indian and Alaska Native Public Witness Hearing

For the past three decades, San Juan County, Utah has worn the boots of the federal government, performing all of the maintenance functions on roads within the Utah section of the Navajo reservation. County funds have paid for most of these activities. Our duty as county commissioners is to ensure that all residents— especially school children— can get to where they need to go on roads that are passable in all seasons. However, our duty is also to balance our budget. As the poorest county in the state of Utah, we can no longer subsidize the Bureau of Indian Affairs (BIA) Roads Program. Doing so has created a $1 million annual deficit for us. That is why we urge you to allocate at least $5 million for dirt school bus route maintenance on the Navajo Nation.

We urge this Committee to require BIA to develop sensible, objective criteria to determine how to direct road maintenance funds where they are most needed.

Last year, this Committee included report language in the FY'17 Interior Appropriation Bill that directs BIA to use the $3,217,000 provided above its budget request for "roads and bridges in poor or failing condition, particularly along school bus routes" (please see page 47). Unfortunately, BIA leadership told us and Congressman Chaffetz that, absent more clear direction from Congress, such funds will merely be divided up and equally distributed to all tribes.

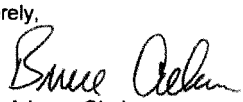
The Government Accountability Report issued Monday, May 22, 2017, "Tribal Transportation – Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies (GAO-17-423)," provides Congress the data it needs to finally do the right thing.

We respectfully request that you support the bi-partisan request of Congressmen Chaffetz, O'Halleran and Lujan to direct a portion of the BIA Tribal Priority Allocation for dirt school bus route maintenance. We further encourage you to require BIA to prioritize such funds. Federal transportation facilities that are dirt school bus routes that cause students to miss at least 10 days of school per year should be BIA's highest priority.

Thank you very much for this opportunity to bring such an important issue to your attention. It is our hope that Congress provides the leadership BIA needs to do right by

the children of the Navajo Nation and the American tax payers. We expect the federal government to spend our limited resources where they are needed most.

Sincerely,



Bruce Adams, Chairman
San Juan County Commission

Tribal Council
5318 Chief Brown Lane
Darrington, Washington 98241-9420

(360) 436-0131
Fax (360) 436-1511

Written Testimony of
The Honorable Norma A. Joseph, Chairman of the Sauk-Suiattle Indian Tribe Before House Committee on Appropriations Sub-committee on Interior Environment, Related Agencies: FY 2017 Budgets for Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), Indian Health Services (I.H.S.), United State Department of Agriculture (USDA), Environmental Protection Agency (EPA) and Department of Housing and Urban Development (DHUD)

Background Information:

The Sauk-Suiattle Indian Tribe (Tribe) is a signatory of the Point Elliot Treaty of 1855 under Dalthdemin for Sah-ku-mehu (**A.K.A. *SAHKUMEHUS, SAKHUMEHU, or SABBU-UQUS)***. The Tribe is small and needy. The Tribe has been overlooked since the treaty of 1855. Located next to Darrington where the Tribe is the second to largest employer in the region. All land including, reservation status lands, have been purchased by the Tribe. The Tribe is a non-casino tribe. The Tribe's current economic development entity is the Sauk-Suiattle Trust Corporation, which operates under chapter 17, managing a small smoke shop on reservation and a gas station located on fee land.

Sauk-Suiattle Specific Requests to BIA

1. $500,000 Economic Development - Drive in Theater
2. $3,500,000 Economic Development for on reservation gas station
3. $750,000 Tribal Court – program enhancement and capital improvements for new court facility and operations
4. $200,000 Indian Child Welfare: for ICW related services for Family Initiatives and completion of youth group home
5. $80,000 Secretary Of Interior – Election to update constitution
6. $80,000 Cultural- Identification and Preservation "Healing of the Canoe"
7. $100,000 Land into Trust Title replacement, Surveys
8. $6,000,000 Tribal Housing Community Relocation
9. $2,000,000 Social Services Building
10. $3,000,000 Land acquisition - for economic development land base
11. $300,000 Rights Protection – Defining Usual and Accustom places for subsistence and commercial related activities
12. $150,000 Emergency Management
13. $900,000 Tribal Law Enforcement Enhancement

Sauk-Suiattle Specific Requests to BIE

1. $200,000 Childcare expansion funding

2. $150,000 Analysis Study- Viability of Tribal Charter School

Sauk-Suiattle Specific Request to I.H.S.

1. $3,000,000 Tribal Clinic Facilities
2. $1,500,000 Sanitation and Facilities Infrastructure
3. $200,000 Medical Records software to complement RPMS
4. $150,000 Management Funding for guidance, policies for AAA accreditation

Sauk-Suiattle Specific Requests to USDA

1. $1,000,000 Infrastructure – Internet (VIA Fiber Optics or Microwave)
2. $500,000 Elders Community Building

Sauk-Suiattle Specific Requests to Department of Housing and Urban Development

1. $6,000,000 Tribal Housing Community Relocation

Sauk-Suiattle Specific Request to EPA

1. Support regional requests, national requests of Northwest Indian Fisheries Commission

Background History:

The Sauk-Suiattle Indian Tribe (Tribe) is a signatory of the Point Elliot Treaty of 1855 under Dalthdemin for Sah-ku-mehu (**A.K.A. *SAHKUMEHUS, SAKHUMEHU, or SABBU-UQUS)***. "At the time of the Point Elliot Treaty of 1855 the Sauk villagers were known as the Sahkumehus and Sabbu-uqus. The Sauk-Suiattle Tribe, as the descendants of the Sakhumehu, was determined to be a party to the treaty of Point Elliot. *United States v. Washington,* 384 F. Supp. 312,375 (W.D. Wash. 1974*); see also United States v. Washington,* 520 F.2d 676 (9th Cir. 1975*)* (upholding the determination that the Sauk-Suiattle Tribe existed as a separate tribe." *See Letter from United States Department of the Interior Bureau of Indian Affairs, dated: October 6th, 2011; addressed to The Honorable Janice W. Mabee, Chairperson of the Sauk-Suiattle Indian Tribe, the last paragraph on page 2, and continuing on to page 3*). The Tribe was basically landless, having ¼ acre of Cemetery land declared by 38 Stat. 77 (1913) at the request dated March 29th, 1912 by Roger S. Greene, Master in Chancery Federal Building, File Number: 36447, Received April 15th, 1912.

As evidence of the Tribe's continuity with the United States Federal Government begins with the Point Elliot Treaty of 1855 and the following statues: 24 Stat. 388 (1887), 38 Stat. 77 (1913), 23 Stat. 76, 98 (July 4th, 1884), and the Department held IRA elections in 1935. *See Letter from United States Department of the Interior Bureau of Indian Affairs, dated: October 6th, 2011; addressed to The Honorable Janice W. Mabee, Chairperson of the Sauk-Suiattle Indian Tribe.*

The Tribe formally organized under the Indian Reorganization Act of 1934. "*In 1975, the Sauk-Suiattle (Tribe) submitted its Constitution to the Secretary and the Commissioner of Indian Affairs approved the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe under the provisions of the IRA"* September 17th, 1975 as signed by Morris Thompson, See Constitution and Bylaws of the Sauk-Suiattle Indian Tribe. "*Based on the entire record and history of the Sauk-Suiattle Tribe, the Tribe was clearly under federal jurisdiction in 1934 and the Secretary has the authority to take the land into trust under Section 5 of the IRA."* From 1975 began work with the BIA to define our Tribal consolidated land base and our near reservation status, which includes Snohomish and Skagit Counties of Washington State that we now claim.

The Tribe's original land base consisted of ¼ acres of land purchased purposefully for cemetery use, at that time our population was 150 "souls" and since then our membership has grown to 237. We now have 679.29 acres on Fee Land and 130.51 of Trust Land with a total of 809.80 acres that was all purchased by Sauk-Suiattle for reservation land base. More than 50% of these lands are conservation having

undevelopable wetlands. We are in the market to purchase more land to establish viable economic resources and to relocate our tribal housing community.

JUSTIFICATIONS

Sauk-Suiattle Specific Requests to BIA

1. $500,000 Economic Development - Drive in Theater expansion of economic development to expand rural recreational, entertainment and job creation.
2. $3,500,000 Economic Development for on reservation gas station expansion of economic development for local job creation.
3. $750,000 Tribal Court – New Court program Development, Enhancement and Capital improvements for new court facility and operations Sauk-Suiattle has been unable to adopt the enhanced sentencing provisions authorized by the 2010 Tribal Law and Order Act of 2010 to exercise expanded Domestic Violence Criminal Jurisdiction under the 2013 Violence against Women Act because of the lack of adequate base funding for its Tribal Court Development and Sex Offenders Registration and Notification Act of 2006.
4. $950,000 Indian Child Welfare: $150,000 for ICW related services for Family Initiatives and $800,000 start-up of youth group home (Property already purchased)
5. $80,000 Secretary Of Interior – Election to update constitution
6. $80,000 Cultural- Identification and Preservation "Healing of the Canoe" to implement project developed by University of Washington addressing intergenerational grief and trauma.
7. $100,000 Land into Trust - Funding will go toward environmental assessments and trust title replacements and surveys.
8. $2,000,000 Social Services Building – Seeking funding to provide adequate facility to comply with HIPAA
9. $3,000,000 Land acquisition - for economic development land base
10. $300,000 Rights Protection – Defining Usual and Accustom places for subsistence and commercial related activities
11. $150,000 Emergency Management – In 2013 the Tribe experienced first-hand a major catastrophe with the OSO landslide. We lost all communications, internet services, and became even more remote from life and health services. The loss of communications and internet made it virtually impossible to carry on with administrative and safety measures. Emergency services that were provided did not meet the situation. We are in the midst of developing protocol standards for operations to address this need.
12. $900,000 Tribal Law Enforcement Enhancement assists with a stable communication system.

Sauk-Suiattle Specific Requests to BIE

1. $200,000 Childcare expansion funding
2. $150,000 Analysis Study- Consider the viability of a Tribal Charter School to serve tribal and local community. Existing school system is not efficient in preparing our children for advanced post-secondary education.

Sauk-Suiattle Specific Request to I.H.S.

1. $3,000,000 Tribal Clinic Facilities – Funding will go toward building that will meet compliance with HIPAA and meet need for sanitation and environmental standards.
2. $1,500,000 Sanitation and Facilities Infrastructure – Funding is needed to prepare the new tribal community housing site with modern utilities, sanitation septic system and other resources.
3. $200,000 Medical Records software to complement RPMS
4. $150,000 Management Funding for guidance, policies for AAA accreditation

Sauk-Suiattle Specific Requests to USDA

1. $1,000,000 Infrastructure – Internet (VIA Fiber Optics or Microwave) **Internet Infrastructure is needed for** day to day administrative operations, educational opportunities, law enforcement safety, emergency management, and future economic development.
2. $500,000 Elders Community Building - To provide a place for our Title VI Elders Food program and offer activities that will enhance the mental, physical, and social needs of our elders.

Sauk-Suiattle Specific Requests to Department of Housing and Urban Development

1. $6,000,000 Tribal Housing Community Relocation is twofold: (1) to address Declaration of State of Emergency for homelessness 59.5% of Tribal families are homeless this does not include overcrowding or multi-generational families in a single-family unit home and (2) Relocate tribal housing community out of the migration path of the wild and scenic Sauk River.

Sauk-Suiattle Specific Request to EPA

1. We support regional requests, national requests of Northwest Indian Fisheries Commission

US Forest Service

1. Circle Peak Road – We support maintaining the road repairs and openly available for access into Circle Peak. The region is important for cultural resource gathering and historic uses.
2. Mountain Loop Scenic Byway- We supports the paving of Mountain Loop Scenic Byway as an alternate exit route out of the Darrington Area. During OSO slide, the Mountain Loop Scenic Byway was considered an alternative access road out though it was impassible.

Self-Governance Communication & Education Tribal Consortium

303 South Fifth Street
McAlester, OK 74501
P: 918.302.0252
F: 918.423.7639

Written Testimony of
The Honorable W. Ron Allen, Chairman, Self-Governance Communication & Education Tribal Consortium and Tribal Chairman/CEO, Jamestown S'Klallam Tribe to the
House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies
"2018 Appropriations Testimony for the BIA AND IHS"

May 16, 2017

On behalf of the Self-Governance Communication & Education Tribal Consortium (SGCETC), I am pleased to provide the following written testimony regarding funding priorities for Self-Governance Tribes participating in the Department of the Interior (DOI) and the Indian Health Service (IHS). Today, 272 Federally-recognized Tribes and Tribal Organizations exercise Self-Governance authority within DOI and 352 Federally-recognized Tribes and Tribal Organizations exercise Self-Governance authority within IHS to operate and manage health programs. SGCETC recognizes the hard work this Subcommittee has committed over the last few years to uphold the Federal trust responsibility and Tribal sovereignty. It is only through continued partnership and open communication that Tribal governments can achieve self-sufficiency and self-determination. We hope that the Subcommittee will continue to champion Indian Country's priorities and to empower Tribal governments to meet the needs of Tribal citizens.

As such, Self-Governance Tribes make the following recommendations to strengthen Tribal governments, economies, and programs:

Hold Tribal programs and services harmless from future sequestration, budgetary rescissions, or reductions.
Tribal governments experienced heavy budgetary cuts as a result of the 2012 sequester. These cuts affect direct services to Tribal citizens, which include, but are not limited to, public safety, social welfare, and health care services. As you begin to deliberate the FY 2018 appropriations for the BIA and IHS, Self-Governance Tribes first, ask your support to urge Congress to restore Tribal funding cuts and, second, to uphold the Tribal trust responsibility and amend the Budget Control Act of 2011 to exempt Tribal funding from future sequesters.

Mandatory Funding for Contract Support Costs.
Self-Governance Tribes deeply appreciate the work that this Subcommittee and others have done to achieve full funding for contract support costs (CSC). Tribal governments can now improve and expand services for Tribal citizens rather than decrease or eliminate services to cover indirect costs necessary to properly manage programs. Under the indefinite appropriation structure created by the Fiscal Year 2016 Consolidated Appropriation Act, Tribal direct services are protected from reductions. Self-Governance Tribes ask that, at a minimum, the Subcommittee protect this structure, but further request that the Subcommittee consider moving CSC funding to a mandatory category to further protect from any future reductions.

Bureau of Indian Affairs

Increase Tribal Base Budgets and Recurring Funding as opposed to grant funding

Tribal Self-Governance is the most successful policy in the history of Tribal-Federal relations because it stimulates efficient and effective government spending. Increases to Self-Governance Tribal Base Budgets will allow Tribes to fund core Tribal government programs such as community and economic development, natural resource management, and community safety. However, Self-Governance Tribes have noticed a troubling trend that DOI and BIA are moving one-time funding opportunities to grants that are restrictive in nature – undermining core Self-Governance tenants. This trend allows DOI to heavily regulate the administration of Tribal programs and prevents grants from being transferred through Self-Governance Agreements, which in turn, hinders Tribal governments' ability to re-design programs to better meet the needs at the local level and impedes economic self-sufficiency.

Fully fund Fixed Costs and Tribal Pay Costs.

Most Federal agencies receive annual increases to their Fixed Costs levels each year to address inflationary costs associated with Fringe Benefits and Pay Costs. However, historically, Tribes are treated differently resulting in significant job losses. Self-Governance Tribes request that the Subcommittee fully fund Fixed Costs and Tribal Pay costs and treat Tribes the same as our Federal counterparts who, prior to Self-Governance, operated similar programs to those that are now managed by Tribal governments.

Increase funding for Tribal Courts, including those in PL 280 jurisdictions.

Each year Self-Governance Tribes rank public safety as one of our highest priority need areas. Self-Governance Tribes often use other one-time funding or Tribal discretionary funding to support this public service without a regular tax base like other governments and despite the Federal trust responsibility to create safe communities. As recently as 2015, BIA estimated that only 6% of the total need for Tribal courts is currently funded. Self-Governance Tribes request that the Subcommittee implement an incremental plan in order to close the gap between funding and the significant need in Tribal communities.

Instruct Indian Affairs to internally transfer recurring funding to the Office of Self Governance to properly execute its mission.

The Office of Self Governance has sixteen staff members who distribute $450 million to nearly half of all Federally-Recognized Tribes participating in Self-Governance, negotiate annual funding agreements with eligible Tribes and consortia, coordinate the collection of budget and performance data from Self-Governance Tribes, and resolve issues that are identified in financial and program audits of Self-Governance operations. However, Indian Affairs currently provides just $1.5 million on a recurring basis for an office that needs at least $1.9 million to support a full staff. We request that the Subcommittee increase the budget line item for OSG staffing or include language that instructs Indian Affairs to internally transfer recurring funding to OSG.

Fund the Indian Guaranteed Loan Program, Surety Bonds, and Development Bonds at a minimum of $15 million.

The Office of Indian Energy and Economic Development's (OIEED) Division of Capital Investment oversees the Indian Loan Guarantee Program and loan subsidy program, and has

authority to support surety bonding for Indian contractors. The Loan Guarantee Program promotes Tribal sovereignty, Tribal and Native-owned business, and economic development unlike SBA-certified support. Additionally, the OIEED operated revolving credit facility has a $15 return from private sector lenders for every $1 in Federal funds. With a small addition to the program's annual credit subsidy, the total amount of financing available in Indian Country could rise from $100 million to $250 million. As this Administration and Congress prioritizes rebuilding America's infrastructure and creating America's job, this relatively small investment could have a huge impact in Indian Country and rural America.

Indian Health Service

While Self-Governance Tribes support the work of the Tribal Budget Formulation Workgroup and all the recommendations for increases in FY 2018, SGCETC would like to advance these priorities forward as well.

Support Mandatory Funding for IHS.

The mission of the IHS is to raise the health status of American Indians and Alaska Natives (AI/AN) to the highest possible level. This mission stems from the Federal trust responsibility to provide health services, resulting from treaties, court decisions, and other agreements whereby Tribes ceded vast amounts of land. This trust responsibility is not only a moral and ethical obligation, but also a legal responsibility of the Federal government to Tribes and AI/AN. Despite this responsibility, the IHS budget remains in discretionary appropriations. Although a relatively small portion of the overall appropriation, IHS funding is a tremendous impact in Indian Country. To ensure that the Federal obligations are more consistently met and to bring parity with other Federal health programs, such as Medicare and Medicare, Self-Governance Tribes recommend that the IHS appropriation be moved to instead be a mandatory appropriation.

Support Advanced Appropriations for IHS.

Since FY 1998, there has been only one year (FY 2006) when the Interior, Environment, and Related Agencies budget was enacted by the beginning of the fiscal year. Late funding creates significant challenges to Tribes and IHS budgeting, recruitment, retention, provision of services, facility maintenance, and construction efforts. Providing sufficient, timely, and predictable funding is needed to ensure the Federal government meets its obligation to provide health care for AI/ANs and bring IHS to parity with other Federal agencies that provide health care and receive advanced appropriations, such as the Veterans Health Administration. Enacting advanced appropriations for the IHS will provide more stable funding and sustainable planning for the entire system by appropriating funding two years in advance.

Increase Facilities Funding.

Self-Governance Tribes recommend that the Subcommittee work to fund increases to the IHS Facilities funding, including increases for Maintenance & Improvement, Sanitation Facilities Construction, Health Care Facilities, and Environmental Health Support. Dedicated funding and coordination of other Federal agency funding to increase the number of facilities and take care of current facilities is critical to meeting Indian Country's growing need for quality health care and curbing public health concerns in rural and remote communities like Alaska.

Increase funding for Purchased/Referred Care Program.
The Purchased/Referred Care (PRC) Program pays for urgent, emergent, and other critical services that are not directly available through IHS and Tribally-operated health programs. Generally, these funds are vital to securing critical care needed to treat injuries, cardiovascular and heart disease, diabetes, and cancer, just to name a few. At current funding levels, most IHS and Tribally-operated programs are only able to cover Priority I (life and limb) and some Priority II services required for AI/AN patients. In FY 2013 IHS denied 146,928 eligible PRC cases that amounted to a total $760.9 million in unmet need. The current strain on PRC programs is not likely lighten as the industry trend to construct smaller, outpatient ambulatory care centers grows. Self-Governance Tribes urge the Subcommittee to consider this priority area to increase access to critical care for AI/AN patients.

Environmental Protection Agency
Increase funding for the Indian General Assistance Program.
The Indian General Assistance Program (IGAP) allows Tribes to leverage environmental programs to best serve their communities. Many of these programs include protecting communities, managing natural resources, initiating energy efficiency activities, and small scale renewable energy projects. IGAP funding is particularly critical in rural and remote communities like Alaska, where it provides fundamental needs like safe drinking water and basic sanitation facilities, which is a major disparity that many AI/AN currently face. In 1999, $110,000 was set as the average cost for a Tribe to sustain a basic environmental program. However, this amount has not kept up with inflation, leaving Tribes with just sixty-seven percent (67%) of the buying power in 2017. An additional $98 million is needed to close the inflationary gap.

Increase the Tribal set-aside for the Safe Drinking Water State Revolving Fund (SRF) to five percent of the national Drinking Water SRF.
Access to basic modern amenities such as running water, sewage, or electricity, are an afterthought for many American citizens, however many AI/ANs do not have the same luxury. According to the U.S. Census Bureau, approximately 12% of Tribal homes do not have safe or basic sanitation facilities, which is twenty times as high as non-Native homes. The lack of access to basic sanitation facilities poses a serious risk to the public health of Tribal communities. The 2008 IHS Sanitary Deficiency Service Database estimated the Tribal water and sewer infrastructure needs at almost $2.4 billion, while the Tribal set-aside under the Safe Drinking Water SRF was funded at $27 million nationally in 2010. Therefore, we ask that the Subcommittee increase the Tribal set-aside to provide additional opportunities to build necessary infrastructure to support safe drinking water require all agencies with similar funding to coordinate, with IHS as the lead agency, to ensure that all AI/ANs have safe water.

Conclusion
Self-Governance Tribes appreciate the Subcommittee's commitment to uphold the Federal trust responsibility and work to strengthen Tribal sovereignty and authority with budgets that support Indian programs and unobstructed opportunities to build Tribal economies.

Thank you for the opportunity to share the appropriations priorities of Self-Governance Tribes with the Subcommittee. We look forward to your continued partnership.

THE SKOKOMISH TRIBE OF WASHINGTON STATE
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA, IH & EPA
FISCAL YEAR 2018 BUDGET
MAY 24, 2017

The Skokomish Tribe would like to thank the Subcommittee for the opportunity to present written testimony on the FY 2018 appropriations for the Interior Department, Indian Health Service and Environmental Protection Agency.

The Skokomish Indian Tribe is responsible for providing essential governmental services to the residents of the Skokomish Indian Reservation. We are a rural community located at the base of the Olympic Peninsula with a population of over 2,000 people. 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. 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.

Today, 8 officers are available for day-to-day patrol duties. And, the exterior boundaries of the Tribe's Reservation have increased from its original 5,300 acres. As a result, individual officers are spread far too thin over 10 hour shifts and often work alone. During the harvest season (finfish and shellfish), SDPS must post officers simultaneously at several on and off Reservations sites. Some of these sites require multiple officers. This taxes staffing levels dramatically and exposes both community members in need of assistance and SDPS officers to increased risks of harm. Constant adjustments to the duty roster create coverage gaps where no officers are on duty. These gaps range from as little as 2 hours to as many as 12 hours. Unfortunately, this is reality for SDPS. To meet mandated responsibilities, staffing must be increased. Vacancies due to illness, training and other leave continue to force the Chief of Police to respond to calls for service, to conduct investigations, to fill patrol shifts and to go on-call to cover vacancies. A very active Community Policing program suffers as budget limitations severely restrict overtime and officer availability. While the program has helped to build trust and enhance community relationships, so much more remains to be done. As the Tribe continues to acquire land, the coverage area for SDPS is increased. For instance, the Tribe owns/operates an 800 acre lake park that is 15 miles away from the Reservation proper. It must be patrolled and calls for service must be answered. There are 700 plus square miles of ocean and 7 plus miles of river to patrol. During harvest season, Tribal fishermen are often confronted by non-Tribal individuals. They are harassed and threatened. There are active attempts to interfere with fishing. Many times, with the resources available, SDPS can only be reactive. Like other communities, narcotics and its related issues are a priority. The impact on our community has been devastating. However, staffing limitations make it very difficult to conduct proactive drug operations and investigations. As a result SDPS is forced to rely on the Sheriff's Office Narcotics Team. Results

have been marginal at best. 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.

Thus, the Tribe urges the Committee to appropriate additional funding for criminal investigations and police services. The BIA has requested essentially level funding in this program when the need throughout Indian country is far greater.

Tribal Courts. For too long the BIA failed to provide funding to tribes in P.L. 280 states and we suffered with inadequate judges, prosecutors, defense attorneys and probations officers. Last year, Congress recognized this deficiency and provided for the first time to address our need. We would urge Congress to maintain this funding level in FY 2018. To the Tribe's frustration the money that Congress has provided for tribal courts in P.L. 280 States is not getting out to tribal courts. The Tribe is deeply disappointed that the President's Budget proposes to eliminate this funding.

The Skokomish Tribal Court handles several different kinds of cases. These include Civil, Criminal, Indian Child Welfare, and School Attendance cases. The Tribal Court distinguishes four kinds of criminal cases: Juvenile, Fishing, Traffic and other criminal cases. As of January 1, 2017, there were two (2) open Juvenile Criminal cases, 20 (twenty) open Criminal Traffic cases, thirty-six (36) open fishing cases, and thirty-seven (37) (68) open General Criminal cases. While there are fewer open cases at the start of 2017 than there were at the start of 2016, that is because the Tribal Court closed old, inactive cases that had been open for many years (over 100 hundred cases were closed for this reason). The number of new criminal cases filed in the Tribal Court has been consistent over the past several years. Twenty-eight (28) new criminal cases were filed in 2016. 2015 saw twenty-nine (29) new cases filed. Thirty-eight new (38) cases were filed in 2014 and twenty-eight (28) new cases were filed in 2013.

Indian Child Welfare cases include Child in Need of Care cases, Guardianships (long-term), and adoptions. As of January 1, 2017, the Tribal Court has thirty-eight (38) active Child in Need of Care cases and fifty-three (53) active Guardianship cases. Twelve (12) Child in Need of Care cases, three (3) Guardianship cases, and one Adoption case were filed in 2016.

In February 2016, the Tribe passed a new School Attendance ordinance. The school attendance ordinance focuses on efforts to encourage school attendance and enforce mandatory attendance requirements. The new ordinance includes provisions to bring matters to Tribal court for enforcement. This means more cases will be filed in Tribal Court. The Skokomish Education Department has been developing procedures to implement the ordinance. No cases were brought court in 2016 but so far two (2) truancy petitions have been brought to court in 2017. The Tribe anticipates that in the 2017-18 school year, there be more cases brought to the Tribal Court.

Natural Resources. The Skokomish Tribe is deeply worried about the current administration's apparent lack of concern for environmental issues and the significant decrease in funding for Trust-Natural Resources Management programs. Increased, let alone stable, 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, not to mention their identity as Indians.

Fish hatchery maintenance and fish hatchery operations funds are 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. 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 through the operation of salmon hatcheries. Congress cannot allow the main pillar of this all important Treaty right to take a reduction in funding. We urge Congress to increase funding for this critical program. It would be foolish and short-sighted to essentially abandon the investments made in keeping these hatcheries operational.

In recent decades, the Tribe has noticed a precipitous drop in the elk populations upon which the Tribe depends for subsistence and ceremonial needs. In roughly 2008 the Tribe was able to cobble together a wildlife program to remedy this problem thanks to a US Fish and Wildlife grant that the Tribe has been successful in obtaining only twice. Funding for wildlife issues continues to drop while applications for that limited funding increases. Unfairly, once a Tribe has received the funding they are automatically placed further down the priority list and are less likely to receive the money again. The wildlife program is now partially funded by Timber, Fish, and Wildlife funds with the Tribe scratching to find the remaining money necessary to complete this work, let alone take on new tasks such as the reintroduction of fishers into the Olympia National Forest.

Wildlife grants are few and far between because the focus is so much on salmon. We obviously cannot reduce salmon funding; rather, the United States must be less myopic and realize that Tribes also need wildlife program funds not only to support biologists, but additional funding is required to dedicated wildlife enforcement officers who will not only enforce the Tribes' regulations, but ensure that poaching of the wildlife resources does not occur from outside entities who sometimes fail to recognize Tribal Treaty rights. We request additional funds in the amount of $240,000 so we will have stable funding for a complete wildlife program including a biologist, technician and three wildlife officers. Without a more robust program, the wildlife populations will continue to decline at 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 increase its enforcement presence and seek reparations though the courts. As with wildlife, 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 2018. This would allow for additional population surveyors, harvest monitors, and enforcement officers. This money would also be used to purchase tidelands that the Tribe will then place into Trust. Shellfish companies and private citizens are gobbling up this limited resource, blocking the Tribe from obtaining its fair share of shellfish. Only by securing these lands will they be preserved in perpetuity for generations to come.

II. INDIAN HEALTH SERVICE

This year's recently enacted FY 2017 IHS budget was a major victory for Tribes and the support of the Congress is appreciated. The proposed $14 million cut for Purchase and Referred Care, will result in less purchasing power for our PRC program and will impact the health of our people.

We operate a small ambulatory health program with a staff of 27. As a Tribally run clinic, we provide direct care services as well as purchased/referred care, formerly known as contract health care. Our health program integrates medical, dental, and behavioral health services (mental health and substance use disorder). This year we will begin to provide some mental health services using the Indian Health Service's Tele-Behavioral Health Center of Excellence and are glad to see the continued funding for this program.

We greatly concern with the $13 million decreased in substance abuse. We continue to see the effects of heroin use and opioid abuse 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 members struggling with addiction. We see the need for more long term treatment facilities to address the needs of individuals who can benefit from such treatment programs so that they may continue their journey of wellness far beyond the current 30 to 45 day in-patient treatment process. This short-term stay is often not adequate time to be healed from addiction and our tribal members often return to the community only to re-establish their old habits and slip back into addiction.

We are disappointed that the Administration did not request any funding for the small ambulatory facility program since this is the only IHS funding that Northwest Tribes have been able to access due to the current facilities priority system that favors larger health programs.

III. ENVIRONMENTAL PROTECTION AGENCY

The environment has always been a point of emphasis for Tribes and the Skokomish Tribe is no different. The President's proposed 31% cut to the EPA would be devastating to the progress already made in keeping the tradition of fishing alive for Skokomish Tribal members. Fishing has been a mainstay for the generations of Tribal members who rely on it as a means to put food on the table. Fish and shellfish are a part of the regular diet for Tribal members and their families. It has been cited in various literature that Coastal indigenous communities eat about 15 times more seafood than the rest of the population. In order to maintain this healthy diet, the fish need to be able to swim in clean water. This large consumption of fish and shellfish has been a reason that the Skokomish Tribe has had one of the lowest rates of diabetes among the Northwest Tribes.

It is critical to these efforts that Congress restore funding for the Puget Sound Program in the EPA budget.

Fiscal Year 2018 House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Written Testimony of Frederick Cubbage
President, Society of American Foresters
May 26, 2017

The Society of American Foresters (SAF), with 12,000 forestry and natural resources professionals, promotes science-based, sustainable management and stewardship of the nation's public and private forests. SAF appreciates this opportunity to submit written public testimony on Fiscal Year (FY) 2018 appropriations because sufficient funding for the USDA Forest Service (USFS) and the Department of the 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, forest products, fish and wildlife habitat, recreational opportunities, forage and range resources, energy, and scenic beauty. Managing these natural assets for multiple uses is increasingly difficult with the unprecedented threats posed by wildfire, drought, insects, disease, and invasive species. Maintaining a balance demands that land managers and partner organizations work together to identify innovative ways to work across boundaries, maximize values, and improve the health of our forests nationwide.

SAF's priorities in the FY 2018 budget process include a range of programs within USFS and DOI. Recognizing fiscal constraints, these requests will assist forest managers and scientists in sustaining our nation's forests and providing a multitude of benefits for generations to come.

SAF Top Federal Priorities for FY 2018:

1. Adopt a long-term solution to wildfire suppression funding that: (1) allows access to disaster funding; (2) minimizes budget transfers; and (3) addresses the compounding erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

2. Increase funding levels for USFS Forest and Rangeland Research to no less than $303 million, with no less than $83 million for the Forest Inventory and Analysis Program.

3. Support Bureau of Land Management Public Domain Forestry and Oregon & California Railroad Grant Lands funding levels at no less than $10 million and $113.7 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, our members include public and private sector natural resource professionals, researchers, CEOs, administrators, investment advisors, educators, and students. Just as forests are fundamental to our nation, so too are the professionals who study, manage, and protect these precious resources. SAF is eager to work with Congress, federal agencies, and partners to identify reasonable solutions to increase the pace and scale of management on federal lands, find new ways to work

with private landowners, keep forests as forests, provide incentives for active management, and deliver practical innovations to meet future challenges and market demands.

SAF is pleased with the continued commitment to increasing the pace and scale of management on federal lands with the USFS harvest target of 3.2 billion board feet, up from 2.7 billion board feet in recent years. With up to 82 million acres in the National Forest System (NFS) still in need of restoration, SAF urges this subcommittee to encourage the agency to use all available tools to increase restoration levels by implementing more projects on federal lands. USFS should expand collaboration with rural communities, partners, and industry to meet and exceed management goals outlined in forest plans. Authorizations in the 2014 Farm Bill facilitate quicker responses to areas devastated by insects and disease, expand the use of Stewardship Contracting, and take advantage of Good Neighbor Authority and other mechanisms that work across boundaries to achieve shared objectives. Investments in NFS Forest Products and Integrated Resource Restoration Pilots also help to improve forest and community resilience. However, decreases in Capital Improvement and Maintenance and the Administration's proposed elimination of the Collaborative Forest Landscape Restoration Program could impede fulfillment of targets critical to economic sustainability and growth of local communities.

Likewise, SAF encourages this subcommittee to recognize the importance of USFS State and Private Forestry (S&PF) programs. The Urban and Community Forestry, Landscape Scale Restoration, Forest Stewardship, and Forest Health Management programs provide important technical and financial assistance to private landowners and the resource managers responsible for managing more than 60 percent of America's forests. Investments in these programs are leveraged by landowners, state and local agencies, and a variety of non-governmental organizations to help to build healthy and thriving forest resources that benefit all citizens. Eliminating, consolidating, or drastically cutting funding for these programs would have profound adverse impacts on people and communities across the country—particularly in rural communities—and will jeopardize the essential benefits all citizens rely on forests to provide.

Wildfire Funding—While wildfires predominantly threaten western landscapes and communities, recent destructive fires in the east remind us that wildfire is a serious threat throughout the country. Regardless of fire location, the financial impacts weigh heavily on every citizen.

All agencies and programs funded through the Interior Appropriations Bill suffer as wildfire suppression costs continue to rise under the current funding model. The rolling 10-year average has not met annual suppression cost needs since before FY 2002, and the resulting shortfalls—both anticipated and actual—significantly disrupt important forest management projects across the country. Funds for management are then diverted into suppression, exacerbating an already serious issue. We thank the subcommittee for fully funding the 10-year average and providing supplemental funds, if necessary, in FY 2017. However, agencies and first responders need a long-term solution that results in stable and predictable budgets. ***SAF respectfully requests a solution that: (1) allows access to disaster funding; (2) minimizes transfers; and (3) addresses the compounding erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.***

Hazardous Fuels—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. In addition to preventing and mitigating wildfire risks, these programs serve as an important source of jobs, maintain critical forest products processing capability, 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 USFS Hazardous Fuels Program at $479 million and DOI Hazardous Fuels and Resilient Landscapes at $178 million. We also ask that the subcommittee include report language encouraging federal agencies to coordinate their fuels plans with other planning efforts such as state forestry and conservation plans to facilitate cross-boundary activities and increase the effectiveness of this program.***

Forestry Research—Investments in forestry research are essential for the future health and sustainability of the nation's forests, which include 11 million private forest landowners. Although this testimony focuses on USFS Forest and Rangeland Research programs, SAF also recognizes and supports the full array of forestry research efforts led by the Bureau of Land Management, US Fish and Wildlife Service, US Geologic Survey, and others including land-grant institutions and other universities. USFS Research and Development (USFS R&D) research conducted at the five USFS research stations, the International Institute of Tropical Forestry, and in the Forest Products Laboratory is crucial. Federal forestry research develops new products and practical innovation; identifies forest ecosystem disturbance response and forest resilience; helps responses to shifting social demands and demographic changes; and quantifies the contributions of forests to air and water quality. Without USFS leadership, investigation of these critical research needs would largely be left unfulfilled. Clear and relevant research helps eliminate uncertainties and builds consensus on management actions potentially avoiding litigation and enabling more projects to move forward.

If forest research capacity in the US continues to decline, forest managers will not be able to meet current and future challenges with existing science and technical information. Continuing the trend of reductions in the USFS R&D budget will result in significant gaps in knowledge and in poor management of resources at a time of unprecedented threats posed by wildfire, drought, insects, disease, and invasive species. ***SAF supports a funding level of $303 million for USFS R&D, with particular emphasis on prioritization of research projects uniquely suited to R&D expertise furthering agency and partner objectives.***

FIA Funding—SAF strongly supports the funding increases for the USFS R&D Forest Inventory and Analysis (FIA) program in the FY 2017 Omnibus Bill and in the Administration's FY 2018 Budget. FIA is the backbone of US forestry—providing the only national census of forests across all ownerships. Through FIA, USFS, with state forestry agency, university, and private sector partners, 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 serve 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. 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 2018 and beyond. ***SAF requests additional investment in FIA with a funding level of at least $83 million. We urge the subcommittee to ensure that this increase does not come at the expense of other research programs, and provide direction for future increases to allow the program to keep pace with ever-growing and diverse information needs.***

Fire Science Program—SAF has concerns with the reduction in funding in the FY 2017 Omnibus Bill and the proposed elimination of the Joint Fire Science Program (JFSP) in the Administration's FY 2018 Budget. Transfer of the JFSP from the Wildland Fire Management Budget to the USFS R&D may create efficiencies, but the reduction from $6.9 million to $3 million in the FY 2017 bill or integrating those functions in the National Fire Plan Research and Development (NFP R&D) will negatively impact the joint research program with over 200 federal agency, university, and nongovernmental partners. Including funding for JFSP activities within NFP R&D in the USFS R&D budget with a reduction in funding for all will reduce JFSP effectiveness and hinder exploration of fire research questions important to the USDA and DOI. ***SAF urges the subcommittee to restore the JFSP funding level to $6.9 million and maintain the Wildland Fire Management budget line.***

Public Domain Program—Finally, SAF is encouraged by the recognition of the important work of the BLM Public Domain Forestry (PD) program. SAF asks this committee to consider amending the extension of the Forest Ecosystem Health and Recovery Fund authorization in the 2015 Omnibus Bill to beyond 2020. SAF is concerned with the proposed funding reduction for the Oregon & California Railroad Grant Lands (O&C) in the President's proposed budget. While funding for the O&C timber program is important, SAF urges this subcommittee to provide the needed funds to support efficient, effective implementation and monitoring to achieve all of the objectives outlined in plans, including necessary forest health and fuels treatments. ***SAF supports the funding level of $10 million for the PD program and $113.7 million for the O&C program. We also urge this subcommittee to extend authorization of the Forest Ecosystem Health and Recovery Fund beyond 2020.***

Thank you for your 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 and ideas.

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2018 PRESIDENT'S BUDGET REQUEST
MAY 24, 2017

Testimony of Katherine Gottlieb, President/CEO, Southcentral Foundation

My name is Katherine Gottlieb and I am the President and Chief Executive Officer of Southcentral Foundation (SCF). SCF is the Alaska Native tribal health organization designated by Cook Inlet Region, Inc. and eleven Federally-Recognized Tribes – the Aleut Community of St. Paul Island, Igiugig, Iliamna, Kokhanok, McGrath, Newhalen, Nikolai, Nondalton, Pedro Bay, Telida, and Takotna – to provide healthcare services to beneficiaries of the Indian Health Service (IHS) pursuant to a contract with United States government under the authority of the Indian Self Determination and Education Assistance Act (ISDEAA) P.L. 93-638.

SCF provides a variety of medical services, including dental, optometry, behavioral health and substance abuse treatment to over 65,000 Alaska Native and American Indian people This includes 52,000 people living in the Municipality of Anchorage, the Matanuska-Susitna Borough to the north, and 13,000 residents of 55 rural Alaska villages. Our services cover an area exceeding 100,000 square miles. SCF employs nearly 2,000 people to administer and deliver these critical healthcare services.

SCF is a member of the Alaska Tribal Health System (ATHS) which is comprised of 229 Federally Recognized Alaska tribes and tribal organizations who have all contracted with the IHS to carry out the management and administration of federal Indian programs. Collectively, the tribes and tribal organizations form an integrated statewide network with more than 7,000 employees providing services to over 150,000 Alaska Native and American Indian people. Additionally, the ATHS is a critical component of the Alaska Public Health System serving thousands of non-Native people in rural Alaska. We believe Alaska is the only state where all tribes have assumed such broad responsibility to own and manage our healthcare system and is shining example of how true Indian self-determination can work.

Thank you for the opportunity to testify on behalf of the SCF and the 150,000 Alaska Native and American Indian people we serve.

SCF requests that in FY 2018 Congress (1) focus on general IHS program increases, especially related to population growth and inflation; (2) support increases in behavioral health funding; (3) exempt IHS from any across-the board reductions; (4) support increases for Indian Self-Determination Act section 105(l) lease payments; and (5) exempt tribal programs from any health care reform efforts that would exacerbate already grave funding deficiencies.

1. Focus on General IHS Program Increases

We thank this Committee for the increases enacted for the IHS budget in FY 2017. However, we ask that in FY 2018, the Committee focus on general program increases, which are shared equally by all tribal programs, rather than increases for targeted programs—such as for leases, accreditation, or health professions—that may only go to a few Tribes and/or may

come with funding restrictions that limit our ability to target them where needed most. Of the approximate $128 million in FY 2017, only $51 million can be attributed to the IHS general services account. If all of that were used for inflation and pay cost increases (a result that is entirely up to the agency and far from certain), each program would receive approximately a 1.5% increase in funding. Although that falls behind the actual inflation rate and does not take into account population growth, that increase is much appreciated and provides huge benefits to our programs. We ask this Committee continue to consider these general needs going forward.

We also continue to support increases targeted at Purchased and Referred Care (PRC). For many years, PRC funding has not kept pace with the rising cost of health care, meaning these dollars provide fewer and fewer services each year and we must sometimes deny care. We also ask this Committee to continue to support PRC increases that also support increased services for our growing population.

2. Increase Behavioral Health Funding

This Committee is likely already aware of two problems that disproportionately affect our population: substance abuse, especially opioid addiction, and suicide. For this reason, SCF maintains its support for the Substance Use and Suicide Prevention Program (a combination of the Methamphetamine and Suicide Prevention Initiative and Domestic Violence Prevention Initiative). We implemented these programs through our Behavioral Health Services and our Family Wellness Warriors Initiative—program that aims to address the spiritual, emotional, mental and physical effects of domestic violence, and abuse and neglect, and to break the cycle of addiction. Funding for this program and prior behavioral health initiatives has been very instrumental in this effort.

We also thank this Committee for eliminating in FY 2017 the "notwithstanding" clause that had been included in prior appropriations measures. With that done, we ask the Committee to direct IHS to now treat these funds just like other IHS program funds operated under the Indian Self-Determination Act instead of as grant funding—these dollars will go much further once funding isn't taken off the top for IHS's administrative overhead and once we are no longer forced to use a portion to comply with unnecessary and onerous grant requirements.

That said, we must emphasize that behavioral health funding is critical for our most vulnerable population—our youth. At SCF, we run several programs that provide mental health care for Alaska Native youth, and that focus on building academic, vocational, and leadership skills through culturally-appropriate methods. These programs not only address past trauma, but ensure our youth stay on the path towards becoming tomorrow's future leaders instead of falling prey to addiction. We ask this Committee to continue supporting these measures.

3. Exempt IHS from Across-the-Board Reductions

As this Committee is well aware, across-the-board reductions have devastating impacts on tribal programs. Since 2013, Tribes have testified about the long-lasting consequences of sequestration and the fact that it took years for the IHS budget—and

funding for tribal programs—to recover to pre-sequestration levels. This reduction had real-world consequences, resulting in reduced programming, cuts to patient care, and stagnation of services at a time of growing need. The administration has proposed a similar across-the-board reduction in FY 2018—requesting a 16% cut overall for the Department of Health & Human Services (DHHS). We ask that IHS be exempt from any such cuts—it is already the smallest part of the DHHS budget and is only funded at approximately 1/5 of the total tribal needs budget of $30.1 billion. Any further funding reduction would only serve to ensure tribal health funding falls even farther behind that provided for the general population.

4. Support Increases for Indian Self-Determination Act Section 105(l) Lease Payments

A number of Tribes and tribal organizations have approached IHS to negotiate leases under section 105(l) of the Indian Self-Determination Act for the use of tribally owned or leased buildings where IHS programs are carried out. But, IHS correctly points out that there is no budget line from which to pay such leases. We appreciate the $11 million provided for tribally-leased facilities in FY 2017 (which includes $2 million from Direct Operations), but we understand these funds were intended to bring up the Village Built Clinic (VBC) lease amounts closer to the actual cost of operating those facilities. Thus, any 105(l) leases funded out of this increase only serves to keep VBC lease payments deficient. Since agency 105(l) lease payments should also not come out of program funds, SCF requests that the Subcommittee create within the Direct Operations account a new subaccount to pay required 105(l) tribal lease payments.

5. Preserve Funding for Tribal Programs in Health Care Reform Efforts

We know that health reform legislation is a Congressional priority and we too know the current system still leaves many underserved. However, we must stress that the answer is not to cut funding from tribal programs, but rather to focus on expanding coverage. In Alaska, expanded coverage has helped to alleviate some of the stress on tribal programs that serve these individuals free of charge whether they have insurance or not. We find the repeal of the essential health benefit requirements to be especially harmful as our patients with private insurance may be denied necessary life-saving care, especially if our PRC funds are insufficient to pick up the charges that the private insurers refuse to cover. As a result, our costs of providing care would drastically increase for all of our patients, from babies born early or with complications to our elderly. We ask Congress to consider these implications before advancing this bill or similar legislation forward.

We strongly recommend that any legislation that would change how tribal providers receive payment from Medicare and Medicaid or that further restrict eligibility rules be carefully reviewed—again, changes that would only serve to decrease the care provided to patients and at higher cost. We serve the entire State population, yet the health care reform proposal would eliminate the three-month retroactive payment option which would be a disadvantage to our rural residents who often do not have the means to register for these programs until they come to Anchorage and are receiving care. Proposals to block grant the Medicare and Medicaid programs or to increase individual co-pays would only shift the burden from these federal programs back to an already-overtaxed IHS budget and to tribal health providers. Any reduction in our third-party revenues—revenues which support roughly

half of the health care services we provide—would ensure that Alaska Natives continue to receive the lowest per-capita health care funding in the country and exacerbate deficiencies in health status, contrary to decades of federal policy. We ask that this Committee exempt tribal programs from any changes to these programs, and to look for ways to expand coverage, rather than focusing on cutting costs by simply reducing the number of beneficiaries.

* * *

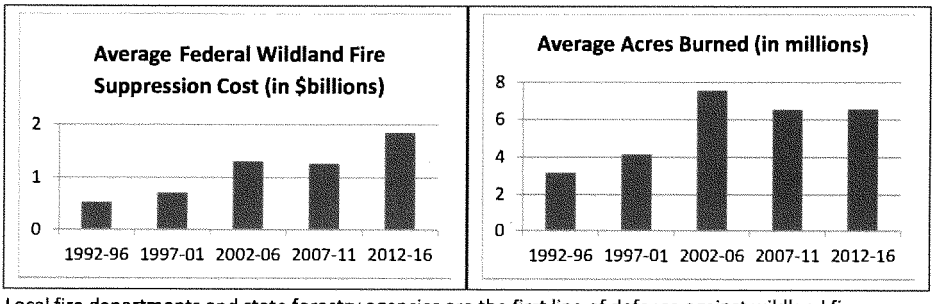
Thank you again for the opportunity to provide testimony on behalf of Southcentral Foundation and the 150,000 people we serve.

Congressional Fire Services Institute (Sean Carroll, Director of Government Affairs)
International Association of Fire Chiefs (Evan Davis, Government Relations Manager)
National Association of State Foresters (Gary Schiff, Policy Director)
National Volunteer Fire Council (Dave Finger, Chief of Legislative and Regulatory Affairs)

Date: May 26, 2017
To: Subcommittee on Interior, Environment, and Related Agencies
RE: U.S. Forest Service Programs – State Fire Assistance and Volunteer Fire Assistance

Our organizations request that you include $87 million for the State Fire Assistance (SFA) program and $16 million for the Volunteer Fire Assistance (VFA) grant program in the Fiscal Year (FY) 2018 Department of Interior and Related Agencies Appropriations bill. SFA provides financial and technical support to states to enhance firefighting capacity, supports community-based hazard mitigation, and expands outreach and education to homeowners and communities concerning fire prevention. VFA provides grants to volunteer fire departments protecting communities with 10,000 or fewer residents to purchase equipment and training for use in wildland fire suppression. Both programs are administered by the U.S. Forest Service and require a 50 percent match from the state or local entity in order to receive federal funding.

Wildland fire is a significant and growing problem across the nation. Over the past 25 years there has been a substantial increase in the number of acres burned by wildland fire, as well as the amount of money spent by the federal government to suppress wildland fire. In the west, the plains and the southeast where wildland fire has long been present, the fire season starts earlier and ends later than it used to, if it ends at all. Meanwhile, wildland fire is becoming increasingly common in areas of the country where it has historically not been problematic.



Local fire departments and state forestry agencies are the first line of defense against wildland fire. Eighty percent of the initial attack on wildland fire is performed by volunteer fire departments, and state foresters are responsible for wildfire protection on two thirds of America's forested lands. In 2015, eighty percent of the fires started in areas where state and local departments had primary jurisdiction, and almost half of the total acres burned in 2016 were on state and private lands.

SFA and VFA are critical in building state and local capabilities to prepare for, mitigate against, and respond to wildland fire. In 2015, SFA and VFA funding trained nearly 150,000 firefighters, provided over $15 million in new or upgraded equipment, and engaged more than 15,000 communities to develop and implement community wildfire protection plans.

Unfortunately, even as state foresters and local fire departments are grappling with the serious and growing threat posed by wildland fire, federal support has stagnated. Funding for federal grants to help local fire departments respond to wildland fire has decreased over the past decade, averaging $13 million from FY 2013-2017 compared with $18.7 million in FY 2008-2012.

Our organizations note and appreciate that Congress increased funding for VFA to $15 million and for SFA to 77 million in FY 2017. We are disappointed in the Administration's proposal for reductions in these programs. We urge you to provide $16 million for VFA in FY 2018, matching the level of funding provided in FY 2010. Providing $87 million for SFA would at least partially track the suppression budget increase on federal lands. These programs provide the bulk of America's initial attack. If we want to quickly suppress those fire starts which will become large devastating wildfires, investing in SFA and VFA makes great sense in protecting our nation's forests.

Sincerely,

Congressional Fire Services Institute
International Association of Fire Chiefs
National Association of State Foresters
National Volunteer Fire Council

March 31, 2017

The Honorable Ken Calvert
Chairman
Subcommittee on Interior, Environment and
Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Betty McCollum
Ranking Member
Subcommittee on Interior, Environment and
Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Calvert and Ranking Member McCollum:

On behalf of the thousands of urban planners, community partners, as well as the state, county and local park agencies our organizations represent, we are writing to express our strong support for the Land and Water Conservation Fund (LWCF) State and Local Assistance Program (State Assistance) and the Outdoor Recreation Legacy Partnership (ORLP) Program, which are administered by the National Park Service. We thank you for funding State Assistance at the highest level in over a decade in FY 2016 and urge you to continue this valuable investment as you complete your work on the FY 2017 budget cycle and in the coming fiscal year.

Specifically, we request that the Subcommittee continue to fund State Assistance at the annualized "continuing resolution" level of $110 million for FY 2017, which would include level funding for the ORLP at $12 million, and maintain this amount of support in FY 2018.

There is a tremendous need for outdoor recreational opportunities in the communities where most Americans live, work and play. The State and Local Assistance Program is the government's only investment tool dedicated solely to the development of close-to-home public recreation. These formula grants are apportioned annually across all 50 states and the major territories and are matched dollar-for-dollar. A total of $94 million was allocated in 2016 to the state formula grants, including over $8 million for California and $1.6 million for Minnesota. We eagerly await receipt of this year's allocation upon completion of the FY 2017 funding cycle.

We appreciate your recognition for the need to target some State Assistance dollars to assist our most underserved, urban communities. Your vision has led to the development of what is now known as the ORLP. This national competitive grant program complements the traditional State Assistance formula grants program by focusing on national priorities, specifically helping urban communities to develop, enhance, or reinvigorate public parks and other outdoor recreation spaces in ways that significantly improve local communities and encourage people to connect (or re-connect) with the outdoors.

As the ORLP has, to date, been included as part of the overall funding for the State and Local Assistance Program, we ask the Subcommittee to ensure that any continued funding for the program does not negatively impact the total amount provided to the critical formula grants to the states for conservation and outdoor recreation.

We again thank you for your previous efforts, which led to the highest total appropriation for LWCF in years. You also realized that a higher percentage of overall LWCF dollars should be allocated to the states for the purpose of meeting the ever increasing need for safe and accessible close-to-home recreation. The $110 million for State Assistance in FY 2016 represents approximately one-quarter of overall LWCF appropriations.

While this amount signifies a major improvement over the previous 10 year average of less than 15% of total LWCF spending, we call upon the Subcommittee to seek a permanent solution to funding the LWCF with the State and Local Assistance Program receiving at least 40% of overall LWCF expenditures each year. With four-out-of-five Americans now living in our larger communities, and the fact the original LWCF Act called for 60% to State Assistance, it's reasonable that the formula grants to the states for outdoor recreation should receive a more equitable distribution of LWCF dollars annually.

In conclusion, we ask the Subcommittee on Interior, Environment and Related Agencies to show continued strong support for outdoor recreation in local communities, state parks and in cities throughout the nation by funding the LWCF State and Local Assistance Program at the amount of $110 million in FY 2017 and 2018. We thank you for considering our request and look forward to working with you.

Sincerely,

American Planning Association
Local Initiatives Support Corporation (LISC)
National Association of County Park and Recreation Officials
National Association of State Park Directors
National Association of State Outdoor Recreation Liaison Officers
National Recreation and Park Association

CC: Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations

March 16, 2017

Dear Chairman Frelinghuysen and Ranking Member Lowey:

On behalf of our organizations' millions of members and supporters, who represent the views of the nation's hunters, anglers, and conservationists, we are writing to encourage you to include in your Fiscal Year 2018 appropriations robust support for programs that fund innovative water management solutions in the Colorado River Basin and across the West. In the last few appropriations cycles Congress has taken important steps to respond to the historic Western drought, and we ask that your FY18 appropriations reflect the federal government's important role in building more resilient water systems to sustain communities and irrigated agriculture while supporting fish and wildlife.

Reservoirs in the Colorado River Basin, filled to the brim at the end of the 20th Century, were at historic lows last year, following a sixteen-year drought and growing human demands. Diminished stream flows pose serious challenges for cities, farms, wildlife and recreation. According to the Bureau of Reclamation, by 2060, demand for water from the Colorado River may exceed supply by 3.2 million acre-feet. Coming up short could put at risk the drinking water supplies of over 36 million people in the Southwest, agriculture production, future economic growth as well as the Colorado River's $26-billion outdoor recreation economy with its quarter million jobs.

It is critical that federal funding continue to support programs capable of improving water conditions throughout the Colorado River Basin. These programs should support projects that offer multi-sector benefits wherever possible to protect the flow of the river, ensure greater economic vitality, and secure water resources for millions of Americans dependent on this critical natural resource.

Drought Statement

FY18 appropriations as a whole should recognize drought response and resilience as a priority. While the current year has been unusually wet in parts of the West, including California and most of the Colorado River Basin states, one wet winter does not alter or solve the fundamental problem that demand for water in the Basin exceeds average supplies. Fluctuations in the weather do not substitute for putting systems in place that encourage conservation and flexible water management. The last wet year – 2011 – was followed by the driest two-year consecutive period on record. We know that the impacts of there not being enough water for all users are likely to become more common, especially with population growth, in an over-allocated system like the Colorado River. Therefore, investments that make our water systems more resilient while meeting the needs of fish and wildlife are critical.

In addition to a general commitment to the importance of federal actions related to drought response and resilience, we ask that your FY 18 Appropriations include the following specific line items at the Departments of the Interior and Agriculture.

Department of the Interior

Congress should continue the strong support shown for the Bureau of Reclamation's WaterSMART Program, because it has been a critical component of the efforts to restore water supply and demand balance in the Colorado River Basin. Grants issued through the WaterSMART Program have been a powerful tool for conserving water through collaborative local projects. The 243 grants issued from 2010 to 2015 save an estimated 557,000 acre-feet of water per year—enough to provide water for more than 2.2 million people. Yet only about one out of five grant applications receives funding, which reflects a huge amount of unmet water savings potential. Also, less than 10 percent fund projects that have benefits for both water users and the watersheds on which they depend; we believe that the program can do much more to improve river habitat and watershed health by prioritizing those water conservation projects that deliver benefits across ecological and agricultural or municipal sectors.

FY18 appropriations should include $30 million for WaterSMART Grants, which will allow the Bureau of Reclamation to meet a goal of supporting approximately one out of every three grant applications. In addition, we ask you to include a multi-year extension of Section 9504 of the SECURE Water Act (42 U.S.C. 10364) so that the benefits of the WaterSMART Grants program can continue uninterrupted.

We request that you maintain funding levels for other WaterSMART Programs at their FY16 appropriated amounts: Basin Study Program at $5.2 million, Drought Response and Comprehensive Drought Plans at $6.6 million, and Resilient Infrastructure Investments at $2.5 million. We ask that you appropriate $1.75 million for the Cooperative Watershed Management Act. The Cooperative Watershed Management Act supports the formation and development of locally-led watershed groups and facilitates the development of multi-stakeholder watershed management projects. Increasing funding for the Act will expedite the formation of successful watershed processes throughout the Colorado River Basin.

The Bureau of Reclamation's authority to fund temporary water transfers, water banking, and other structural and non-structural measures to stabilize river flows and improve the efficiency and reliability of water supplies under Title I of the Emergency Drought Relief Act (EDRA) expires in 2017 (43 U.S.C. 2214(c)). In addition, the authorization of appropriations in EDRA is capped at $90 million, and it also expires in 2017 (43 U.S.C. 2241). Reclamation's EDRA Title I authority should be utilized more extensively in FY18 to strengthen and expand the Drought Response Program and other targeted, emergency drought relief. Therefore, we request that you extend the relevant authorizations and increase spending under EDRA as needed. However, these funds should not be directed towards unsustainable groundwater pumping, which is a short-sighted and damaging emergency water supply.

The System Conservation Pilot Program (SCPP) is a critical tool for protecting water storage levels in Lakes Mead and Powell. SCPP supports approaches to conserve water in ways that

benefit the entire Colorado River system – a novel goal that reflects increased collaboration among all water use sectors. The SCPP pilots have shown that temporary, voluntary and compensated reductions in water use can benefit water users, instream habitat and reservoir storage. SCPP was launched in FY14 with $3 million in federal funds and $9.5 million from large cities in both the Upper and Lower Basins. In FY15, another $8.6 million in federal funds supported a similar and larger effort in the Lower Basin to protect at least 750,000 acre-feet of storage volumes at Lake Mead, with the bulk of the protection coming from water providers in the Lower Basin. Reclamation received another $5 million for SCPP in FY16. Increased appropriations are needed in FY18 to scale up these system conservation programs in both the Upper and Lower Basins of the Colorado River. In the Water Infrastructure Improvements for the Nation Act, Congress authorized $50 million for SCPP. We urge you to appropriate $50 million in order to continue these innovative projects in the Upper and Lower Basins.

We request that you maintain existing funding levels for endangered species recovery and water quality control programs at the Bureau of Reclamation and Fish and Wildlife Service:

- The Upper Colorado and San Juan Rivers Endangered Species Recovery Implementation Programs, funded through the Bureau of Reclamation and Fish and Wildlife Service, support two critical partnerships working to recover endangered fish in Colorado, New Mexico, Utah, and Wyoming, and provide Endangered Species Act (ESA) compliance for more than 2,300 water projects in the Upper Colorado River Basin.

- The Lower Colorado River Multi-Species Conservation Program, requested in FY17 at $16,851,000, provides long-term ESA compliance for both current and future water delivery and diversion, and power production, and quality habitat to conserve populations of 26 species, including federally endangered species.

- The Colorado River Basin Salinity Control Program (Title I), requested at $15,453,000 in FY17, is essential to managing water quality below Imperial Dam on the lower Colorado River and to meeting treaty obligations with Mexico. This funding needs to be maintained to protect storage volumes at Lake Mead.

- The Colorado River Basin Salinity Control Program (Title II) enhances and protects the quality of water available to users above Imperial Dam. The basin-wide federal-state Salinity Control Forum has recommended increasing appropriations, which are more than matched by hydropower revenues from federal dams in both the Upper and Lower Basins and by funding from USDA's Environmental Quality Incentives Program in the Upper Basin. Much of this salinity control is achieved by modernizing irrigation systems, which could be paired with reductions in water consumption for system conservation. Without the Salinity Control Program, it is estimated that municipal and agricultural water users along the Colorado River would incur almost $400 million more in economic damages per year.

Another fundamental component of the broader federal response to the water supply imbalances in the Colorado River Basin and throughout the West is the rapid deployment of additional stream flow gauges by the U.S. Geological Survey to gain a more direct and real time

understanding of drought impacts on stream flows and water supplies. Priority should be given to streams with established instream flow requirements that do not have functional gauges, and to streams in areas with high conservation value that suffer from low stream flows due to drought. Increased appropriations are needed in FY18 to implement such prioritized stream flow gauging within the National Streamflow Information Program.

Finally, we need to build on the remarkable success of Minute 319 in forging a new era of cooperation between the United States and Mexico and in re-connecting the Colorado River to its delta. Increased appropriations to the Bureau of Reclamation, U.S. Geological Survey, and State Department are needed to support the extension of this ground breaking international agreement beyond its expiration in 2017.

Department of Agriculture

In the Agricultural Act of 2014, Congress consolidated or eliminated nearly a dozen conservation programs and reduced mandatory spending by $6 billion. The cuts contained in the 2014 Farm Bill mean that new enrollments in conservation programs will decline by millions of acres. Cuts to conservation programs limit the capacity of producers to implement common sense practices that conserve water and maintain habitat while supplying food and fiber to all Americans. We urge you again to avoid further cuts in your FY18 appropriations and instead rely on the Congressional-mandated levels for USDA conservation programs. Specifically:

- The Regional Conservation Partnership Program (RCPP) promotes innovative conservation practices that improve the health of working landscapes and rivers through partnership-driven regional projects that address multiple natural resource concerns on a meaningful scale. The Colorado River Basin has been designated one of eight critical conservation areas under RCPP. Across the country, the program has supported nearly 200 projects in all 50 states, from about $590 million in investments. More than 2,000 conservation partners contributed an additional $900 million in financial and technical assistance, indicating RCPP's ability to significantly leverage non-federal funding.

In addition to providing significant benefits on their own to the Colorado River Basin, through irrigation efficiency and conservation, these Farm Bill programs also provide the primary investments for RCPP.

- Environmental Quality Incentives Program (EQIP) promotes the voluntary application of land use practices that maintain or improve the condition of natural resources, including grazing lands, wetlands, and wildlife habitat.
- Conservation Stewardship Program (CSP) encourages producers to maintain existing conservation activities and to adopt additional practices, including efforts to improve water usage through irrigation efficiency or select crops based on available moisture.
- Agricultural Conservation Enhancement Program (ACEP), a consolidation of three previous Farm Bill conservation programs, provides direct assistance to landowners for agricultural land easements as well as wetland reserve easements that protect and restore wetlands.

Finally, we urge you to request funding for the Watershed and Flood Prevention Operations

program at $200 million. Under the Watershed Program, the Natural Resources Conservation Service (NRCS) works with local sponsors to facilitate the construction of small watershed improvements, including agricultural water management, fish and wildlife habitat enhancement, stream channel restoration, water conservation and quality, forest health, recreational development, and more. These are locally-driven, cost-shared projects that address critical community needs with multiple benefits. Since its inception, it has invested over $6 billion from more than 2,000 projects nationwide, conserving 1.8 million acre-feet of water, and protecting or enhancing over 47,000 miles of stream corridors, 2.5 million acres of lakes and reservoirs, and 280,000 acres of wetlands. NRCS estimates annual needs of $1.4 billion for authorized, unfunded projects.

Thank you for your consideration of this request.

Sincerely,

Matthew Niemerski
American Rivers

Elizabeth Mabry
Environmental Defense Fund

Karen Hyun
National Audubon Society

Jimmy Hague
The Nature Conservancy

Melinda Kassen
Theodore Roosevelt Conservation Partnership

Steve Moyer
Trout Unlimited

CC: Chairman Simpson, Energy and Water Subcommittee
Ranking Member Kaptur, Energy and Water Subcommittee
Chairman Aderholt, Agriculture Subcommittee
Ranking Member Bishop, Agriculture Subcommittee

Written Testimony of the Sustainable Urban Forest Coalition
To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 26, 2017

The Honorable Ken Calvert
Chairman
Committee on Appropriations
Interior, Environment, and Related Agencies

The Honorable Betty McCollum
Ranking Member
Committee on Appropriations
Interior, Environment and Related Agencies

Dear Chairman Calvert, Ranking Member McCollum, and Honorable Committee Members:

The Sustainable Urban Forests Coalition (SUFC) is comprised of more than 30 national organizations and corporations representing hundreds of thousands of professionals and millions of supporters who care and support sustainable trees and green infrastructure where people live. Collectively, we are asking for your support for several programs under the Interior Subcommittee's jurisdiction that support urban and community forests and green infrastructure.

Our nation's 138 million acres of urban and community forest lands affect over 80% of the U.S. population and are vital to creating and maintaining healthy, livable communities of all sizes by providing many scientifically proven social, economic, and environmental benefits to people. The ability to mitigate air pollution, reduce energy consumption, mitigate the heat island effect, improve human health, and reduce storm water runoff have directly or indirectly reduced costs in communities by millions of dollars. The collective value and benefits of community trees equals over $10 billion nationwide. With a projected 90% of Americans living in urbanized areas by 2050, investing in trees to create livable communities needs to happen now.

A key goal in the 10-year National Urban and Community Forestry Action Plan (facilitated and stewarded by the National Urban and Community Forestry Advisory Council) is to improve the nation's urban and community forest management, maintenance, and stewardship. The green jobs related to trees and landscapes is a $9 billion-dollar industry and is poised to grow and create local jobs that cannot be outsourced.

SUFC is conscious of the federal budget challenges, and greatly appreciates the FY 2017 funding levels provided by this Subcommittee. Respectfully, we ask you to reject the drastic cuts proposed in the President's FY 2018 budget. We are deeply concerned by the zeroing out of important and effective programs like Urban and Community Forestry, Landscape Scale Restoration, and Community Forests and Open Space Conservation. Defunding or severely cutting these programs will have profound and lasting repercussions on people and communities across the country—particularly those in rural areas where these funds are essential.

USDA Forest Service: State and Private Forestry

- **Urban and Community Forestry Program (U&CF)**

U&CF directly assists state government, nonprofit organizations and partners that manage and steward our nation's urban and community forests. Working with the state forestry agencies, the program provides technical, financial, research, and educational support and services to local

government, nonprofit organizations, community groups, educational institutions, and tribal governments.

U&CF helps cities and towns across the nation prepare for storms and other disturbance events, contain threats from native and invasive pests, and improve tree infrastructure and forest cover. Properly managed community forests offer towns and municipalities a cost-effective way to manage stormwater runoff, reduce heating and cooling costs, and attract more tourists and consumers. They help communities avoid storm and disaster costs through preparedness and training, and maximize the economic, social, and ecological benefits of their tree resources.

In FY 2016, U&CF reached over 7,800 communities and 200+ million people in all 50 states, the District of Columbia, US Territories, and affiliated Pacific Island Nations. U&CF is a high-impact program and a smart investment as federal support is often leveraged 2:1 (or in many cases significantly more) by states and partner organizations. U&CF engages citizens in cities and towns, brings together diverse partners, public and private resources, and demonstrates that federal investment can have huge and lasting impacts on communities of all sizes.

SUFC is deeply concerned by the President's proposal to defund the U&CF program in FY 2018. The 50% funding decrease originally proposed in the President's FY 2017 budget would have had severe negative impacts in states and territories across the country. But now, zeroing out this important program would completely erode the capacity that has been developed in cities and towns of all sizes and jeopardize many local public and private partnerships and collaborative projects in which federal assistance is essential. **SUFC recommends the Urban and Community Forestry Program be funded at $31.3 million in FY 2018.**

- **Landscape Scale Restoration (LSR)**

The LSR 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. Urban and community forestry projects have been supported by LSR in the past. However, we want to ensure that LSR is not a substitute to the Urban and Community Forestry program, but a supplement. **SUFC recommends funding the Landscape Scale Restoration program at $23.5 million in FY 2018.**

- **Community Forests and Open Space Conservation Program (CFP)**

CFP has made substantial progress in preserving forests by increasing opportunities for Americans to connect with forests in their own communities and fostering new public-private partnerships. CFP has supported nearly three dozen community forest projects in cities and towns across 17 states and territories. In the latest round of CFP grants, project partners leveraged $10.6 million in federal funds to secure $34.5 million in non-federal funding, resulting in more than 15,000 acres of community forests. This impressive leveraging ratio demonstrates the willingness of local entities to match federal funding with significant commitments of funding and other resources. **SUFC recommends an increase in funds to $5 million in FY 2018.**

- **Forest Health Management**

Forests across the country are threatened by insects and disease pathogens introduced from abroad as an unwanted side effect of international trade. The damage usually starts in urban forests because most imported goods enter this country through urban ports. As a result,

municipal governments across the country are spending an estimated $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. The pests do not stay in the cities, however. They spread to the rural and wildland forests and threaten their many values. While preventing introductions are the desired approach, it is essential that the U.S. Forest Service initiate programs countering these pests as soon as they are detected. Only such prompt and aggressive actions can protect urban, rural, and wildland forests from massive pest spread and tree devastation. This program provides essential expertise and assistance to state and municipal agencies and private landowners working to prevent these pests' spread and to develop effective strategies to minimize the damage they cause. **SUFC recommends $48 million for cooperative lands programs under the Forest Health Management program.**

USDA Forest Service: Forest and Rangeland Research

SUFC urges the Subcommittee to provide $303 million for the overall R&D program.

- **Urban and Community Forestry Research**

The Forest Service Research and Development (R&D) program provides critical financial support for urban forestry research activities to develop information and tools for understanding conditions and trends in our nation's urban and community forests. U.S. Forest Service researchers have made huge strides in recent years through collaborative efforts to develop new tools, such as i-Tree, for mapping current tree cover, assessing trends, developing local strategies, and building greater understanding of the environmental, economic, and social services that trees and forests provide to communities. **We urge the Subcommittee to continue including language in Interior Appropriations reports encouraging the Forest Service to maintain a strong and vibrant urban forest research program.**

- **Non-native Insects and Diseases Research**

Among the major research challenges facing R&D is the destruction of our nation's urban forests caused by non-native insects and diseases. People who value urban forests join supporters of rural and wildland forests in depending on Forest Service R&D to develop better tools for pest detection and protective strategies including chemical and biological controls and breeding of trees resistant to pests. Currently, however, R&D provides only about $5 million for research on non-native insects and diseases—less than two percent of its total budget. **In the absence of a budget line item for invasive species research, we urge the Subcommittee to include language in its Interior Appropriations report encouraging the Forest Service to increase funding for research targeting non-native insects and pathogens.**

- **Urban Forests in Forest Inventory and Analysis (FIA)**

The collaborative efforts between SUFC and the U.S. Forest Service brought urban forest data into the mainstream of the agency's national data-collection program. FIA has long provided the nation's forest census, but it had not historically included urban areas because of its definition of forests. **We ask the Subcommittee to encourage the Forest Service to continue and strengthen its efforts to integrate urban forest data into FIA so that its critical data-collection efforts address all of our nation's forests, including our current and expanding 138 million acres of urban forest.**

Environmental Protection Agency

- **Clean Water State Revolving Funds (CWSRF)**

Green infrastructure, including urban forests, can be a cost-effective and resilient approach to managing stormwater. The use of green infrastructure for stormwater control also provides many community co-benefits enumerated above. SUFC is pleased that EPA supports the use of green infrastructure for stormwater management and that green infrastructure is an eligible use under the CWSRF—a critical financing program for local communities investing in water infrastructure. CWSRF funding was maintained in the President's Preliminary FY 2018 Budget proposal at the FY 2017 level of $1.394 billion. **SUFC supports robust funding for CWSRF along with efforts to expand the use of green infrastructure to 20% to meet Clean Water Act goals.**

The National Park Service

- **Outdoor Recreation Legacy Partnership Program (ORLPP)**

The State and Local Assistance 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 urban forests in parks and open space, and neighborhood recreation resources. This nationally competitive program complements the existing state and local assistance program by creating opportunities for outdoor play as well as developing or enhancing outdoor recreation partnerships in cities. **SUFC requests $110 million for the state and local assistance program, which includes $12 million for ORLPP.**

Sincerely,

SUFC Members:
Alliance for Community Trees * American Forests * American Planning Association * American Rivers * American Society of Consulting Arborists * American Society of Landscape Architects * Arbor Day Foundation * Center for Invasive Species Prevention * The Davey Foundation * International Society of Arboriculture * Keep America Beautiful * National Association of Clean Water Agencies * National Association of Conservation Districts * National Association of State Foresters * National Recreation and Parks Association * The Nature Conservancy * Society of American Foresters * Society of Municipal Arborists * Tree Care Industry Association * TREE Fund * The Trust for Public Land * Water Environment Federation * Wildlife Habitat Council

Supporters:
Alleghany Society of American Foresters * California ReLeaf * California Urban Forests Council * Canopy * Casey Trees * Center for Climate Change and Health * City of Seattle's Office of Sustainability and Environment * Colorado Tree Coalition * Community Services Employment Training * Fathers and Families of San Joaquin * Friends of Carmel Forest * Friends of the Urban Forest * From Lot to Spot * Greenspace-The Cambria Land Trust * Huntington Beach Tree Society * Industrial District Green * Just One Tree * Leibman Associates, Inc. * Los Angeles Beautification Team * Our City Forest * Parent Pioneers * Pinchot Institute for Conservation * Richmond Trees * Sacramento Tree Foundation * Save Our Forest/Fallbrook Land Conservancy * Solano Advocates Green Environments * Sonoma Ecology Center * The Tree Foundation of Kern * Tree Fresno * Tree San Diego * Victoria Avenue Forever * West Coast Arborists * Western Chapter-International Society of Arboriculture * Woodland Tree Foundation * Woodstock Tree Board * Your Children's Trees

THE AMERICAN INSTITUTE OF ARCHITECTS

STATEMENT ON FY 2018 APPROPRIATIONS

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

May 24, 2017

Introduction

The American Institute of Architects (AIA), the leading professional membership association for architects since 1857, strongly supports federal energy efficiency, materials data, and building science activities undertaken by the Environmental Protection Agency, and urges the Committee to continue funding these priorities at sustainable levels. AIA also supports historic preservation and arts programs under the Committee's jurisdiction.

AIA represents more than 90,000 architects, emerging professionals and allied partners nationwide and around the world.

In 2015 alone, the 18,262 architecture firms owned by AIA members grossed billings of over $40 billion,[1] driving economic activity and job growth in communities across America. Moreover, most architecture firms at which AIA members work are small businesses, with nearly 95 percent of firms having fewer than 50 employees.

Architects work to advance the public's quality of life through their commitment to healthy, safe, resilient and sustainable communities. From designing the next generation of energy-saving buildings to making our communities healthier and more vibrant and from helping neighborhoods rebuild after disasters, to exporting American design know-how to the rest of the world, architects turn dreams and aspirations into reality.

Environmental Protection Agency

EPA's programs, tools, and data are vitally important to the practice of architecture.

Energy Star. The EPA's Energy Star program, created by engaging industry leaders and manufacturers, has long been recognized for leadership in reducing energy use in buildings. Several Energy Star tools are vital for architects conducting energy efficient design work. Energy Star's Portfolio Manager software enables architects and their clients to track and benchmark the energy and water usage of their entire building asset portfolio. Similarly, the Target Finder tool helps designers evaluate the energy performance of a commercial building design or existing building. These resources help institutional clients such as hospitals and universities confidently target capital investment in efficient new buildings and retrofits which will bring down their operational expenses.

Seeing the effectiveness of this data driven approach, cities across the country have begun

The American Institute of Architects
1735 New York Avenue, NW
Washington, DC 20006
www.aia.org

requiring the use of these types of energy benchmarking tools for building owners to optimize building energy efficiency, reduce costs, and alleviate strain on electrical grids. According to the Institute for Market Transformation, 24 US cities, two counties, and two states have adopted energy use benchmarking ordinances that rely upon Energy Star Portfolio Manager to function. These cities - including Washington, DC, Orlando, Atlanta, Kansas City, Austin, and Salt Lake City - use these ordinances to spur immediate and low-cost reductions in energy consumption, and provide the opportunity for increased government efficiency, job creation, and economic and environmental health.

Energy Star's voluntary third party product certifications are important to consumers, and serve to assure designers that the equipment they specify will meet important performance goals as well. Energy Star building ratings also provide trusted outside validation of performance claims for prospective buyers and tenants. Continued support for Energy Star programing will continue to drive the market towards greater efficiency, saving money for taxpayers, buildings owners, and consumers.

Toxic Substances Control Act. Building technology is advancing rapidly and new materials are constantly coming to market. The EPA's Toxic Substances Control Act (TSCA) Chemical Substance Inventory is a vital tool that designers use to research certain building materials as part of their larger review of those materials. Continued funding for TSCA activities is essential for transparency in building materials.

Indoor Air Quality. Indoor air quality is another critical component of health considerations. The EPA's Indoor Air Quality program has provided invaluable data regarding issues such as radon mitigation, mold prevention, and chemical emissions from building products. EPA has also developed the testing methods used to verify air quality in order to qualify for voluntary building certification programs such as LEED, Green Globes, and ASHRAE 189.1. These benchmarks are required by many cities, states, and construction lenders. Support for the Indoor Air Quality program at EPA will ensure that we continue to develop a deeper understanding of how buildings impact heath.

Historic Preservation

Historic preservation has always been at the center of AIA's mission. In fact, AIA continues to maintain one of Washington's most historic buildings, the Octagon House Museum, which served as AIA's first Washington headquarters. The AIA supports historic preservation to preserve significant works of architecture, but also as an economic catalyst for historic communities.

Documentation. The AIA has long partnered with the National Park Service on historic preservation issues. In fact, the Historic American Building Survey (HABS) was formed in 1933 as part of a tripartite agreement between American Institute of Architects, the National Park Service, and the Library of Congress. HABS is the first and the oldest of the federal historic preservation program, predating even the National Historic Preservation Act by over 3 decades. Shortly after that time the Historic American Engineering Record (HAER) and the Historic American Landscapes Survey (HALS) were added to round out a full complement of documentation programming. The programs are responsible for the documentation and preservation of our nation's architectural, industrial and landscape heritage through measured drawings, historical reports, and large-format photography.

AIA continues to support the important work that the HABS, HAER, and HALS programs do in educating current and future generations on the rich historical tapestry that makes up our nation's landscape. This work is particularly important because of the many unpredictable and irreversible changes that historic sites, structures and landscapes undergo due to forces of nature, neglect, commercial and residential development, and other events. In some instances, the measured drawings, photography, and written reports are the only accurate evidence of these special and historic spaces, which can be used to educate and benefit future generations. As identified by the NPS

Cultural Resource Challenge, maintaining and expanding HABS/HAER/HALS is an important step toward the goal of preserving our heritage through documentation.

Not only are these Cultural Resource Partnership programs an important resource for architects, landscape architects, engineers, and preservation professions, the largest growing user group is K through 12 students and educators. The online collection receives approximately 50,000 visits per month, making it the most used architectural collection within the Library of Congress.

Through their systematic and rigorous documentation of historic resources, the HABS, HAER, and HALS programs offer an unparalleled source of information about our cultural heritage. In some cases, where historic buildings have been lost, HABS represents the only documentation of their former condition. And as a matter of impact on the profession, employment with HABS has served as a starting point for generations of architects who go on to work in the historic preservation field- preserving the cultural heritage of America's communities. Accordingly, AIA urges continued support for these critical preservation programs.

National Parks Maintenance Backlog. The National Park Service will require sustained funding to meet its significant backlog of deferred maintenance as well. Many of the historic structures in the NPS portfolio need significant investment to conduct repairs and prevent further damage.

Advisory Council on Historic Preservation. As an independent federal agency, the Advisory Council on Historic Preservation (ACHP) plays a vital role in ensuring that federal actions do not have a detrimental impact on historic resources. Funding should be maintained at levels that allow ACHP to continue to conduct its important work.

National Endowment for the Arts

The AIA supports the integration of art into private and public building projects of all types to complement the architecture, when appropriate. The integration of art should be an early and essential part of the design process, so that art can be fully coordinated with architecture. In support of this premise, the AIA recommends continued funding for the arts through programs administered by the National Endowment for the Arts.

Conclusion

Architectural services are a key export for the United States, and American architects are hard at work using their skills to design buildings all over the world. Our expertise in clean, healthy, and energy efficient buildings is a major driver of this demand. Energy Star, indoor air quality, and materials safety information programs are just a few examples of the EPA resources that directly support architectural design work. Reducing funding for any of these programs will severely impact architects' ability to meet client demands, fulfill contractual obligations, and carry out the duties of their licensure to protect the public. The American Institute of Architects urges the Committee to fully fund these programs. We look forward to working with you to preserve these vital programs which serve to promote a cleaner and healthier environment.

[1] AIA, The Business of Architecture: 2015 AIA Firm Survey Report (2015).

The CorpsNetwork
Strengthening America through service and conservation

www.corpsnetwork.org

May 24, 2017

Testimony from Mary Ellen Sprenkel, President & CEO of The Corps Network, for the House Appropriations Interior Subcommittee

Dear Chairman Calvert and Ranking Member McCollum;

I write on behalf of The Corps Network, to respectfully urge your strong support for continued funding for the Department of Interior (DOI) and US Forest Service (USFS) in Fiscal Year 2018, and thank you for your efforts to increase funding for key DOI and USFS accounts in FY17. As you craft the FY18 Interior Appropriations bill, we encourage you take into account the significant leveraging of limited federal resources our Corps accomplish in partnership with land management agencies, and ensure they have adequate funding to expand on these cost-effective public-private partnerships and engage the next generation of youth and veteran outdoor stewards, entrepreneurs, recreationists, and sportsmen and women.

Corps of The Corps Network support DOI and USFS budgets for youth, operation, management, maintenance, and construction which are used to engage Corps, and our youth and veteran Corpsmembers, on important projects; the Centennial Initiative; funding for Wildland Fire Management through both DOI and USFS; and language encouraging partnerships with Corps and expanding direct hire authority for USFS. By partnering with Corps, agencies achieve more with their budgets and accomplish cost-effective projects to help address the multi-billion-dollar maintenance backlog; remediate wildfires and invasive species; improve access to public lands; build and maintain multi-use trails and increase recreation opportunities; and ensure productive fish and wildlife habitat for enthusiasts, hunters, and fishers.

These accounts also support the 21st Century Conservation Service Corps (21CSC) initiative, which has received bipartisan support in Congress from Reps. Martha McSally (R-AZ) and Seth Moulton (D-MA) and Senators John McCain (R-AZ) and Michael Bennet (D-CO), as well as Army General (Ret.) Stanley McChrystal and President Bush's Domestic Policy Advisor, John Bridgeland, and the past five Secretaries of the Interior. The 21CSC initiative has private sector support from Coca-Cola, the North Face, American Eagle Outfitters, Thule, KEEN, and REI. In addition, there are over 80 different national and regional corporations and organizations supporting 21CSC like the American Recreation Coalition, Outdoor Industry Association, the Vet Voice Foundation, and the National Parks Conservation Association.

Thank you again for your efforts to ensure these accounts were strong in the Consolidated Appropriations Act 2017. With additional support from the 2017 Act, Corps will help accomplish millions in critical projects while also leveraging limited federal funds. For example, Corps have utilized around $150 million in project funding from DOI and USFS over the past three years and turned that into millions more in matched funds and service projects, with the added benefit of engaging youth and veterans in meaningful hands-on work experiences to develop in-demand skills on the path to careers while building respect for our country, hard work, and the outdoors. Corps bring at least 25 percent match to these projects, making federal funds go further than they otherwise would.

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Last year, our Corps around the country accomplished: 1.6 million acres of wildlife habitat improved and made accessible; 1.5 million trees planted; 365,000 acres of invasive species removed; 32,000 acres of fire fuel reduced; 22,000 miles of multi-use trails constructed and improved; 16,000 recreation facilities improved; 8,200 acres of erosion, landslide, and flood prevention; 2,600 miles of fish and waterway habitat restored; 500 wildfires and disasters responded to; and 190 historic structures preserved.

The Corps Network represents America's 135 Conservation Service Corps. Corps provide youth and veterans the opportunity to serve their country, advance their education and obtain in-demand skills. Serving in crews and individual placements, Corpsmembers perform important conservation, recreation, infrastructure, wildfire, disaster response, and community development service projects on public lands and in rural and urban communities. Corps enroll over 25,000 youth and veterans annually in all 50 states and DC, Puerto Rico, and American Samoa. Corps engage an additional 100,000 volunteers, and complete thousands of service projects valuing hundreds of millions of dollars each year.

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 and an independent study commissioned by the National Park Service found a 50-80 percent cost savings in using Corps on projects.

FY18 Interior Appropriations Priorities

The Corps Network respectfully urges the committee to support these programs that will allow public land management agencies to engage Corps:

- **US Forest Service – National Forest System**: $1.5 billion in FY18;
- **US Forest Service – Capital Improvement and Maintenance**: $364 million in FY18;
- **US Forest Service – Wildland Fire Management**: $2.8 billion in FY18;
- **Department of Interior – Wildland Fire Management**: $943 million in FY18;
- **National Park Service – Operation**: $2.4 billion in FY18;
- **National Park Service – National Recreation & Preservation**: $62 million in FY18;
- **National Park Service – Centennial Initiative**: $20 million in FY18;
- **Fish and Wildlife Service – Resource Management**: $1.3 billion in FY18;
- **Bureau of Land Management - Management of Lands and Resources**: $1 billion in FY18;
- **Bureau of Reclamation – Water & Related Resources**: $1.2 billion in FY18;
- **Bureau of Indian Affairs – Natural Resource Management**: $200 million in FY18;
- **Department of Interior & US Forest Service – 21st Century Conservation Service Corps (21CSC) Report Language:** "*21st Century Conservation Service Corps and Public Lands Corps.* - The Department of Interior, it's subdivisions, and the Forest Service are directed to continue their partnerships with the 21st Century Conservation Service Corps (also referred to as 21CSC), and Public Lands Corps, in order to accomplish access, conservation, wildfire, maintenance backlog, and infrastrueture projects and engage additional youth and veterans as detailed and authorized in the Public Lands Corps Act of 1993 (16 USC Chapter 37, Subchapter II)."

- **US Forest Service – Direct Hire Authority**:
  - "(a) The Secretary of Agriculture may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than FY 2017 Budget Justification USDA Forest Service sections 3303 and 3328 of such title, a qualified candidate described in subsection (b) directly to a position with the United States Department of Agriculture, Forest Service for which the candidate meets Office of Personal Management qualification standards.
    - (b) Subsection (a) applies to a former resource assistant (as defined in section 203 of the Public Land Corps Act (16 U.S.C. 1722)) who—
      - (1) completed a rigorous undergraduate or graduate summer internship with a land managing agency, such as the Forest Service Resource Assistant Program
      - (2) successfully fulfilled the requirements of the internship program; and
      - (3) subsequently earned an undergraduate or graduate degree from an accredited institution of higher education.
    - (c) The direct hire authority under this section may not be exercised with respect to a specific qualified candidate after the end of the two-year period beginning on the date on which the candidate completed the undergraduate or graduate degree, as the case may be.

All these programs help Corps leverage limited federal dollars to accomplish more projects than land management agencies normally would, while engaging thousands of youth and veterans in improving and restoring our nation's lands, water, and recreation assets. The construction and operation accounts are important as they are the main source of project funding, and help the agencies address their backlog and needed projects. We also believe it's important that land management agencies have adequate operating funds so there are staff in place to help develop and process agreements in a timely manner with partners like Corps, and ensure that if land managers have needs, they can easily hire local youth who have experience working in resource management. The Centennial Initiative is an innovative approach to addressing the myriad of issues in the national parks and can be targeted toward addressing the deferred maintenance backlog.

To expand on this work, we support inclusion of language to encourage continuation of public-private partnerships through DOI and USFS with our innovative 21st Century Conservation Service Corps (21CSC) Initiative. These partnerships are included as a priority for the Administration in the FY18 National Park Service Budget Justification for example: "Under the umbrella of the 21st Century Conservation Corps (21st CSC) NPS engages 16-30 year old Americans, including low-income and disadvantaged individuals and veterans through compensated natural and cultural conservation work projects that assist the Service in maintaining its resources in an cost effective manner while providing the participants with developmental job skills training and education."

The USFS has been a major supporter of our 21CSC Initiative as well, explaining in the FY18 Budget Justification: "Our 21st Century Service Corps (21CSC) partnership provides an enormous return on investment, allowing the Forest Service to address critical conservation restoration needs and simultaneously have a deep and lasting impact on the people who participate, thereby building the next generation of natural resource professionals. From FY 2014

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through FY 2016, the agency has employed 30,000 youth and veterans on more than 2,000 distinct projects; expanded YCC jobs by 58 percent to 1,500 in FY 2016; implemented a Resource Assistants Program for students, recent graduates and others that is building a diverse pool of qualified and experienced candidates for permanent positions; and orchestrated growth in the 21CSC organization, recognizing and approving 201 partner organizations."

Corps also partner with USFS and DOI on critical wildfire remediation and fighting and see firsthand the damage that is done to the system, and communities, by an outdated budget structure for wildfire needs. We support adequate funding for wildfire remediation, but also changes to the budgeting process as included in the Wildfire Disaster Funding Act - a bipartisan proposal that would fund wildfire suppression in a similar manner to how the government currently funds the response to other natural disasters. As the USFS noted in past budgets, "It is subsuming the agency's budget and jeopardizing our ability to successfully implement our full mission." Sweeping funds to battle wildfires from other USFS accounts hurts the whole system.

As you can see, our Corps partner with DOI and USFS in a critical capacity to help them better manage our natural resources while providing high quality service and work experience outdoors to engage thousands of youths and veterans. We understand the fiscal constraints placed upon the committee which is why ensuring more partnerships and opportunities for our cost-effective public private partnerships is more important than ever. We again respectfully urge your support for these programs. Thank you for your time and consideration.

Sincerely,

Mary Ellen Sprenkel

Mary Ellen Sprenkel
President & CEO

Testimony of the Federal Forest Resource Coalition to the Subcommittees on Interior, Environment, and Related Agencies re: Fiscal Year 2018: U.S. Forest Service and Bureau of Land Management

The following testimony is submitted on behalf of the Federal Forest Resource Coalition, representing purchasers of Federal timber in 33 states, with over 650 member companies and affiliated associations, collectively representing over 390,000 employees.

National Forests are producing less than half the timber harvest called for in current Forest Plans. Lack of management over the last quarter century has left National Forests fire prone and unhealthy, and has degraded wildlife habitat. Road systems and campgrounds are in disrepair; the Forest Service has a maintenance backlog of more than $5 Billion. We are concerned that the President's proposed FY 2018 budget would exacerbate many of the negative trends established on the National Forest System, and recommend the following program funding levels to avert those problems.

We make the following specific programmatic recommendations for Fiscal Year 2018:

- Restore funding for **Capital Improvement and Maintenance** roads budget to pre-sequester levels of $195 Million, an increase of $23 million over the FY 2017 enacted level. Focus on roads that provide access for both recreational hunting and fishing and access to forests needing management.

- Increase spending for the **National Forest timber program** to $400 million (an increase of $32.2 million over the FY 2017 enacted level), with an explicit goal of a 4 Billion Board Foot (BBF) timber sale program in FY 2018. The sale program should be geared towards sustaining and creating local jobs and increasing the pace of forest restoration; National Forest timber must be processed domestically, so increased timber sales generate needed jobs in economically distressed rural counties.

- **Reorient the Forest Service workforce away from the Washington Office** to field units that do the work and create jobs: Since 1998, the number of Forest Service employees associated with the Washington Office has increased by over 450 percent. The Forest Service should be directed to reduce Washington Office staff by half by 2020, while increasing field staff dedicated to land management.

- Maintain strong funding for **Wildland Hazardous Fuels Reduction.**

- Adopt a fix to the current **Good Neighbor Authority** that allows States to do work anywhere on National Forests, and which eliminates restrictions on road reconstruction and maintenance.

We urge Congress to permanently address the "fire borrowing" crisis which plagues the Forest Service and to streamline the process for planning, analyzing, and implementing

forest management projects. FFRC appreciates the strong support the subcommittee has shown for the timber and hazardous fuels programs over the last several years.

Our Mills Rely on Predictable, and Growing Supplies of Timber: Our member companies make large investments in logging and mill infrastructure. Several issues at the Forest Service inhibit our member's ability to grow and compete. Unpredictable timber supplies caused by erratic appropriations, fire borrowing, and obstructionist tactics by radical groups taking advantage of burdensome regulations make it difficult to sustain the investments needed to keep our companies competitive.

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 large scale insect and drought mortality in the Rockies, the Northwest, and particularly in California. While harvest levels and acreage treatments have been increasing very slowly since the early 2000's, the current pace and scale of management is insufficient to reduce fire danger, create needed wildlife habitat, or support local economies.

Years of hands off management have created stagnant, overcrowded stands, susceptible to insect outbreaks and large fires. The mortality situation is particularly pressing in California, where unmanaged forests proved particularly susceptible to the combined forces of drought and insects. On two Southern Sierra National Forests alone, there is an estimated 10 Billion Board Feet of standing dead timber. This unforgivable failure to manage must stop, now.

Further, the Forest Service has a $5.1 billion capital facilities maintenance backlog, even as Congress continues to underfund Capital Improvement & Maintenance spending. After years of steep cuts, the CI&M Roads line item remains more than 34 percent below the FY 2010 level, when taking inflation into account. We urge Congress to prioritize management of existing forests and addressing the maintenance backlog over any efforts to expand National Forests ownership.

We are critically concerned with the erosion of funding for National Forest Roads over time, and the state of disrepair evident in much of the road system. This winter's heavy storms in the West have created additional pressing repair and reconstruction needs that we will not fully understand till later this spring. We urge Congress to invest in these critical assets. These investments will create jobs in hard-pressed rural communities while improving access for management, recreation, and firefighting.

The Need to Increase the Pace and Scale of Forest Management: Career professionals and the previous administration widely acknowledge the need to increase the pace and scale of management, including timber harvest, on our National Forests. Current forest plans call for over 6 Billion Board Feet of harvest annually, enough to sustain a substantial increase in the number of acres treated for hazardous fuels, watershed protection, and wildlife habitat each year.

The current level of management is insufficient to address pressing forest health problems or meet the needs of the forest products infrastructure remaining near our National Forests. Congress should direct the Forest Service to focus on meeting forest plan ASQ's, and urge them to utilize the full suite of expedited authorities to meet this goal.

The increases recommended above can easily be paid for by redirecting Forest Service land acquisition funding to this higher priorities.

We urge the Committee to direct the FS to use higher-value timber sales to create receipts which can replenish Forest Roads trust funds, rather than solely relying on trading low-value material for extensive road work in Stewardship contracts. The Forest Service should be directed to maximize the use of expanded authority to use Knutsen-Vandenberg Funds beyond the sale area, which was provided by this committee in 2005.

The Committee should direct the Forest Service to aggressively utilize streamlined authorities, including those founds in the Healthy Forest Restoration Act, the Fiscal Year 2012 appropriations act, and the 2014 Farm Bill, to increase the number of acres treated, restore forest health, and supply timber to local economies.

We strongly urge you to continue 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; and to focus higher yielding forest management projects on lands designated as suitable for timber production.

Stepping up management 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.

BLM Forest Management: FFRC's members are very concerned about reductions to BLM's Western Oregon O&C timber sale outputs, which would be exacerbated in the President's budget. In fact, the timber sale program has been reduced from nearly 240 million board feet in FY14 to a little over 200 million board feet in FY 2016. The O&C Lands grow an estimated 1.2 billion board feet of timber per year.

We urge the Committee to provide at least $110.5 million for the O&C line item in Fiscal Year 2018 as well as specific direction to the BLM to prioritize available funding to increase merchantable timber outputs on these lands. The newly issued Resource Management Plans for Western Oregon call for at least 270 million board feet of timber, but could be increased to 378 million board feet if funded by Congress.

The BLM O&C lands are critically important to dozens of local mills and manufacturers that rely on these lands for their log supply as well as local counties facing severe budget shortfalls due to massive reductions in timber receipts. We urge the Committee to refocus the BLM on sustained yield timber management to meet the needs of local communities and comply with the unique statutory mandate of the O&C Act.

The focus of the Public Domain Forest Management Program is the long-term health of BLM timberlands. The program is important to local forest products companies for raw material and for enabling them to create jobs, manufacture wood products, and support local economies. We strongly support funding for the PD timber program at no less than $10.6 million for FY 2018.

Alaska: The Forest Service must be stopped from implementing the ill-conceived Tongass Forest Plan Revision adopted in 2016. FFRC members in Alaska depend upon supplies of timber from this forest. The revised plan calls for a transition to second growth timber that will not meet local industry 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 industry.

FFRC also 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: More forest management work needs to be done on the National Forests. Doing so will help mitigate fire hazards and increase employment in hard pressed rural areas. The previous Administration spoke frequently about the need to increase the pace and scale of management, yet submitted budgets which prioritized land acquisition, reduced funding to maintain basic infrastructure, and failed to increase investments in needed management.

This Congress has the opportunity to correct these mistakes and prioritize the management of these great American resources before it is too late.

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 33 States, the FFRC is committed to improving the management of the National Forests and BLM lands to support healthy forests and vibrant rural communities.

Federal Forest Resource Coalition
600 New Hampshire Ave., NW Suite 500
Washington, DC 20037
www.federalforests.org

**TESTIMONY OF JEFFREY KIGHTLINGER, GENERAL MANAGER,
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**BEFORE THE UNITED STATES HOUSE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

**ON CONTINUED FISCAL YEAR 2018 FUNDING FOR THE
COLORADO RIVER BASIN SALINITY CONTROL PROGRAM,
UNDER BLM'S SOIL WATER AND AIR PROGRAM**

MAY 5, 2017

CHAIRMAN CALVERT, RANKING MEMBER MCCOLLUM, AND MEMBERS OF THE SUBCOMMITTEE:

The Metropolitan Water District of Southern California (Metropolitan) encourages the Subcommittee's support for fiscal year 2018 federal funding of $1.5 million in financial assistance from the Bureau of Land Management's (BLM) Soil, Water and Air Program for the Colorado River Basin Salinity Control Program (Salinity Control Program) to prevent further degradation of Colorado River water quality and increased economic damages.

The salt concentration in the Colorado River causes an estimated $382 million in damages to water users each year. While this figure is significant, had it not been for the efforts of the Salinity Control Program, damages would be much higher. Salinity Control Program actions have reduced salinity concentrations of Colorado River water over 90 milligrams per liter (mg/L) from what they would have been without the actions. That reduction has avoided additional damages of over $200 million per year. Modeling by Reclamation indicates that the economic damages will rise to approximately $614 million by the year 2035 without continuation of the program.

Metropolitan is the regional water supplier for most of urban Southern California, providing supplemental water to retail agencies that serve approximately 19 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. This salinity level causes economic damages to all sectors. For example, high salinity leads to:

- A reduction in the useful life of water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and an increased use of water softeners in the household sector;

- An increase in the cost of cooling operations, additional need for and 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, 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;

- Increased cost of desalination and brine disposal for recycled water in the municipal sector; and

- A reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural 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 the Colorado River Basin Salinity Control Act of 1974 (Act) into law. To further 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 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 Plan of Implementation, as adopted by the states and approved by EPA in 2014, calls for 67,000 tons of additional salinity control measures to be implemented by Reclamation, the Natural Resources Conservation Service (NRCS) and the BLM by 2018.

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 these 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.

Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. 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 additional economic damages to water users downstream.

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

Metropolitan urges the Subcommittee to support funding for fiscal year 2018 of $1.5 million from the Bureau of Land Management's (BLM) Soil, Water and Air Program for the Colorado River Basin Salinity Control Program.

Jeffrey Kightlinger
General Manager

Testimony of Dr. Stephen H. Schoenholtz
Director, Virginia Water Resources Research Center

On behalf of the National Institutes for Water Resources to the House Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies
May 22, 2017

Chairman Calvert and Ranking Member McCollum:

Good afternoon. I am Stephen Schoenholtz, Director of the Virginia Water Resources Research Center at Virginia Tech. 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 (USGS) budget. I specifically want to thank you for the Subcommittee's strong continuing support for the Water Resources Research Act, and request that the Subcommittee fund the WRRA program in FY 2018 at $9 million.

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 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, non-governmental organizations, and the general public. Each state contributes a minimum of a 2:1 match of non-federal funds to federal funds, 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, education of future water professional, and proper transfer and utilization of results and outcomes. In fact, the Institutes collaborate with 150 state agencies, 180 federal agencies, and more than 165 local and municipal offices.

For more than 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. Although these projects primarily 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 **Virginia Water Resources Research Center (VWRRC)**, is a research unit in the College of Natural Resources and Environment at Virginia Tech. Planning and sustainable management of surface water and groundwater supplies has become a significant issue for Virginia. In 2015, the Virginia General Assembly directed their Joint Legislative Audit and Review Commission (JLARC) to assess accuracy and effectiveness of Virginia's planning and permitting program for sustainable water supply. The VWRRC was contracted by JLARC to form an advisory committee and to conduct research on the state's sustainability model for groundwater in eastern Virginia and also for surface water throughout the state. A resultant report produced by the VWRRC in 2016 was used by JLARC to inform the General Assembly of the effectiveness of current efforts to sustainably manage water supplies and to recommend considerations for improvements.

In California, the **Institute for Water Resources** is working with communities in southern California, like the city of Glendora, to help city officials better predict and respond to debris flow from the San Gabriel Mountains. Communities like Glendora are experiencing costly and damaging flows after high intensity rainfalls and these flows often affect water quality downstream. By partnering with local governments and other stakeholders, the Institute is working to help these communities with debris basin management.

A team of researchers from the **Minnesota Water Resources Research Center** designed a novel bioreactor which when installed in agricultural ditches, treats water from subsurface tile drains, removing nitrogen (N) and phosphorus (P) from the water exiting the farm fields. Unlike other bioreactors, this new version removes both N and P, preventing nutrients from entering surface streams and rivers in the Midwest. This project should lead to greater sustainability of agricultural production in Midwestern regions where corn and soybeans are produced.

Researchers with the **Idaho Water Resources Research Institute** have collaborated with community stakeholders to develop satellite based remote-sensing technology for assessing crop-water usage and aquifer depletion modeling, to investigate and help resolve water rights conflicts, and for stream flow management. This technology is also being adopted by ten western states and in parts of Africa, Europe, and Australia.

Researchers at the **Nevada Water Resources Research Institute** are studying 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.

Research being funded through the **Maine Water Resources Research Institute** will help determine what remediation efforts might be required by drinking water utilities in the wake of an increase in the rate and intensity of precipitation events and associated rapid runoff. These extreme events wash organic matter into lakes that can ultimately cause a buildup of organic carbon that can trigger disastrous algal blooms, taste and odor problems, and may form unhealthy by-products. Their work will inform the development of management and adaptation strategies to ensure sustained high water quality.

There are two grant components of the USGS Water Resources Research Institutes program.

The State Water Research Grants provide competitive seed grant funding opportunities for state water institutes for research priorities that focus on state, local, and community water resources problems. The study areas span the spectrum of water supply, water quality, and public policy issues of water management. These seed grants are used to develop future research proposals and secure additional external funding.

The National Competitive Grants program promotes collaboration between the USGS and university scientists in research on significant national and regional water resources issues and promotes dissemination of results of the research funded under this program.

With our funding and educational services, water-related professionals and researchers provide solutions to the many complex water management challenges we face, including toxicity in urban stormwater runoff, managing aquifer recharge in drought – stricken communities, and monitoring and alleviating human and ecological health impacts associated with water reuse.

Our Nation faces growing challenges in providing water for agriculture, human consumption, industrial use, and natural resource applications. Institutes also use their base grants to help train new scientists, disseminate research results to water managers and the public, and promote intrastate and regional collaboration. The Water Resources Research Institutes serve to build the STEM workforce as we enter a period in which there will be a disproportionate number of retirements in all sectors.

For FY 2018, the National Institutes for Water Resources recommends the Subcommittee provide $9,000,000 to the USGS for the Water Resources Research Institute program. 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.

The Nature Conservancy
Protecting nature. Preserving life.™

Worldwide Office
4245 North Fairfax Drive
Suite 100
Arlington, Virginia 22203-1606

TEL 703 841-5300
FAX 703 841-7400
www.tnc.org

Statement of Cecilia Clavet, Senior Policy Advisor, The Nature Conservancy
Fiscal Year 2018 Interior, Environment and Related Agencies Appropriations
Committee on Appropriations, United States House
May 24, 2017

USDA Forest Service

Thank you to Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee for the opportunity to submit recommendations for Fiscal Year 2018 appropriations. The Nature Conservancy is an international, non-profit conservation organization whose mission is to conserve the lands and waters upon which all life depends.

America's public forests have tremendous national importance but their health puts them at severe risk unless we invest in proper stewardship and forestry. America's forests store and filter more than half of our nation's water supply, provide jobs to nearly one million forest product workers, generate $13.6 billion in recreation based economic activity from USDA Forest Service lands alone, are habitat to thousands of forest-dependent wildlife and plant species, offer a million square miles to sportsmen and families for outdoor recreation, and are a major carbon sink that sequester 15% of all fossil fuel emissions in the U.S.

However, megafires, pests, drought, and sprawl place forests at risk; an area larger than the state of Oregon is in immediate need of restoration to return forest health—and that is on USDA Forest Service lands alone. Unfortunately, forest restoration is significantly obstructed by ballooning fire suppression costs.

The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest stewardship, among many other activities. Additionally, the increasing ten-year average to has not met annual suppression needs since before FY 2002. We experienced once again how the ten-year average would not have been sufficient to meet the FY 2016 suppression needs. Thankfully, Congress rightfully protected the agency (and the Department of the Interior) from transfers by allocating levels above the ten-year average. The Conservancy also appreciates Congress' efforts to ensure the USDA Forest Service and the Department of the Interior receive supplemental funding for suppression in FY 2017. However, agencies continue to need a long-term solution to address the impacts of the increasing ten-year average on programs necessary to maintain our public lands.

The Conservancy greatly appreciates the Committee's past support of a much-needed *comprehensive* fire funding fix, and respectfully request a bipartisan fire funding solution that would 1) access disaster funding, 2) minimize transfers, and *most importantly* 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

Investing in the following Forest Service programs are critical to meeting forest restoration goals:

Increase funding for Collaborative Forest Landscape Restoration (CFLR) to $60 million—The CFLR program is demonstrating that collaboratively-developed forest restoration plans can be

implemented at a large scale with benefits for people and the forest. This is a model approach that brings citizens, local government and federal staff together to determine effective management that is locally appropriate and provides jobs, sustains rural economies, reduces the risk of damaging fires, addresses invasive species, improves wildlife habitat, and decommissions unused, eroding roads. The funding increase will guarantee the existing signature projects covering over 17 million acres can continue, and additional critical projects across America's forests can begin.

Fund the Forest Service Hazardous Fuels programs at no less than $479 million—Strategic, proactive hazardous fuels treatments have proven safer and more cost-effective in reducing risks to communities and forests by removing overgrown brush and trees, leaving forests in a more natural condition resilient to wildfires. Drought conditions increase the need for investment in this program to restore and maintain fire adapted landscapes and habitats. The Conservancy recognizes the Committee's continued support for this program through its increased funding levels, particularly over the last few years.

The Conservancy additionally recommends funding for programs that support critical restoration programs on national forests. Effective and durable restoration requires integrated approaches that address threats and improve forest health and habitat values while supporting forest-dependent communities.

- **Wildlife & Fisheries Habitat Management maintained at a $140 million funding level** to restore, recover, and maintain wildlife and fish and their habitats on all national forests and grasslands.

- **Vegetation & Watershed Management funded at $185 million** to promote restoration through watershed treatment activities, invasive plant species control, and reforestation of areas impacted by wildfire and other natural events.

- **Legacy Road and Trail Remediation (LRT) maintained at $50 million** to restore river and stream water quality by fixing or removing eroding roads, while providing construction jobs, supporting vital sportsmen opportunities, and reducing flooding risks from future extreme water flow events.

- **Land Management Planning, Inventory and Monitoring funded at $201 million, including consolidating the two previously separate budget items.** Consolidation will be more efficient for land managers, while supporting the collaborative, community and science based planning featured by the Forest Service 2012 Forest Planning regulation.

Fund Forest Health programs at a total of $111 million ($63 million for Federal and $48 million for Cooperative)—Forest health protection programs work to protect forests by minimizing the impacts caused by invasive species. Across the nation large-scale, non-native insect, disease, and invasive plant outbreaks are damaging forest health. These programs help reduce invasions of non-native pests that destroy iconic American trees such as ash, hemlock, and California oaks.

Fund State Fire Assistance (SFA) at $86 million—SFA provides aid to communities for fuels treatments, firefighter capacity building, fire prevention education, and pre-fire planning. The SFA program is an important complement to the Hazardous Fuels program for federal lands.

Fund Landscape Scale Restoration (LSR) at $24 million—Through LSR, non-federal lands have access for competitively selected projects that leverage state funding, restore forests of national importance, and, whenever possible, complement CFLR and other landscape scale restoration efforts.

Fund Forest & Rangeland Research at $293 million—Forest and Rangeland Research offers vital scientific basis for policies that improve the health and quality of urban and rural communities. This program is vital for the long-term health and utility of our American forests and rivers, particularly as we face an uncertain climatic future.

Maintain funding for the Joint Fire Science Program at $7 million and maintain funding *under Wildland Fire Management.* This key, yet small, program has proven a great success in supporting practical science that reduces fire risk and enhances economic, ecological, and social outcomes nationwide.

Fund Forest Legacy at a minimum of $62 million for the Forest Legacy Program in current discretionary funding and the $38 million in permanent, mandatory totaling $100 million—The Forest Legacy program, in partnership with states, supports efforts to acquire conservation easements and fee simple interests on privately owned forest lands from willing sellers. These acquisitions leverage non-federal dollars and support long-term sustainable forestry while protecting other ecological, watershed and recreational values for local communities at risk of development or conversation to other uses.

Thank you for the opportunity to share The Nature Conservancy's forest restoration priorities. Please contact me should you need additional information: 703-841-7425; cclavet@tnc.org.

The Nature Conservancy
Protecting nature. Preserving life.

4245 N. Fairfax Avenue NW
Suite 100
Arlington, VA 22203

Tel (703) 841-5300
Fax (703) 841-7400
www.tnc.org

Statement of The Nature Conservancy
Fiscal Year 2018 Interior, Environment and Related Agencies Appropriations
Committee on Appropriations, United States House of Representatives
May 24, 2017

Chairman Calvert, Ranking Member McCollum and members of the Subcommittee, thank you for the opportunity to submit recommendations for Fiscal Year (FY) 2018 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 FY2018 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 FY2017 funding levels for Department of the Interior conservation programs. Our budget recommendations this year reflect a balanced approach with funding levels consistent with FY2017 and FY2016 funding levels. 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 greatly appreciates the Committee's past support of a much-needed fire funding fix and more recent efforts to ensure wildfire suppression has supplemental funding above the ten-year average in FY2017. However, agencies continue to need a long-term solution to address the impacts of the increasing ten-year average on programs necessary to maintain our public lands. We respectfully request a bipartisan fire funding solution be included as part of the FY2018 Interior, Environment, and Related Agencies' appropriations bill. A fire funding solution must fund wildfires like natural disasters by 1) accessing disaster funding, 2) minimizing transfers, and most importantly, 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier condition. We also strongly support the emphasis on funding for sage grouse conservation in FY2017 and urge congress to continue support for ongoing sage grouse conservation efforts.

Land and Water Conservation Fund (LWCF). The FY2017 Omnibus dedicated $400 million in discretionary appropriations for the Land and Water Conservation Fund. LWCF has strong bipartisan support and the Conservancy recognizes Congress's commitment to funding important on-the-ground conservation and recreation projects. The Nature Conservancy supports funding LWCF through a blend of current and permanent funding and looks forward to working with

Congress to find a permanent funding solution for LWCF. Additionally, the Conservancy supports the balanced approach in the budget on both "core" and "collaborative" LWCF projects.

Forest Legacy. We support a minimum of $62 million for the Forest Legacy Program in current discretionary funding and the $38 million in permanent, mandatory funding, totaling $100 million for Forest Legacy Programs.

Endangered Species. The Conservancy supports continuing funding of at least $31 million, consistent with FY2017 levels, for the Cooperative Endangered Species Conservation Fund (CESCF), and requests the Subcommittee consider additional funding level request for permanent funding. We also request your continuing support for Habitat Conservation Plan (HCP) funding, specifically HCP Land Acquisition Grants where the need has greatly outpaced available resources in recent years.

State and Tribal Wildlife Grants. The Conservancy supports the FY2017 Omnibus funding level of $62.5 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 and to prevent species from being listed as threatened or endangered.

Wildlife Conservation Programs. The variety of wildlife conservation programs conducted by the US Fish and Wildlife Service (FWS) continue a long and successful tradition of supporting collaborative conservation in the U.S. and internationally. We urge the Committee to continue funding such established and successful programs as the North American Wetlands Conservation Act (NAWCA), Neotropical Migratory Bird Conservation Fund (NMBCA), the Migratory Bird Joint Ventures, FWS Migratory Bird Management Program and the FWS Coastal Program at no less than FY2017 Omnibus funding levels. We support, at a minimum, sustained funding for the Partners for Fish and Wildlife Program and the Cooperative Landscape Conservation and Adaptive Science programs. The latter will help support DOI in addressing large-scale conservation challenges across all ownerships, supporting collaborative problem solving for some of our nation's most challenging conservation issues. We also request strong funding this year for the National Fish Habitat Initiative.

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, and the U.S. National Park Service International Program. We urge that FY2018 levels for these programs remain equivalent to FY2017 Omnibus levels at a minimum.

National Wildlife Refuge System. The Conservancy supports stronger funding 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. The Conservancy requests $568 million in for FY2018. This represents the funding necessary to maintain management capabilities for the Refuge System.

Hazardous Fuels and Restoration. Strategic, proactive hazardous fuels and restoration treatments have proven safer and more cost-effective in reducing risks to communities and forests by removing overgrown brush and trees, leaving forests in a more natural condition resilient to wildfires. The Conservancy recommends investing in the USDA Forest Service's Hazardous Fuels program at a $479 million level and DOI's Fuels Management program at a level of $178 million, in addition to investing $30 million into a new Resilient Landscapes program designed to restore and maintain fire adapted landscapes and habitats and repeating the Committee's FY2012 instructions for allocating funds to priority landscapes in both WUI and wildland settings. Additionally, the CFLR program must continue to be funded and expanded to $60 million and the Legacy Roads and Trails program funded at $50 million.

Sage Grouse Conservation. The Conservancy requests continued investment to support ongoing efforts to restore and conserve sagebrush habitat and the greater sage-grouse across federal, state, tribal and private lands. We support the continued support for sage grouse conservation provided through the FY2017 Omnibus. These resources are needed to implement on-the-ground projects and monitor habitat treatments, address rangeland fire and broader wildland fire prevention, suppression and restoration efforts, and support the partnership and science necessary for effective conservation. The BLM is facing perhaps the single most challenging effort in its history in conserving key sagebrush habitat, addressing identified threats to sage-grouse and promoting sustainable economic development across some 165 million acres in coordination with state and local managers and private land owners. Additional resources for the FWS will be used, *inter alia*, for developing voluntary prelisting conservation agreements with private landowners who are ready and willing to undertake critical conservation work for the sagebrush steppe ecosystem on large blocks of private lands.

BLM Land Management and Renewable Energy Development. The Conservancy supports continued funding at FY2017 levels for BLM's initiatives to implement smart land management approaches, which include Rapid Ecoregional Assessments, Resource Management Planning, Regional Mitigation Planning, coordination with LCCs, and the Assessment, Inventory, and Monitoring Strategy. Many BLM programs contribute to these cross-cutting initiatives including: National Landscape Conservation System - ($50.65 million); Resource Management Planning program ($65.2 million); Wildlife and Fisheries management ($108.7 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 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's Geographic Programs. EPA's geographic programs, including the Great Lakes Restoration Initiative, Chesapeake Bay, Puget Sound, Long Island Sound, and Gulf of Mexico programs, make a significant contribution to protecting habitat and water quality in the large landscapes where they work. These programs have a proven record of supporting the states' voluntary restoration efforts, and the Conservancy urges the Committee to continue strong funding for these programs at the FY17 appropriated levels.

Colorado River Basin Recovery Programs. The Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program take a balanced approach to recovering four endangered fish species in the Colorado River basin. The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships involving the States of New Mexico, Colorado, Utah, and Wyoming, as well as Indian tribes, federal agencies, and water, power and environmental interests. These programs provide critically important Endangered Species Act (ESA) compliance for over 2,450 federal, tribal, state, and private water projects across the Upper Colorado River Basin. Through these efforts, water use and development has continued in growing Western communities in full compliance with the ESA, state water and wildlife law, and interstate compacts. Implementation of the ESA has been greatly streamlined for federal agencies, tribes and water users. The Conservancy supports $1.532 million for the Fish and Wildlife Service for the Colorado River Basin recovery programs, including recovery funds for both the Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program, as well as fish hatchery needs associated with the recovery plans.

National Streamflow Network. The National Streamflow Network provides continuous streamflow information at over 8,200 locations across the country and is managed within the U.S. Geological Survey's Groundwater and Streamflow Information Program. Water managers, scientists, and other decisions makers, including within the Conservancy, rely on data from the National Streamflow Network to plan for floods, droughts, and other extreme events; design infrastructure, including the operation of federal reservoirs; facilitate energy generation; protect aquatic species and restore habitat; and manage federal lands. The Conservancy supports funding in FY18 to fully implement the National Streamflow Network.

Water Infrastructure Finance and Innovation Program. Subtitle C of Title V of the Water Resources Reform and Development Act of 2014 provides authority for low-cost credit that can leverage private investment for water infrastructure. The criteria include whether a project protects against extreme weather events or helps maintain the environment. The Nature Conservancy supports funding at EPA of $25,000,000 to carry out this program.

Thank you for the opportunity to submit The Nature Conservancy's recommendations for the FY2018 Interior, Environment and Related Agencies Appropriations Bill.

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 Protection and Park Programs
House Appropriations Subcommittee on Interior, Environment and Related Agencies
May 24, 2017

Chairman Calvert, Ranking Member McCollum, and distinguished members of the Interior Subcommittee:

Thank you very much for the opportunity to submit testimony on behalf of The Trust for Public Land in support of programs under your jurisdiction for the Fiscal Year 2018 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. The President's Budget request for FY 2018 has proposed drastic program reductions and has eliminated core federal conservation programs that have long had an impact in communities across the country. Our work in many of your districts and elsewhere 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.

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. Aware of these realities, many of our recommendations are for programs to remain at the enacted level of FY 2017. 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, Cooperative Endangered Species Conservation Fund, and American Battlefield Protection Program – as well as the USFWS North American Wetlands Conservation Act, USFS Community Forest Program, and National Endowment for the Arts.

Land and Water Conservation Fund – After celebrating its 50th anniversary in 2014, Congress reauthorized LWCF in a bipartisan manner for three additional years until September 30, 2018. In the recent FY 2017 appropriations bill, Congress furnished the program with $400 million. The appropriations committees also included important conference report language that instructed the federal land management agencies to continue ranking projects for FY 2018 and to have those lists available to Congress upon request. We are extremely grateful to the members of the Subcommittee for their critical role in all of these efforts, which have resulted in important conservation and outdoor recreation investments at the local, state and federal levels. Investments in conservation and outdoor recreation make sound economic sense. The Outdoor Industry Association estimated this year that active outdoor recreation contributes $887 billion annually to the U.S. economy, supports nearly 7.6 million jobs across the country, and generates $65.3 billion in annual federal tax revenue.

Most urgently, we urge you to reject the FY 2018 President's Budget request for LWCF. The Budget reduces LWCF from the enacted level of $400 million (itself a cut of $50 million from enacted FY 2016) to $64 million. This is an 84% cut from the enacted level. It eliminates funding for the Forest Legacy Program, the Cooperative Endangered Species Conservation Fund, and the Highlands Conservation Act. It includes no funding for acquisition projects anywhere in the country, denying ongoing land protection efforts in California, Minnesota, Idaho, Washington, Ohio, and many other states.

We urge the Subcommittee to continue to invest in LWCF as it did in FY 2017 and provide at least the enacted $400 million for the entire program. Continued annual investment in the entire suite of LWCF programs as Congress provided in FY 2017 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.

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. We strenuously oppose the budget proposal eliminating all funds for land protection projects.

We applaud the inclusion of recreational access line items in the FY 2016 and FY 2017 omnibus appropriations bills for each of the four land management agencies – with particular emphasis on BLM and USFS – and support similarly focused funding in the FY 2018 bill to address opening up and improving public access to the outdoors. The President's Budget eliminated recreational access funding for all four land management agencies. We urge you to restore it.

USFS: Forest Legacy Program – For over 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 over 2.5 million acres of forestland and has leveraged more than the required 25 percent match. Forest Legacy projects 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. Working with states, landowners and other partners, we have worked to submit a number of projects 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 projects to protect the recreational access and critical wildlife habitat in Montana, working forests along Hood Canal and Puget Sound in Washington, and forests along

the Pascagoula River in Mississippi. We strongly oppose the administration's elimination of this program and instead urge your continued support for sustained investment in this strategic and successful program.

USFWS: Cooperative Endangered Species Conservation Fund – We are grateful for the Subcommittee's historic support for the Cooperative Endangered Species Conservation Fund (CESCF), which leverages state and private funds to protect threatened and endangered species habitat across the nation. Two components of this program are funded via LWCF: the Habitat Conservation Plan (HCP) Land Acquisition program and the Recovery Land Acquisition (RLA) program. The CESCF has been critical to communities like Riverside County, California; Washington County, Utah; and Whitefish, Montana where landowners and public wildlife managers are working together through integrated planning to foster species recovery and appropriate economic development. The land acquisition portion of this program was eliminated in the President's Budget. We support at least the enacted FY 2017 level of $30.8 million for the HCP and RLA land acquisition programs in FY 2018.

NPS: 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. 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. As we continue our work with many of these communities to meet these needs, we hope the Subcommittee will continue to provide funding to this important program. We also strongly support the allocation of a portion of LWCF state and local assistance funds to the nationwide competitive program, the Outdoor Recreation Legacy Program, which has now been included in four consecutive appropriations bills. Last year Congress demonstrated its commitment to this program by keeping the funding level at $12 million, for which we are extremely grateful. We support an allocation of $12 million for ORLP in FY 2018.

NPS: American Battlefield Protection Program – We applaud the Subcommittee for its longstanding commitment to this important program, which complements acquisitions of threatened Civil War, Revolutionary War, and War of 1812 properties in national park units with non-federal land protection of key battlefield sites. We hope that Congress can fully fund the program again at the enacted $10 million level in FY 2018.

Beyond LWCF, we urge the Subcommittee to provide adequate funding to other conservation programs including:

USFWS: North American Wetlands Conservation Act – We respectfully request your support for program funding at the enacted level of $38.145 million in FY 2018. The North American Wetlands Conservation Act (NAWCA) provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects. NAWCA is a highly-leveraged program with a substantial record of success and is another important federal conservation tool to support critical wetland habitat.

USFS: Community Forest Program – Contrary to the President's Budget, which eliminates the 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 at least evenly matched by funding from state, local, and private sources. The Forest Service has now approved 35 grants in 17 states and territories – including the North Falmouth Community Forest in Cumberland County, Maine and the Chimacum Community Forest in Jefferson County, Washington – for 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 2018 bill for this innovative conservation tool.

Wildfire Disaster Funding Act – 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. 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. The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management, among many other activities. We strongly support Congressman Mike Simpson's bipartisan Wildfire Disaster Funding Act, which addresses federal fire funding challenges. It would provide a fire funding solution that would 1) access disaster funding, 2) minimize transfers, and 3) address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that would restore forests to healthier conditions.

National Endowment for the Arts – Since its establishment by Congress in 1965, the National Endowment for the Arts (NEA) has provided strategic leadership and investment in the arts. Through partnerships with state arts agencies, local leaders, other federal agencies, and the philanthropic sector, the NEA supports arts learning, affirms and celebrates America's rich and diverse cultural heritage, and extends its work to promote equal access to the arts in every community across America. NEA provides not only critical funding and resources to the arts community but also significant investments in parks and community development through its Art Works and Our Town grants. According to analysis by Americans for the Arts, every $1 of NEA funding leverages $9 in private and public dollars and fuels a dynamic cultural economy and generates millions of American jobs. Should NEA and its funds be cut or eliminated, the impact will be devastating to the arts community and to local park departments and community development organizations. We strongly urge the inclusion of $155 million for the agency in FY 2018 in order to preserve access to the cultural, educational, and economic benefits of the arts.

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 2018 Interior, Environment and Related Agencies bill. Thank you for your help and support, and for your consideration of our requests.

Testimony of:
Mr. Brad Borst, President
The Wilderness Land Trust

THE WILDERNESS LAND TRUST
Keeping Wilderness Wild

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 23, 2017

Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee, my name is Brad Borst and I am the President of The Wilderness Land Trust, a small, focused national nonprofit that facilitates the transfer of lands owned by willing sellers to the United States to unify ownership within designated and proposed wilderness. This work secures already conserved lands, access to and through them and creates management efficiencies.

Thank you for the opportunity to submit testimony. My testimony focuses on a very small portion of the Land and Water Conservation Fund (LWCF): funding for the Inholding Acquisition Accounts in the four land management agencies.

Access and management efficiencies are vital goals for the investment of limited federal funds. Acquisitions made through the inholding accounts have demonstrated success over their 52-year history. Congress created these accounts when it created the National Wilderness Preservation System (NWPS) to complete and secure its commitment to that system. Continued modest funding—between $3 and $5 million—in each of the Inholding Accounts is vital to the success of securing and preserving Wilderness designated by Congress while fairly treating private landowners.

When the Trust began 25 years ago, there were approximately 400,000 acres of private land within designated wilderness in the lower 48 states. Today, nearly half of the inholdings have been acquired, with approximately 175,000 acres of private lands still remaining in more than 2,800 parcels in the lower 48 states. (In addition, there are 440,000 acres of state owned lands within designated wilderness. Alaska is home to 47% of the total nonfederal lands—predominately Native corporation lands stemming from ANCSA comprising 693,641 acres in 686 parcels.)

Large appropriations for the Inholding Accounts did not accomplish this success. Rather, it is reliable, modest funding so that lands can be purchased when landowners want to sell. This is the level of funding we urge continue.

Thank you for funding the Inholdings Accounts in Fiscal Year 2017 and I ask for your continued support in 2018. 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.

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. Examples of the

benefits resulting from the elimination of private inholdings within designated wilderness include:

- Creates recreational access and economic development opportunities;
- Saves Federal dollars by solving management problems and inefficiencies that frequently exceed the cost of acquisition;
- Helps private landowners

Creating recreational access and economic development opportunities

All agencies prioritize securing access when ranking acquisition projects. In determining where to place its efforts, The Trust follows a ranking system developed, in cooperation with the federal land management agencies and Colorado State University. *Prioritizing the Acquisition of Wilderness Inholdings* is a rational basis for acquisition now widely accepted and used across the country. Of the 17 separate factors in three clustered areas, the prioritization specifically calls out: enhancement of wilderness visitor experience such as obtaining legal public access or eliminating a safety hazard.

In just this past year, the Trust worked on a project that will create access to the only landlocked wilderness in the Wilderness Preservation System (NWPS), the Sabinoso Wilderness (NM), acquired lands in the Rocky Mountain National Park (CO) that will secure access to a prominent overlook in the Wild Basin portion of the Park (we hope this to be developed as accessible wilderness access) and secured recreational access in the Garcia and Elkhorn Ridge Wildernesses (CA). Several other projects are in the works, all of which are dependent on continued modest funding of the inholding accounts for success.

A review of the work completed by the Trust in the last five years and transferred to federal ownership shows that 60 percent of the projects created or secured public access to conserved wilderness land. Recent purchases funded from the Inholding Accounts have secured access to the east side of the Ventana Wilderness (CA), secured trails through the Wabayuma Peak Wilderness (AZ) and the Glacier Peak Wilderness (WA) and created access to a recently designated wilderness in Idaho. More are on the way.

Additionally, on the east side of the Castle Crags Wilderness (CA) is a wall of private land that blocks access from Interstate 5. The nearby communities of Dunsmuir and Mt. Shasta are wholly supportive of transferring these lands to Federal ownership and opening up the Crags to visitation. The towns anticipate visitors that will come to the community, and its climbing, biking and skiing shops it is hoped will grow. Dunsmuir has suffered under an unemployment rate of 18 percent and looks forward to having the recreational asset of the Crags' world class climbing just outside their community. Rather than a seven mile hike around the private lands that now block access, climbers will soon access the area only one mile off of Interstate 5.

Saving Federal dollars

A specific criterion within the above mentioned ranking system used by the Trust and its federal partners is: improvement of wilderness manageability by acquiring a parcel that substantially burdens land managers.

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 these 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 continued modest appropriations for the inholding acquisition program are important. About one third of all designated wilderness include remaining private lands. There is much work left to be done.

In the last five years, 100 percent of our completed projects included resolving one or more land management issues, ranging from the potential development of resources that would damage and are inconsistent with the surrounding wilderness, to long-standing conflicts and the potential rebuilding on isolated parcels already consumed by wildfire. For example, we just acquired the largest inholding in the Chuck River Wilderness (AK), a now defunct gold mine and source of repeated redevelopment speculation that was a consistent management issue for the Forest Service.

The costs associated with firefighting on public lands are significant. The Western Forestry Leadership Coalition, a State and Federal government partnership, published a report: *The True Cost of Wildfire in the Western US* in April 2009. Among the case studies reviewed, the lowest total firefighting cost per acre was the Canyon Fire Complex (MT) (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 (NM). 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 firefighting costs.

The Wilderness Land Trust may be the only landowner within designated wilderness that can say it has experienced both sides of firefighting costs. A property the Trust owned in the Yolla Bolly Wilderness (CA) burned while under our ownership. Significant resources were spent to protect the structures on it. On the other hand, because the Trust's Hells Canyon Wilderness property (ID) had transferred one week before a fire, firefighting efforts rightly concentrated at the edges of the wildland-urban interface.

Solves management and resource problems

The Inholding Accounts have been used to acquire defunct mines from private owners, private retreats, and various properties that include the spectrum of non–wilderness uses. We are currently ready 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 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.

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. Thus, wilderness areas now designated 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.

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. This is why consistent funding for the Inholding Accounts is vital. 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. Without consistent funding, numerous opportunities to acquire these private parcels will be lost. Not for a year, but often for a generation.

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.

Thank you for the opportunity to testify. We greatly appreciate your work, consideration and the support of the Subcommittee in securing these appropriations.

The Wilderness Society
Written Statement of Drew McConville
Senior Managing Director of Government Relations
U.S. Senate Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2018 Interior and Related Agencies Appropriations Bill

May 24, 2017

The Wilderness Society (TWS) represents more than 1 million members and supporters who share our mission to protect wilderness and inspire Americans to care for our wild places. 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 overseen by our land management agencies.

Additionally, we urge that in crafting the Interior and Environment Appropriation bill you avoid harmful policy riders that damage our land, air, water and wildlife. Must-pass appropriations legislation is not the appropriate venue for unpopular policy provisions which undermine bedrock environmental laws like the Wilderness Act, Antiquities Act and Land and Water Conservation Fund Act. In particular, we strongly oppose riders which would authorize a road through the Izembek Wilderness Area or prevent the Bureau of Land Management from implementing the collaboratively developed sage-grouse conservation strategy.

The laudable goal of returning to regular order on appropriations must not continue to be undermined by the attempted inclusion of harmful policy riders which would damage the environmental protections all Americans value. Their inclusion only serves to further compromise an already challenging appropriations process.

Prudent investments in critical conservation programs will provide jobs and protect the health and economic wellbeing of local communities. We urge bold action in support of conservation funding for Fiscal Year 2018. Specifically, TWS recommends:

RECREATION & PUBLIC LANDS

Land and Water Conservation Fund

Now in its second half-century, the Land and Water Conservation Fund (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, Bureau of Land Management (BLM) lands, and other federal areas. The companion LWCF state grants program provides crucial support for state and local parks, recreational facilities, and trails. 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.

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 authorized level of $900 million, with a discretionary funding level of $475 million.*

BLM National Landscape Conservation System

The National Landscape Conservation System (Conservation Lands), overseen by the BLM, comprises over 30 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 $83.122 million in FY18 funding for the National Conservation Lands.* This is a small increase, but a strong funding proposal for the Conservation Lands, and will help promote the natural, cultural, and historical resource protection provided by the Conservation Lands for the American public.

BLM Wilderness Management

We want to call specific attention to the Wilderness Management program, housed within BLM's National Landscape Conservation System. The Wilderness program plays a critical role in supporting the agency's multiple use and sustained yield mission, emphasizing continued collaboration, public involvement and youth engagement. As part of the Department of Interior (DOI) Engaging the Next Generation Initiative, the Wilderness Management program connects communities with their public lands, providing opportunities for outdoor recreation, scientific research, education, volunteer and full time employment.

- *TWS strongly supports restoring BLM Wilderness funding to the FY11 level of $19.663 million.* The enacted level for BLM wilderness management is a step in the right direction, but still 7% lower than the FY11 enacted level in raw dollars. To just keep the FY11 level on pace with inflation the FY18 request would need to be $21.036 million.

U.S. Forest Service Recreation, Heritage, and Wilderness

The Recreation, Heritage and Wilderness program provides critical funding to improve recreational access to our national forests, give training and employment opportunities for youth and veterans, modernize and improve the recreational permitting process, and protect our cultural heritage. We recommend that funding for the Recreation, Heritage and Wilderness program be restored to support much needed trails maintenance, update signage, fight invasive species, restore watersheds, and monitor effects of climate change, among other critical needs.

- *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 effects attributable to Forest Service programs (over 190,000 jobs and $11 billion in spending effects by visitors).

BLM Recreation Resources Management
The Recreation Resources Management program provides critical funding to improve recreation access for all visitors to BLM lands, engage youth, promote public health, protect visitor safety and strengthen rural economies. Investments in the Recreation program will support increased access for all types of recreation by maintaining trails and roads, increased access for hunters and anglers to world class fish and game habitat, and small businesses, guides and outfitters through processing commercial recreation permits.

- *TWS strongly supports funding the Recreation Resources Management program at $53.5 million in FY18.* This is a small increase over the currently enacted levels, and would support 3 additional FTEs to ensure efficient processing of recreations permits, oversight, and visitor safety.

U.S. Forest Service Legacy Roads and Trails
The Legacy Roads and Trails (LRT) program provides essential funding to improve recreational access, advance collaborative watershed restoration projects, provide clean drinking water, and protect aquatic species. 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 Collaborative Forest Landscape Restoration. 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:

- *Funding Legacy Roads and Trails at $50 million, distinct from IRR.* The highest appropriation for LRT was in 2010 at $90 million, and even then the need far surpassed the program's capacity. LRT provides tremendous returns, through leveraging other public and private funding, reducing future maintenance costs, and creating jobs and contributing to local economies.

ENERGY

Bureau of Land Management Oil and Gas Policy
TWS believes that our public lands should be treasured and maintained for the benefit of all Americans. As we continue to extract publicly owned resources – nearly 200 million acres of our public lands are currently available for leasing – BLM must do so with full funding for programs that support operational safety, inspections, and both environmental and fiscal stewardship. BLM funding should encourage balanced oil and gas development on public lands with natural resource benefits and recreation uses, and ensure that public resource are fully and fairly valued for the American people.

- *TWS strongly supports restoring the BLM funding level to $38,630 million, including increasing Oil and Gas Inspections to $48.4 million, and increasing Resource Management Planning to $48.1 million.*

Sage Grouse Conservation Plans
Ranchers and other Americans benefit from federal assistance in managing sagebrush across the western United States. Congress should fully fund the sage-grouse conservation strategy, which helped to prevent a listing under the Endangered Species Act. Full funding for implementation is

important for the recovery of this critical western game species and those who rely on its habitat for their livelihood.

- *TWS strongly supports a funding level of $89.7 million in FY18 to conserve and restore sage steppe habitat through the Bureau of Land Management.*

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 properly sited in areas that avoid habitat, resource, and cultural conflicts. Identifying and avoiding conflicts early helps ensure projects are permitted more efficiently with limited impact on wildlands. 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 identification of low-conflict designated leasing areas where wind and solar projects are likely to succeed – an approach which cut permitting times in half in the Dry Lake solar zone outside of Las Vegas.

- *TWS strongly supports increasing funding for renewable energy programs across the Department of Interior to $110.4 million in FY18.* This increase would enhance training opportunities for staff to fully implement the wind and solar leasing rule, mitigation strategies, the Western Solar Plan and the Desert Renewable Energy Conservation Plan. Implementation of these programs will facilitate efficient permitting for projects in designated leasing areas and identification of new designated leasing areas in regions with strong development demand. Finally, this funding should support the ongoing review of the West-Wide Energy Corridors to facilitate more efficient and appropriate siting and permitting for transmission lines to ensure greater access for clean energy development.

THE WILDLIFE SOCIETY

Leaders in Wildlife Science, Management and Conservation

Date: 24 May 2017

Submitted to: House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Submitted by: Bruce Thompson, PhD, CWB®
President, The Wildlife Society
425 Barlow Place, Suite 200, Bethesda, MD 20814

Re: FY 2018 Appropriations for FWS, BLM, USGS, and USFS

POC: Keith Norris, AWB®, keith.norris@wildlife.org
Director of Government Affairs and Partnerships, The Wildlife Society

The Wildlife Society (TWS) appreciates the opportunity to provide testimony concerning the FY 2018 budgets for the **U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), U.S. Geological Survey (USGS), and U.S. Forest Service (USFS)**. Founded in 1937, TWS inspires, empowers, and enables wildlife professionals to sustain wildlife populations and their habitat through science-based management and conservation. Appropriations for the following programs within the jurisdiction of the Subcommittee on Interior, Environment, and Related Agencies will affect the current and future status of wildlife and wildlife professionals in North America. To empower and enable the appropriate use of science within these programs and beyond, TWS respectfully requests the following programmatic funding in FY 2018.

FY 2018 Interior Appropriation Requests — The Wildlife Society			
Agency	Program	FY 2017 Enacted	**FY 2018 TWS**
FWS	State &Tribal Wildlife Grants	63M	**70M**
	National Wildlife Refuge System	484M	**586M**
	Ecological Services	240M	**253M**
	NAWCA	38M	**38M**
	NMBCA	4M	**6.5M**
	Partners for Fish and Wildlife	52M	**54M**
	Migratory Bird Management	48M	**50M**
	Migratory Bird Joint Ventures	13M	**19M**
BLM	Wildlife & Fisheries Management	103M	**121M**
	T&E Species Management	22M	**48M**
	Wild Horse & Burro Management	81M	**81M***
USGS	Ecosystems Mission Area	160M	**174M**
	Cooperative Research Units	17M	**22M**
USFS	Wildlife and Fisheries Habitat	140M	**140M**
	Forest and Rangelands Research	289M	**303M**

*BLM Wild Horse & Burro Management funding request accompanies request to remove an associated policy rider

NOTE: In addition to these FY 2018 requests, TWS urges Congress to ensure the independent science-advising role of federal advisory committees is protected during the Administration's recent actions to suspend and review these bodies.

U.S. Fish and Wildlife Service

The **State and Tribal Wildlife Grants Program (STWG)** is the nation's *only* program that directly supports development and implementation of State Wildlife Action Plans (SWAPs), thereby assisting states in preventing classification of more wildlife as threatened or endangered. Collectively, STWG funds support strong partnerships between federal, state, tribal, private, and nonprofit entities that enable wildlife professionals to implement on-the-ground conservation activities that benefit over 12,000 at-risk species. Between FY 2002 and FY 2010, appropriations for STWG were greater than $70 million per year. Subsequent budget reductions in STWG, however, have not allowed this highly successful program to make adequate progress. **TWS requests Congress empower the front lines of conservation with at least $70 million for STWG.**

As a member of the *Cooperative Alliance for Refuge Enhancement (CARE)*, **TWS requests at least $586 million for the National Wildlife Refuge System's operations and maintenance accounts in FY 2018.** CARE estimates that the Refuge System needs at least $900 million in annual operations and maintenance funding to properly administer its 566 refuge units, 38 wetland management districts, and 5 marine national monuments spanning over 850 million acres of land and water. Without adequate funding, habitat restoration is limited, invasive species are left unchecked, poaching and other illegal activities occur, and our nation's wildlife heritage declines. Furthermore, the Refuge System generates approximately $4.87 in economic activity for every $1 appropriated by Congress. By providing $586 million in FY 2018, Congress will bring us much closer to achieving the necessary $900 million by FY 2021.

The **North American Wetlands Conservation Act** is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in maintaining and restoring wetlands, waterfowl, and other migratory bird populations. This program, however, has remained drastically underfunded despite its demonstrated effectiveness. **We greatly appreciate the $3 million increase in FY 2017 and ask that Congress again provide at least $38 million for NAWCA in FY 2018.**

Since 2002, the **Neotropical Migratory Bird Conservation Act (NMBCA)** has provided more than $58.5 million in grants to support 510 projects in 36 countries that enable wildlife professionals to conserve 386 bird species on 4.2 million acres of habitats in the United States, Mexico, Central America, South America, and the Caribbean. Moreover, NMBCA has achieved a partner match ratio of nearly 4:1 despite requiring only a 3:1 match. **TWS recommends Congress increase funding to at least $6.5 million in FY 2018 to achieve greater conservation results under the program.**

Through the **Ecological Services Program**, FWS works with diverse public and private partners to help identify species facing extinction and reduce threats to their populations so that the requirement of federal protection can be removed. Wildlife professionals in FWS are working on new strategies to increase the efficiency and effectiveness of the Ecological Services Program and reduce regulatory burdens on private partners. To support these actions—and the increased emphasis on consultation and recovery—we recommend Congress **provide at least $106 million for Planning and Consultation, $35 million for Conservation and Restoration, $23 million for Listing, and $89 million for Recovery in FY 2018.**

TWS regularly expresses the importance of wildlife habitat on a mosaic of public and private lands. The **Partners for Fish and Wildlife Program (PFW)** allows voluntary habitat restoration goals on private lands to be achieved through cost-efficient financial and technical assistance from wildlife professionals in FWS. For the role this program plays in improving private lands wildlife stewardship while working to preempt ESA listings through projects like the Monarch Butterfly Conservation Initiative, **TWS requests at least $54 million for PFW in FY 2018.**

The **Migratory Bird Joint Ventures**, part of **FWS' Migratory Bird Management** program, are locally-directed partnerships that develop and implement science-based habitat conservation strategies for all species of birds across North America. These partnerships have leveraged federal funds at 32:1 to enhance and protect over 26 million acres of habitats. **TWS supports $50 million for Migratory Bird Management**, including **$19 million for Joint Ventures.**

Bureau of Land Management

The **Wildlife and Fisheries Management (WFM)** program maintains and restores fish, wildlife, and their habitats across a large portion of America's western landscapes. This includes projects to mitigate the effects of public land use on wildlife species and their habitat. With the anticipated expansion of energy development on BLM lands—and the associated mitigation challenges—**we recommend that Congress support WFM professionals with at least $121 million in FY 2018.** We also appreciate the increase of $9 million in directed funds for greater sage-grouse conservation in FY 2017 and request continuation of this funding in FY 2018.

The **Threatened and Endangered Species Management Program (TESM)** allows wildlife professionals at BLM to meet the agency's responsibilities in recovering the over 420 ESA listed species that occur on BLM managed lands. In a March 2001 Report to Congress, BLM called for a doubling of the TESM budget to $48 million over 5 years to meet the needs of the program. Now, over fifteen years later, this goal has yet to be met. In light of this, **we strongly encourage Congress to increase overall funding for TESM to $48 million in FY 2018.**

TWS, co-chair of the *National Horse and Burro Rangeland Management Coalition*, recognizes horses and burros in the U.S. as ecologically invasive, feral species. Horse and burro populations on the range reached >72,000 individuals in March 2017, exceeding BLM's estimated threshold for ecological sustainability by >45,000 animals. In FY 2018 the on-range population is expected to grow beyond 85,000 animals. To achieve ecologically sustainable levels of horses and burros on BLM rangelands without substantial budget increases **the current appropriations language limiting the sale and/or destruction of unwanted or unadoptable wild horses and burros must be removed from the Interior Appropriations bill**. We support the President's FY 2018 Request to remove this language as a way to increase program flexibility and enable effective implementation of the Wild Free-Roaming Horses and Burros Act, as amended. Until Congress enables BLM to responsibly manage wild horses and burros by removing this text from the appropriations bill, federal funds will continue to be wasted warehousing nearly 50,000 animals, rather than spent on productive rangeland management activities. **Congress must enable effective management of wild horses and burros and our nation's rangelands by empowering BLM to remove excess horses and burros from the range at a meaningful rate and focus resources on rangeland habitat restoration.** Removal of this appropriations rider, as requested by the Administration, will allow this program's budget to eventually be reduced, and put federal funds toward more effective rangeland and wildlife management activities. **TWS**

recommends a flat budget of $81 million for Wild Horse and Burro Management and the removal of the appropriations language. We also request Congress direct BLM to increase gather and removal of animals from the range to meet ecologically sustainable populations.

U.S. Geological Survey

As a member of the *USGS Coalition*, TWS supports the critical and unique mission of USGS to provide the country with objective scientific research and data collection on the complex environmental issues facing our nation. TWS specifically requests **at least $174 million for the Ecosystems Mission Area**, which contains programmatic resources for fisheries, wildlife, environments, invasive species, and **Cooperative Research Units (CRU).**

Within the Ecosystems Mission Area, **we support at least $22 million for the CRU program.** CRUs foster federal, state, non-governmental organizations, and academic partnerships to provide actionable science tailored to the needs of wildlife managers on the front lines, and helps develop the next generation of wildlife professionals. These partnerships leverage more than three dollars in outside funds for every federal dollar invested into the program. An increase in funding would allow CRUs to continue to leverage outside sources and fill critical vacancies within their program to serve state cooperator interests across the U.S.

Climate Sciences Centers (CSC), a DOI program administered by the Climate and Land Use Change Mission Area, work with cooperators throughout their 8 regions to provide actionable climate science research. Following a similar model as CRUs, CSCs carry out dual roles by providing usable climate science research while also training the next generation of natural sciences professionals at host universities. These university partnerships have provided more than $8.2 million in leveraged funds to CSCs since the program's inception seven years ago.

U.S. Forest Service

The traditional ten-year moving average for forecasting fire suppression costs for the upcoming fiscal year have not met USFS suppression needs since FY 2002. This results in funding transfers and shortfalls that negatively affect the ability of staff at USFS to implement proactive forest research and management projects. DOI and USFS need a long-term fire funding solution that will result in stable and predictable budgets. As a result, **TWS supports bipartisan congressional efforts to address federal fire funding challenges, minimize fund transfers, and address the continued erosion of agency budgets over time, with the goal of reinvesting in key programs that will restore forests to healthier more resilient conditions.**

Improving the future health and sustainability of the nation's forests and grasslands requires a strong investment in USFS Research and Development (R&D). Through long-term monitoring and collaborative research efforts with States and other partners, USFS R&D generates broad environmental and societal benefits, including an understanding of wildlife-habitat relationships for multiple species and communities that enables informed land management decisions. **TWS encourages Congress to increase funding for *all* Forest Service R&D to a minimum of $303 million in FY 2018, including at least $220 million directed to Forest and Rangeland Research program areas exclusive of Forest Inventory and Analysis.** Furthermore, TWS appreciates the $140 million Congress provided for the applied Wildlife and Fisheries Habitat Management program in FY 2017 and we encourage Congress to continue—and consider increasing—this funding in FY 2018.

Written Statement of
Theatre Communications Group
Submitted May 24, 2017
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations I United States House of Representatives
The Importance of Federal Funding for the National Endowment for the Arts (NEA)

Laurie Baskin
Director of Research, Policy & Collective Action
Theatre Communications Group
520 Eighth Avenue, 24th Floor
New York, NY 10018
(212) 609-5900 ext. 228, lbaskin@tcg.org, www.tcg.org

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 521 not-for-profit member theatres across the country and the nearly 30 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 FY18.**

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 $22.3 billion in government revenue. 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 nine dollars in matching funds for each federal dollar awarded, and is clearly an investment in the economic health of America. In an 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, is vital to supporting the economic health of our nation.

Our country's not-for-profit 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. Our 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. 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.

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T 212 609 5900 F 212 609 5901 www.tcg.org

Here are some recent examples of NEA grants and their community impact:

The NEA has awarded a $15,000 grant to **Touchstone Theatre** in Bethlehem, PA to support its Young Playwrights' Lab, bringing an eight-week playwriting residency to students in 3rd–12th grade. Through this grant, Touchstone partnered with 10 public schools in Allentown, Bethlehem, and Easton to offer an afterschool residency, reaching approximately 150 students. Twice a week for eight weeks during 90-minute sessions, two professional teaching artists guide students through theatre, journaling exercises, and workshops. Students learn to create dialogue, refine plot, and enhance their editing ability. The supportive workshop environment helps students improve communication and literacy skills, build self-esteem, and develop creative voices. At the end of the Lab, a handful of student-written plays are selected and professionally produced in the annual Young Playwrights' Festival. All Young Playwrights' Lab student participants receive complimentary tickets to attend the Young Playwrights' Festival.

The **Coterie Theatre** in Kansas City, MO received a $10,000 Art Works grant to support the development and production of *Imaginary Friends* by Laurie Brooks. The theatre commissioned Brooks to write a play for teens and families that is adapted from a short story by her brother, award-winning fantasy author Terry Brooks. The story centers on a young teen with a serious illness who must face a demon alone. In the play, playwright Brooks will further develop these themes and add a new work of fantasy to the canon of dramatic literature aimed at teens and pre-teens. *Imaginary Friends* will open on January 26, 2018 for 28 performances and is expected to reach over 5,800 students and educators as well as families and individuals. The Coterie has an established, diverse audience drawn from all demographic areas in a city that sits on the state line between Missouri and Kansas, with 50% of its audiences drawn from each side. As the theatre is centrally located, the play will reach urban, suburban, and rural communities alike. Approximately 200 in-school residencies will occur to prepare students for the play's topics. Interactive forums after each performance will further explore the play's themes

With a $10,000 Art Works grant from the NEA, **Idaho Shakespeare Festival** was able to grow its Access Program and open the door to enjoy the professional theatre arts for over 30,000 people ages 5 to 100, many of whom would otherwise not have been able to attend. The program includes a tour—with over 100 performances for elementary students across the state of Idaho—that features an engaging new script, full set, costumes, and sound. Additionally, the program creates access for students of all ages, the deaf and hard-of-hearing, elderly on fixed income, at-risk youth, refugees, wounded veterans (as well as their families), and volunteer service providers to attend the Festival's mainstage season. By integrating those with special needs into its audience, Idaho Shakespeare Festival's Access Program has significantly broadened the demographic makeup and interest of those able to experience performances.

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Perseverance Theatre, which produces theatre by and for the people of Alaska, received a $10,000 Art Works grant from the NEA for the world premiere of *They Don't Talk Back*, by Frank Katasse of the Alaskan Tlingit tribe, directed by Randy Reinholz of the Choctaw tribe. The NEA's funding helps local communities across Alaska connect with their past and with one another. The play explores issues of family, coming of age, and honoring one's culture in the face of change as a young Tlingit man from Juneau returns to his family's village. Contemporary characters are paired with traditional Tlingit music and storytelling. The themes of the play are lifelong love, the impact of military service on veterans and their families, and the challenges of keeping family ties strong in the modern world. *They Don't Talk Back* will have 19 performances in Juneau and will have 9 more in Anchorage, reaching approximately 5,000 audience members across Alaska. Outreach activities will include four pay-what-you-can performances; a performance in honor of Alaska Legislative Appreciation Night; and discounted tickets for seniors, students, and military personnel.

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 60% of the applications it receives, so 40% of applying theatres are turned away—in part because available funds are insufficient. Theatre Communications Group urges you to support a funding level of $155 million for FY18 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 economic vitality. It is supported by a remarkable combination of government, business, foundation, and individual donors and represents 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 is currently funded at $150 million in the FY17 budget, and despite the President's proposal for a mid-year cut, the subcommittee and Congress approved a $2 million increase. We thank the subcommittee for its leadership in supporting the work of the NEA. Please stand firm against the President's proposal to eliminate the NEA. 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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520 Eighth Avenue 24th Floor New York NY 10018-4156
T 212 609 5900 F 212 609 5901 www.tcg.org

May 10, 2017

The Honorable Ken Calvert, Chairman
House Interior Appropriations Subcommittee
2007 Rayburn House Office Building
Washington, DC 20515

The Honorable Betty McCollum, Ranking Member
House Interior Appropriations Subcommittee
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

On behalf of the Theodore Roosevelt Conservation Partnership, an organization that unites and amplifies the voices of American sportsmen and women through federal policy and funding solutions, I am writing in support of stable funding levels for several key programs within the fiscal year 2018 Interior, Environment, and Related Agencies Appropriations bill. Thank you for your work to ensure strong funding levels for these programs in the FY2017 Omnibus Appropriations Act. Programs within your subcommittee directly support our nation's recreational fishing and hunting and outdoor recreation economies with millions of Americans annually generating $887 billion in economic revenue through these activities.

As we enter the FY2018 budget cycle and another year of a challenging fiscal environment, TRCP continues to recognize the need for fiscal austerity, while encouraging this subcommittee to invest in the natural resource programs within the U.S. Department of Interior and its agencies, the U.S. Forest Service and the Environmental Protection Agency (EPA) that sustain fish and wildlife habitat and drive hunting and fishing opportunities, sportsmen's access, and economic improvements to rural America. TRCP wishes to work with you and the authorizing committees on identifying stable funding solutions for resource management planning on public lands; sage grouse conservation efforts; fish and wildlife habitat management; wildfire funding needs; maintenance of roads and trails; and on-the-ground Chesapeake Bay and Great Lakes restoration efforts. The subcommittee's strong annual funding for these programs represents a prudent investment in our country's future and enhances the public's access to healthy fish and wildlife habitat, as well as boosting recreational hunting and fishing opportunities.

BLM Resource Protection and Maintenance: Resource Management Planning, Assessment & Monitoring.
TRCP supports an increased level of funding for the BLM Resource Management Planning, Assessment & Monitoring subactivity within the BLM Resource Protection and Maintenance account. This subactivity includes funding for BLM's high priority planning efforts including the initiation of new resource management plans, plan evaluations and implementation strategies. Ensuring BLM has the resources necessary to integrate the most recent state and federal fish and wildlife data; current trends in hunting, fishing and other outdoor recreation and land use activities; and ongoing energy development within the planning process is paramount for ensuring the agency is achieving desired conditions across the more than 247 million acres of BLM-managed public lands. TRCP support the BLM Land Use Planning function and its focus on collaboration with local communities and State and tribal governments, as well as on science-based analysis.

BLM Wildlife and Fish Habitat Management.
TRCP supports strong funding levels for the BLM Wildlife and Fish Habitat Management account and the agency's work through this account to support the maintenance, restoration, and enhancement of fish,

wildlife and their habitats on public lands throughout the BLM system. Important BLM activities such as conducting inventories of fish and wildlife resources and developing cooperative management plans while providing for responsible recreation and commercial uses are critically important for BLM's ongoing work with state fish and wildlife agencies and local communities across the West.

Greater Sage-Grouse Conservation. TRCP supports the FY2017 enacted funding levels of $69 million for the BLM's focus on sage-grouse conservation. Greater sage-grouse habitat has experienced a precipitous decline across the West, and ongoing collaboration across public and private lands is needed to ensure this species remains off the Endangered Species list. These efforts also benefit other game species such as mule deer and support recreational hunting and associated rural jobs across much of the West. Sportsmen and women are at the frontlines of this joint effort and have contributed over $130 million to sage-grouse management and conservation since 2000. The TRCP thanks this subcommittee for your work to oppose new sage-grouse language in the final FY2017 Omnibus Appropriations Act. In addition to continued support for BLM sage-grouse funding, we continue to encourage this subcommittee to oppose efforts to attach sage-grouse rider language during the FY2018 appropriations process.

North American Wetlands Conservation Act. TRCP supports the FY2018 *Dear Colleague* letter that was circulated by Representatives Young, Thompson, LaMalfa, and Lowenthal to the full House Appropriations Committee on March 22. The letter encourages appropriators to fund NAWCA at strong levels, with grants totaling more than $1.48 billion and leveraging $4.34 billion in contributions from nonfederal partners to restore migratory birds and other wildlife habitat within the FWS allocated spending.

National Fish Habitat Action Plan & Partnerships. This account within the FWS funds the National Fish Habitat Partnership, a coalition of outdoor, hunting, angling, industry, and other conservation organizations, that work together to address the loss and degradation of fish habitat in critical waterways throughout America. TRCP supports this plan and requests $7.3 million to further the water restoration efforts in our country.

National Wildlife Refuge System. The Cooperative Alliance for Refuge Enhancement (CARE) Coalition is a partnership of diverse conservation groups that wish to see the National Wildlife Refuge System's Operations and Maintenance funding supported at a strong level. CARE requests, and TRCP supports, $900 million annually for the FWS's Refuge System by FY2021, with $586 million allocated for FY2018.

Land and Water Conservation Fund. TRCP strongly supports robust funding for the Land and Water Conservation Fund (LWCF). LWCF supports local rural communities by providing funds to conserve quality fish and wildlife habitat. Thank you for this subcommittee's ongoing support for this program as well as its recreational and sportsmen's access components.

Wildfire suppression. We support the subcommittee's continued efforts to address the growing wildfire suppression funding issue and seek a comprehensive solution to fix this issue. The subcommittee needs to solve the borrowing issue and the erosion of the Forest Service's budget due to increasing wildfire suppression costs. TRCP is a member of the Partner Caucus on Fire Suppression Funding Solution and supports the FY2018 recommendations of this caucus.

USFS Roads and Trails. According to the US Government Accountability Office, "the Forest Service estimated the value of its trail maintenance backlog to be $314 million in FY2012, with an additional $210

million for annual maintenance, capital improvement, and operations." The Forest Service road maintenance backlog measures in the billions. Millions of American sportsmen and women depend on roads and trails to gain access to hunting and fishing on public lands. When they fall into disrepair, public access can become blocked or difficult. Addressing the U.S. Forest Service's maintenance backlog account is an important issue the TRCP would like to address. We ask the subcommittee to provide stable funding for the maintenance of trails and roads on National Forest System lands.

EPA Geographic Programs. TRCP strongly supports restoration of funding for the EPA Geographic Programs in FY2018 including for the Great Lakes and Chesapeake Bay programs, both of which were zeroed out in the President's FY2018 Budget proposal. The EPA Geographic Programs provide necessary federal investments, leveraged several-fold by state and local dollars, to improve the quality of water and wetlands habitat for fish and wildlife, such as menhaden, Canadian geese, and other game species, of great import to the sportsmen's community, among other purposes.

Clean Water State Revolving Fund (CWSRF). TRCP supports increasing funding from the FY2017 enacted amount for the CWSRF. The program provides an important partnership between the federal government and states that allows states to address their highest priority needs. We support the program's efforts to fund green infrastructure and water quality improvement projects as well as its work to protect estuaries. CWSRF projects are key to ensuring fish and wildlife habitats are maintained.

Wetlands Program Development Grants. TRCP supports appropriating level funding from the FY2017 enacted amount for the Wetlands Program Development Grants. These grants allow state, tribal, and local government agencies to protect, manage, and restore wetlands, and they are an important component of any infrastructure investment. This voluntary program is crucial for restoration of a former or degraded wetland's restoration to their former states. In Colorado alone, these funds have helped to restore hundreds of thousands of acres of wildlife habitat and over 200 miles of streams.

Nonpoint Source (Section 319) Grants. We support appropriating level funding from the FY2017 enacted budget for the Section 319 Grant program. Today, more streams are impaired due to nonpoint sources of pollution than by point sources, which makes the Nonpoint Source Grant program more important than ever. These funds are important for helping states to take watershed-based approaches to the restoration of waters harmed by nonpoint source pollution. Nonpoint Source Program Grants have been used partially or fully to restore 674 waterbodies, including the Corsica River Tributaries, which significantly decreased nutrient discharges into the Chesapeake Bay, and the Lower Rio Blanco, which provided year-long trout habitat.

National Estuary Program and Coastal Waterways. The National Estuary Program works to protect 28 key estuaries around the United States, including the Puget Sound, an important area to anglers that is home to cutthroat trout and salmon. This program works with state and local agencies as well as local nonprofits to create Comprehensive Conservation Management Plans that protect and improve the water quality and ecological integrity of each estuary. TRCP supports robust funding for this program. Without these funds, the progress made to rehabilitate these estuaries will be lost.

Water Quality Research and Support Grants. As water supplies become more stressed due to increased demand on a limited supply, it is key to have the science and tools available to develop sustainable solutions to water management issues. The EPA's Water Quality Research and Support Grants help ensure water quality and availability for people and fish and wildlife habitat. The Chesapeake Bay, in particular, has

benefited greatly from this program since two ongoing studies are working to decrease pollution that comes into the Bay. Ending this grant program would have long-term negative consequences for fish and wildlife that depend on the Chesapeake Bay. TRCP asks the committee to fully fund this program.

Across the country, federal funding for conservation has continued to dwindle. While we understand the need to be responsible with taxpayer dollars, we believe that conservation programs are key economic drivers, providing large returns on investment. Their economic benefits are especially valuable to rural communities in America. Therefore, we ask you to support strong annual funding for our nation's public lands and waters to support healthy communities and the vitality of our fish and wildlife. Thank you for your consideration to the Theodore Roosevelt Conservation Partnership's recommendations for the FY2018 Interior, Environment, and Related Agencies Appropriations bill.

Sincerely,

Whit Fosburgh
President & CEO
Theodore Roosevelt Conservation Partnership

U.S. Commissioners
Phil Anderson
McCoy Oatman
Charles Swanton
Donna Darm

UNITED STATES SECTION
of the
PACIFIC SALMON COMMISSION

Office of the
U.S. Section Coordinator
7600 Sand Point Way N.E.
Building 1, F/NWR2
Seattle, WA 98115
Phone: 206-526-6155
526-6156
526-4140
Fax: 206-526-6534

Statement Submitted by
W. Ron Allen
U.S. Section of the PACIFIC SALMON COMMISSION
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
On the FY 2018 Budgets for the
Bureau of Indian Affairs and the U.S. Fish and Wildlife Service

May 16, 2017

Mr. Chairman, and Honorable Members of the Committee, I am Ron Allen, the Alternate Tribal Commissioner and Chair of the Finance and Administration Committee 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 $470,000 over FY 2016 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 $372,362 for FY 2016. 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 $236,189 for FY 2016. The total for the two programs is $608,551. This represents a decrease from FY 2010 levels, which were $417,673 for USFWS and $315,000 for PSMFC, for a grand total of $732,673. The US Section recommends increasing the FY 2018 funding for these programs by $50,000, which partially restores both programs to previous funding levels.

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 can 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' participating in 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 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 thirty 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. The agreements in the current Annex

Chapters for management of chinook, coho, chum, and transboundary populations expire at the end of 2018. The Annex Chapter for management of Fraser River sockeye and pink chapter expires at the end of 2019. The U.S. and Canada are negotiating 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 continued 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.

UC RIVERSIDE UNIVERSITY OF CALIFORNIA

Official Written Testimony in Support of the Department of the Interior, Environmental Protection Agency, and National Endowment for the Humanities Fiscal Year 2018 Budget
Submitted to the Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, D.C.

Submitted by

Milagros Peña, PhD, Dean of the College of Humanities, Arts, and Social Sciences
University of California, Riverside

May 24, 2017

The University of California, Riverside (UCR) is one of 10 universities within the prestigious University of California system, and the only UC located in the Inland Empire. Widely recognized as one of the most ethnically and economically diverse research universities in the nation, UCR currently hosts nearly 23,000 students and 900 instructional faculty. UCR is working hand-in-hand with local, state, and federal entities to achieve regional and national goals related to natural resources, the environment, Native American tribes, and the ways in which these issues intersect with the humanities.

UCR supports $155 million for the National Endowment for the Humanities (NEH) in the FY 2018 appropriations process. Since 2009, UCR has received 18 NEH awards totaling nearly $1 million to support the Inland Empire's cultural resources and heritage.

For example, Cliff Trafzer, Distinguished Professor and Costo Chair in Native American Studies, received $50,400 to work with local Native American tribes in Riverside County to document both indigenous and western medicine in Southern California Indians during the first half of the 20th century. To accomplish this, Dr. Trafzer not only has established trusting relationships with local tribes, but he also has leveraged his NEH-funded work to receive additional awards through the National Institutes of Health National Library of Medicine and Riverside-San Bernardino County Indian Health, Inc.

Similarly, NEH awarded $100,000 to Juliet McMullin, Associate Professor of Social Medicine and Population Health Program, to establish a health humanities program to complement the training of health professionals at UCR's new School of Medicine. The program improves 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, especially throughout minority communities. This focus will allow doctors and patients to better understand one another. Dr. McMullin has leveraged these NEH funds to receive other federal grants, most recently from the Patient-Centered Outcomes Research Institute at the Department of Health and Human Services to work with Native American patients in order to increase the capacity of community partners to

collaborate in research. Efforts are already being directed at sharing and understanding concerns around health inequalities, chronic illnesses, and the role of intergenerational care in the Native American community. Community partners and UCR faculty and students will partner in doing community-engaged research.

As is evidenced by the two examples above, NEH plays a critical role in sustaining humanities-related work that positively impacts the Inland Empire region. UC Riverside thanks the Subcommittee for this opportunity to submit outside witness testimony. For more information about UC Riverside, please visit www.ucr.edu.

Milagros Peña, PhD
Dean, College of Humanities, Arts, and Social Sciences
UC Riverside

UC RIVERSIDE UNIVERSITY OF CALIFORNIA

May 24, 2017

Matt Reeck
PhD candidate
Department of Comparative Literature
University of California-Los Angeles

Dear House Appropriations Committee,

I am writing to you today to ask you to continue to support the NEA. Along with the NEH, the total amount of discretionary spending would amount to $300 million of the $1.1 trillion documented in the proposed 2018 budget.

I would like to tell you how important translation and art remain for us today, and to share how important the NEA has been for me personally.

I won the award to translate an Urdu novel by the Indian writer Paigham Afaqui. The award allowed me the degree of financial security needed to dedicate the large amounts of time needed for this work. Translation as a whole is an essential part of understanding other cultures, and while the United States dedicates just a fraction (3%) of its total number of published books to translation, it is inconceivable to imagine growing up in an America without translation.

If we think about the significant books that shaped our lives, and that shape the lives of hundreds of millions of fellow Americans, books translated into English will be at the top of the list. The New York Times bestseller list routinely has foreign works translated into English. Even The Bible is available to us only through translation. More broadly, translation is part of the vital creative history of human societies. This is made clear by the fact that when we travel abroad, we visit cultural places and we are interested in learning about the cultural histories that the creative arts produce.

Translation is vital to us. Without it, we would not know the world as well as we do. Translation of creative works allows us to see past stereotypes that our ignorance creates. With translation of creative works, we appreciate the human dimensions of life that are shared across all geographic, linguistic, religious, or political divides. Translation represents one of the best ways to bridge the divides that continually risk separating humans. Translation effects considerable positive change in a world that needs more understanding, compassion, and sympathy.

The NEA's historical role in supporting translation and the creative arts is a proud part of our American legacy. It recognizes that valuable human labor comes in many forms: not just in the corporate boardroom, in the factory, and in the fields, but translation and the creative

arts are legitimate and important forms of intellectual and imaginative labor. People all over the world look up to America because of its creativity and intellectual vigor. Clearly the NEA plays a large role in supporting the arts and intellectual life that has historically marked America as being in a class apart and ahead of other nations.

Personally, the grant I received has been a significant part of my life. My career as a translator was strengthened by the prestige that the award conferred upon me. Respected and dedicated men and women from across America choose the award's winners, and the award means instant recognition. It is a major award, and a major part of the professional pedigree that is essential for translators and creative artists. To take it away would mean decimating an important, historical profession.

I am proud to be American. I am proud of our history of creativity in thinking and the arts. I am proud of our openness toward other societies and their ways of thinking and self-expression. The NEA safeguards these values as much as any organization I can think of.

Please maintain funding for the NEA, a vital part of our American dream.

Sincerely yours,

Matt Reeck
matt.reeck@gmail.com
(718) 344-3092

USGS COALITION

Testimony of the USGS Coalition
Elizabeth Duffy, Co-Chair
Julie Palakovich Carr, Co-Chair
Regarding the U.S. Geological Survey FY 2018 Budget

To the
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 24, 2017

The USGS Coalition appreciates the opportunity to provide testimony about fiscal year (FY) 2018 appropriations for the United States Geological Survey (USGS). **The USGS Coalition requests Congress to fund the USGS at $1.2 billion in FY 2018.** The requested funding would allow the agency to sustain current efforts in scientific discovery and innovation and to make strategic investments that will produce the impartial knowledge and decision support tools needed by decision-makers across the country.

Few modern problems can be addressed by a single scientific discipline. The USGS is uniquely positioned to provide information and inform responses to many of the nation's greatest challenges. The USGS is an agency that has a distinctive 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 more than 75 organizations united by a commitment to the continued vitality of the United States Geological Survey to provide critical data and services. Coalition members include scientific organizations, universities, businesses, and natural resource managers.

Essential Services for the Nation

The USGS plays a unique role within the Department of the Interior, conducting research across a broad array of scientific disciplines and providing data that informs responses to many of the nation's greatest challenges. To highlight just a few examples, USGS scientists:

- Reduce risks from **natural hazards** – including earthquakes, landslides, volcanic eruptions, flooding, drought, and wildfires – that jeopardize human lives and result in billions of dollars in damages annually.

- Inform management of **freshwater resources** – both above and below the land surface – for drinking water, agriculture, and commercial, industrial, recreational, and ecological purposes.
- Inform sound management of **natural resources** on federal and state lands, including control of invasive species and wildlife diseases that cause billions of dollars in economic losses. This information is shared with other Interior bureaus and state agencies to allow for adequate monitoring and management.
- Help predict the impacts of **land use** and climatic conditions on the availability of water resources and the frequency of **wildfires**. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, which informs **agriculture production** and our nation's response to and mitigation of natural hazards.
- Provide vital **geospatial and geologic mapping data** used in economic development, environmental management, infrastructure projects, and scientific applications by states, federal agencies, and the private sector.
- Help make decisions about the nation's energy future by assessing **mineral and energy resources** – including rare earth elements, coal, oil, unconventional natural gas, and geothermal. The USGS is the sole federal source of information on mineral potential, production, and consumption.

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.

The USGS Coalition opposes the proposed cuts outlined in the FY 2018 President's budget request of 15 percent for the USGS.

The proposed funding level for USGS is very troubling, as the agency has made numerous economies in recent years. Any cuts in FY 2018 or beyond would come at the expense of scientific programs. As a science agency, much of the USGS budget is dedicated to staff as well as equipment and facilities 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 they can, and has been for a number of years, to contain costs while continuing to deliver high quality science.

One strength of the USGS has been its partnerships with many other federal agencies, states, local governments, and private entities. These relationships, however, should not be mistaken as a means to transfer federal activities to other entities. The work of the USGS is uniquely tied to the agency, as shown in the following examples.

- A potash mineral deposit worth $65 billion was identified in Michigan as a result of the National Geological and Geophysical Data Preservation Program. The initiative catalogs and archives geological samples acquired during oil, gas, and mineral exploration. The program is run by the USGS and helps states to preserve and inventory their geological samples and data. The rock samples from Michigan were entered into a national

database, where mining companies discovered their existence and are now assessing the potential for mining potash in Michigan. Without USGS funding, these mineral samples and their potential for new revenue and jobs would likely not have been discovered.

- A major geomagnetic storm has the potential to cause a continent-wide loss of electricity and substantial damage to power-grid infrastructure. Although these events are rare, they do occur, such as the 1989 geomagnetic storm that disrupted power to the entire Canadian province of Québec. The USGS monitors Earth's magnetic field at 14 ground stations across the U.S. This information is critical for utility companies, who use the resulting geoelectric hazard maps to assess the vulnerability of their systems and to mitigate the predicted damages, thereby preventing costly power outages.
- Nearly half of America's drinking water comes from underground aquifers. The large size of some aquifers, which can span the boundaries of multiple states, puts them beyond the scope of local water authorities. The USGS is evaluating water quality in 20 principal aquifers as part of the National Water-Quality Assessment Project. The program is testing for contaminants, such as pesticides, pharmaceuticals, and other pollutants that threaten human health.
- Precise elevation data is needed for a variety of applications, including farming, infrastructure construction, flood mitigation, and aviation safety. The U.S., however, does not yet have national coverage of high-quality topographic data. Given its expertise in mapping, the USGS is the lead entity for the 3D Elevation Program, which will acquire precise national elevation data coverage within eight years. The program is estimated to provide benefits worth $1.1 billion a year to government and private entities.
- Recent research by the USGS identified the potential for avian flu to move between Europe and North America when migratory birds congregate in Iceland during their migration. Wildlife diseases threaten not only the ecosystem and economic values of wild animals, but can also jeopardize human health. The USGS has unique technical expertise for surveillance and diagnosis of wildlife disease, such as identifying a potential transmission route of a deadly disease.
- Expected losses from natural hazards in the U.S. exceed $3 billion per year. These losses can be significantly reduced through informed decisions guided by the most current and thoroughly-researched understanding of the hazards, risks, and cost of mitigation. The USGS Science Application for Risk Reduction Project was created to innovate the application of hazard science for the safety, security, and economic well-being of the nation by directing new and existing scientific research toward addressing gaps in vulnerability to help communities build resilience to natural hazards.

Many USGS programs are highly leveraged by outside funding sources. For instance, 69 percent of funding for the National Streamflow Network (aka streamgages) comes from states, localities, tribes, other federal agencies, private industry, and non-governmental organizations. For each federal dollar invested in the Cooperative Research Units Program, states and universities invest more than three dollars. Interior's Climate Science Centers have also seen investments from partner universities into education and research totaling more than $8.2 million since the program began in 2009. In total, more than $100 million in contributions were made in 2016 by USGS partners.

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. Moreover, 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. For these reasons, the USGS Coalition requests that Congress work to provide $1.2 billion for USGS in FY 2018.

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.

Prepared Testimony
To the Appropriations Subcommittee on Interior and Related Agencies
U.S. House of Representatives
May 24, 2017

Dear Appropriations Subcommittee:

My name is John Strickland, and I am from West Virginia. Currently, I serve on the WV Commission on the Arts, a State appointment, and I serve to provide access and accessibility to WV's arts presenters. Regarding the best practices for diversity and inclusion, I received these tools serving on NASAA's board and as a newly appointed board member of MAAF.

The State funding West Virginia's legislators provide is matched by NEA funding. Without the NEA's 40% federal funding, WV and most State Arts Agencies would have great difficulty providing an economic and cultural impact. Let me explain, West Virginia matches NEA funding for competitive grants from the programs offered. These competitive grants require a 50% match from the local community. In this way, for a 25% match from the NEA, the WV Commission on the Arts is able to grant and fund 100% to local communities: that is a real cultural and economic impact. These are direct dollars that help pay salaries, create opportunities to receive earned income from ticketing, and provide programs that the local community deems important to their citizens.

Looking at this program nationally from my position on the NASAA board, it is quite impressive. In fact, studies have been generated using BEA reporting for creative enterprises. In some areas of the country, this is the largest industry. We, as WV Commission members, can do more. The NEA's creative enterprises serving seniors and military are areas we need to promote within our State. We need the commitment of both federal and state dollars to re-commit to our respective communities.

Thank you for your consideration.

Sincerely,

John Strickland
Vice-Chair, West Virginia Commission on the Arts
Board Member - Mid-Atlantic Arts Foundation (MAAF)
Board Member – National Assembly of State Arts Agencies (NASAA)
231 Hale Street, No. 400
Charleston, WV 25301
jstrickland@mcsconstructionwv.com

Written Testimony of James D. Ogsbury, Executive Director
Western Governors' Association

Submitted on May 26, 2017 to the
United States House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Regarding Fiscal Year 2018 Appropriations for 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)

Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide written testimony 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). My name is James D. Ogsbury and I am the Association's Executive Director. WGA is an independent and bipartisan organization representing the Governors of 19 Western states and 3 U.S.-flag islands.

The agencies within the Subcommittee's jurisdiction wield significant influence over vast areas of the American West. 94 percent of all federal lands are situated in the western states and the federal government owns over 46 percent of the land within active WGA states. The work of this Subcommittee is of vital importance to Western Governors, as it helps establish how these lands are managed and how federal agencies interact with other levels of government and the public.

Western Governors recognize that there is a certain tension between state and federal governments, one that is embedded in the very fabric of our Constitution. It is equally clear that these different layers of government must have a close and productive working relationship to increase efficiencies and maximize returns on taxpayer investments. The promotion of a greater partnership between states and the federal government is central to the mission of WGA and is reflected in our Policy Resolution 2017-01, *Building a Stronger State-Federal Relationship*, which I commend to your attention.

The promotion of greater partnership between states and the federal government is central to the mission of WGA. This is a key theme of two ongoing WGA projects: the National Forest and Rangeland Management Initiative and the Species Conservation and Endangered Species Act Initiative. Responsible forest and rangeland management can only take place when federal, state, and local stakeholders are working collaboratively to increase the health and resilience of our lands. Likewise, fish and wildlife conservation, essential to preserving the heritage of the West, is only possible through the cooperative efforts of state and federal officials across multiple disciplines.

Through the National Forest and Rangeland Management Initiative, Governors have acknowledged progress to address past frustration with how western forests and rangelands are managed and have developed strategies to overcome barriers and build on progress for the

future. Congress has taken steps (notably in the 2014 Farm Bill) to increase the pace, scale and quality of land restoration activities, and states have responded by implementing Good Neighbor Authority, Stewardship Contracting, and Insect and Disease designation authorities. WGA will release a report in June including several recommendations to further improve the health and resiliency of western forests and rangelands. I hope you will find these useful as you examine process reforms and spending priorities in the coming months.

Western Governors believe that states should be full partners in the implementation of the Endangered Species Act (ESA) and should have the opportunity to participate in listing decisions, critical habitat designations, recovery planning and delisting 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 involve meaningful consultation opportunities for states to comment, participate, or undertake proactive measures before the federal government takes action under the ESA.

ESA listing decisions can have dramatic impacts on vital state interests. States possess primary authority to manage most fish and wildlife within their borders, and they are the principal recipients of economic benefits associated with healthy species and ecosystems. At the same time, species listings and their associated prohibitions and consultations can affect western states' abilities to promote economic development, accommodate population growth, and maintain and expand infrastructure. Consequently, states should have the right to intervene in judicial and administrative proceedings regarding the ESA. Western Governors urge the Subcommittee 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.

For the past four years, the Subcommittee has adopted report language 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. Western Governors are deeply appreciative of your commitment to encouraging a positive relationship between the states and the federal government in the use of wildlife data. Federal managers need data-driven science, mapping and analyses to effectively manage wildlife species and habitat, and in many cases states generate the best available wildlife science.

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 the Interior (DOI). PILT funding does not represent a gift to local jurisdictions; rather it represents 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. Western Governors hope that you will appropriate full funding for both PILT and SRS payments in Fiscal Year 2018.

The Subcommittee is familiar with the pressing problem of "fire borrowing," by which funding for routine U.S. Forest Service management activities is transferred to firefighting

activities. By diverting funding from activities that reduce wildfire threats, this practice increases the overall fire risk and all but ensures that future wildfires will be more damaging and costly. The rising cost of the 10-year average of fire suppression has forced USFS to shift resources from non-fire to fire accounts over time. WGA strongly supports efforts to solve the issue of fire borrowing, and has advocated the adoption of a funding structure similar to that used by the Federal Emergency Management Agency (FEMA) in its response to natural disasters to address the long term erosion of capacity associated with the current budget approach.

The 2014 Farm Bill accorded Governors the opportunity to request that National Forest System lands within their states be considered for insect and disease (I&D) designation, and the Forest Service responded by designating 46.7 million acres of land for expedited treatment. The Farm Bill authorized the appropriation of $200 million to accomplish the work required under the statute. This work will reduce the threat of wildfires in areas of high risk, and WGA requests that funding be appropriated at a reasonable and sustainable level for I&D designation projects.

Data for water management and drought response planning is critical to western states. Western Governors request adequate funding levels for the Cooperative Water Program and National Streamflow Information Program, both administered by the DOI's U.S. Geological Survey. This data is integral to the water supply management decisions of states, utilities, reservoir operators and farmers. They are also used for flood forecasts, making them essential for risk assessment as well as water management. These two programs are important elements of a robust water data management framework in the western states, and provide needed support for drought mitigation efforts throughout the West.

Infrastructure management is another crucial element of drought response. The Environmental Protection Agency's (EPA) Clean Water and Drinking Water State Revolving Funds (SRFs) provide necessary support for communities to maintain and enhance their water infrastructure. Western Governors' Policy Resolution 2017-04, *Water Quality in the West*, encourages adequate funding for SRFs.

The following recommendations are intended to help ensure that taxpayers realize a healthy 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 continue to be concerned about the number of wild horses and burros on BLM lands. This number is presently estimated to be almost double the current Appropriate Management Level (AML). Overpopulation can degrade rangeland, causing harmful effects on wildlife and domestic livestock and threatened and endangered species habitat. WGA supports 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.

Western Governors previously expressed concern regarding the development of the EPA and U.S. Army Corps of Engineers' (USACE) 2015 Clean Water Rule, as states were not adequately consulted by the agencies during the process. That Rule is now being reconsidered

by the current Administration and is stayed in the U.S. Court of Appeals for the Sixth Circuit. EPA and USACE have recently begun efforts to promulgate new language to clarify the jurisdictional boundaries of the Clean Water Act and have taken positive steps to engage WGA and individual states in the rulemaking process. Western Governors look forward to working with the agencies to develop a new rule that reflects the viewpoints of the Western Governors and adequately protects states' primary authority over the management and allocation of water resources.

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. WGA encourages Congress to include express and unambiguous language protecting states' authority over groundwater resources in any water-related legislation, as well as clear direction to administrative agencies to respect such authority. Federal agencies should work through existing state authorities to address their groundwater-related needs and concerns. Such collaborative efforts will help ensure that federal efforts involving groundwater recognize and respect state primacy and comply with all statutory authorities.

States also possess delegated authority from EPA to manage air quality within their borders. Last year the EPA tightened the National Ambient Air Quality Standard (NAAQS) for ozone to .070 parts-per-million, a level equal to background ozone levels in much of the West. Attaining the revised ozone standard will present significant challenges for many western states – challenges exacerbated by factors such as wildfire, transported ozone, and background ozone. For decades, eastern states have enjoyed the benefit of financial and technical support from EPA for ozone research and mitigation. Given the unique character of the West and the region's attainment challenges, funding should be appropriated for EPA to assist western states in discharging their ozone responsibilities and in developing cooperative agreements with EPA. In addition, WGA urges federal agencies to engage states as co-regulators in any rulemaking that results from a review of regulations under Executive Order No. 13783.

Improving electricity transmission and distribution siting and permitting is also a priority of Western Governors. WGA encourages congressional direction to federal departments and agencies to work with states on identifying infrastructure locations and expediting permitting for facilities that improve the reliability and resiliency of electricity in the western states.

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 you discharge these critical and challenging responsibilities.

Again, thank you for the opportunity to provide written testimony. Please feel free to contact WGA if you have any questions about the content of these remarks.

TESTIMONY OF TERRENCE TIBBETTS
CHAIRMAN, WHITE EARTH BAND OF CHIPPEWA

BEFORE THE
APPROPRIATIONS SUBCOMMITTTEE ON INTERIOR AND RELATED AGENCIES
U.S. HOUSE OF REPRESENTATIVES
FISCAL YEAR 2018 BUDGETS

Mr. Chairman and members of the Committee, I thank you for the opportunity to provide written testimony on behalf of the White Earth Band of Chippewa Indians. The budget appropriation process is an important means through which the United States fulfills its trust responsibilities and obligations to tribes. This trust responsibility and obligation, guaranteed by treaties, executive orders, legal cases, and congressional acts is important to our tribe. The process embodies progress, and frames abilities to address significant challenges faced by tribes today.

White Earth is a federally recognized tribe with a large reservation in Minnesota, in terms of size and by number of tribal members. The Reservation was created in 1867 by treaty with original boundaries encompassing 837,268 acres of land or 1,300 square miles. The White Earth Reservation is distinctly rural, located in northwestern Minnesota and encompasses three Minnesota counties: all of Mahnomen, the northern half of Becker, and the southwest corner of Clearwater. Enrollment for the White Earth Reservation is approximately 19,400 members. The Reservation contains five small incorporated cities located along U.S. Highway 59, and five tribal villages scattered remotely throughout the Reservation.

The White Earth Tribe provides basic, necessary governmental services that impact White Earth's population, a large rural geography, and greater Minnesota regional area. Education, workforce development, health, natural resources, and public safety at White Earth contribute positively to the overall region. Budget reductions impact the U.S trust responsibility to White Earth with its protection of rights and commitments to the tribe. The 2018 BIA request of $2,488,059,000 is $371.71 Million below the 2017 enacted level. This represents a 13% reduction for the BIA and overall Interior is at 12% reduction. The past series of budget reductions and cuts, including sequestration impact, significantly impedes our progress and diminishes trust responsibility.

Severe budget cuts and budget reductions erodes progress and stalls ongoing efforts at providing foundational public safety, education, health, jobs, and natural resources services. These are the services that support an environment conducive to economic sustainability and livable communities for many. White Earth is a Reservation already well-documented with social and economic disparities by various measurements and rankings. The White Earth Tribe is currently one of the largest employers in the region with over 700 employed through various tribal departments and enterprises; coupled with White Earth's entertainment and event center, employment is well over 1,700 workers.

White Earth's public safety department has been deeply affected through previous budget appropriations and reductions. Further reductions will exacerbate our ability to deliver adequate services. The White Earth Police Department (WEPD) works across a large geographic area with many miles to cover; roads and highways vary greatly in terrain and condition throughout the

1,300 square miles. Officers and emergency response often must overcome extreme weather and poor driving conditions. Rural motor vehicle crashes remain significantly higher in comparison to urban areas. The department works through seasonal tourism and influx of seasonal traffic throughout the many lakes, rivers, and outdoor sports travel throughout the Reservation.

An **epidemic of opiates, heroin, methamphetamine, and other dangerous substances** has tasked White Earth Public Safety with unprecedented demands. The department has worked to coordinate with other public safety/law enforcement agencies and task forces to combat increasing crime related to the drug epidemic. Realistic funding is required in order to improve community policing efforts to reduce illegal drug and related crime; promotion of officer and public safety on roadways; and improvement in access to heavily forested areas including the many recreation trails, lakes, rivers and streams on the Reservation.

The average age of the White Earth population is 39.2 years. **The White Earth area's American Indian population has about 50% of its population under 25 years of age compared to 35.8% of the Minnesota All Races population.** It's important to recognize that American Indian population of the White Earth area is relatively young compared to the overall population. When you couple this with high levels of risk factors, the need for comprehensive practices is critical.

It is well-documented that American Indians hold the highest **out of home placement rate for children** in the State; drugs like opiates, heroin, and methamphetamines have been part of the equation in a rate surge in recent years. White Earth sounded the alarm to the epidemic drug abuse when the White Earth Tribal Council passed a ***"Declaration of a Public Health Emergency with Respect to Prescription Medication and Illegal Drug Abuse on the White Earth Reservation."*** Through this Declaration, each Tribal Department was to implement strategies to address this Public Health Emergency. Although that declaration occurred in 2011 in response to prescription opiate abuse, with ensuing heroin epidemic and methamphetamine abuse, the public health emergency declaration continues. In a recent Minnesota Department of Health statistic, Mahnomen County had the highest death rate due to overdose in the State. Mahnomen County is located entirely within the boundaries of the White Earth Reservation.

Reductions in health service budgets are alarming. **The burden of Type 2 diabetes** is widespread and its prevalence on the White Earth Nation is staggering and challenging. Diagnosed diabetic patients/clients at the White Earth I.H.S. Clinic, **account for 32% of our population.**

Reductions in Education appropriations negatively impacts progress with longer-term severe consequences for White Earth youth. American Indians in Minnesota, amongst all groups, have carried the burden of the lowest rate of completion of High School in Minnesota. Education and health are two important aspects of trust responsibility. Currently our Tribal run BIE School is funded at less than half of what public schools are funded in the State. Our children are the future and the success rate in all areas have been lacking, White Earth has made significant changes in the past two years and we are now seeing a tremendous increase in attendance and test scores. We will be a model school, however these cuts will be detrimental to the rapid increase of success that we are seeing.

Post secondary education tuition has seen more than a 2000% increase in the past decade and half, while our post secondary programs have not seen an increase to meet these increases; as a result, American Indians have the highest dropout rate of any ethnicity and the cost of affording Higher Education is one of the primary reasons. Now White Earth and other tribes will see an additional cut. Education is the key out of poverty.

Johnson O'Malley (JOM) funding has been funded of the 1995 historic student count. JOM was nowhere funded at the level of need; in 2014, a count was resubmitted for an additional 69,242 students who are not receiving funding, again it is our children who will suffer from the cuts that will be faced in Indian County.

Roads and transportation services are essential infrastructure for travel safety and maintenance of roads within areas of our remote and varying terrain that impacts all facets of communities in essential abilities for people to get to work, school, health facilities, and overall participation in basic life opportunities. The White Earth area draws countless visitors to lakes, cabins, forests, camping, and many other outdoor experiences not otherwise available to those from Minnesota's larger urban areas and cities. The **White Earth Transit** provides essential public transportation service on the Reservation. With some villages located 20 to 50 miles from jobs, tribal college, workforce services, and health facility, dialysis center, and basic shopping venues, public transit is vital for many without reliable transportation, especially our elders/seniors. Transit program buses easily reach useful age and safety limits through high mileage across the large reservation area.

White Earth Natural Resources Department has provided effective stewardship for vast acreages of habitat, conservation, fish and wildlife, forestry, waterways, and resources such as wild rice and fisheries operations that are core to our way of life. Assuring effective practices and sustainability of our most valuable, finite natural resources cannot be understated—these resources provide for our future, our children—they are crucial to our health, culture, education, and livability. The trust responsibility extends to our land and natural resources.

Thank you for the opportunity to present to the Committee, how the appropriations affect the White Earth Band of Chippewa Indians. We appreciate your time, consideration, and continued support of our work to improve educational, economic, social, and natural resources outcomes at White Earth.

Testimony of the Wildlife Conservation Society
Submitted to House Appropriations Subcommittee on the Interior, Environment and Related Agencies
May 24, 2017

Contact: Colin Sheldon, Assistant Director of Federal Affairs, csheldon@wcs.org, (202) 347-0672 x 24

The Wildlife Conservation Society (WCS) would like to thank Chairman Calvert, Ranking Member McCollum and the members of the Subcommittee for providing this opportunity to provide public testimony in support of sufficient funding in the FY18 Interior, Environment and Related Agencies (Interior) Appropriations Act for the Multinational Species Conservation Fund (MSCF), Office of International Affairs (IA), Office of Law Enforcement (OLE), and Cooperative Landscape Conservation Program (CLCP) accounts at the U.S. Fish and Wildlife Service's (FWS), the International Forestry program at the U.S. Forest Service (FS-IF), and on the final 4(d) rule revision on the African elephant. WCS is deeply concerned by the President's budget proposal, which retreats from many of the important investments this subcommittee has made in domestic and international conservation under the Chairman's leadership. We strongly urge you to maintain funding for these programs at FY17 levels.

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, our goal is to conserve the world's largest wild places in 16 priority regions, home to more than 50% of the world's biodiversity. We manage 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.

FWS—Multinational Species Conservation Fund--$11.1 Million: 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.

WCS has had great success on projects using funds from the MSCF. One grant awarded to WCS in FY16 through the African Elephant Conservation Fund will provide initial funding for rugged technology and training and equipping park rangers in Yankari Game Reserve to defend one of the last populations of elephants in Nigeria. WCS is grateful that the Committee appropriated $11.1 million for the program in FY17 and support an appropriation of the same amount in

FY18.

FWS—International Affairs—$15.8 Million: 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 asks that the subcommittee maintains support for $15.8 million, equal to the FY17 appropriation.

FWS—Office of Law Enforcement—$75.1 Million: 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 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 to Combat Wildlife Trafficking are enforced by the OLE, and WCS supports continuing to fund the agency at $75.1 million. Additional funding for the program will support their efforts to maximize the scope and effectiveness of FWS' response to the international wildlife trafficking crisis by strengthening forensic capabilities and expanding the capacity of their Special Investigations Unit. It will also ensure OLE has an adequate number of law enforcement agents deployed to enforce laws against wildlife trafficking in the U.S. effectively and allow the agency to continue to support coordinated law enforcement actions against wildlife trafficking overseas through the deployment of FWS attachés in targeted U.S. embassies.

FWS—Cooperative Landscape Conservation—$13 Million: Many of the domestic conservation programs in this bill provide funding to states to implement their conservation goals. But 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 CLCP funds a network of 22 Landscape Conservation Cooperatives 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 appropriate $13 million for this program.

USFS—International Forestry—$8 Million: 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 FS-IF program 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 FS-IF, 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. FS-IF 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. WCS supports an appropriation of $8 million for FY18, equal to the amount appropriated the last several fiscal years.

No Harmful Rider on 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 broad consensus that the stunning increase in poaching is due to one factor—the illegal sale of poached ivory in commercial markets around the world. The illegal trade in elephant ivory and other products, like rhino horns and tiger skins, is worth at least an estimated $8 to $10 billion annually, and 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.

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 few years involving millions of dollars illegal ivory and rhino horn. These busts, although few in number, 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.

In 2016, the FWS issued a rule to close loopholes in the existing ban on commercial ivory sales that have allowed illegal ivory to be sold in the U.S. for decades. The rule requires sellers to demonstrate that ivory items qualify for an exemption from the law so consumers may be assured they are purchasing a legal product. It also tightens the existing, Congressionally-mandated ban on the import of most ivory, with some narrow exceptions,

including ones for sport-hunted trophies and musicians travelling with instruments that contain ivory. The proposal continues to allow the domestic sale of items such as bona fide antiques and, to accommodate the concerns voiced by many stakeholders, also allows the sale of items like firearms, knives, instruments and artworks that contain only a small amount of ivory. It is also important to note that nothing in the proposed rule would make the possession of ivory illegal, and that states maintain the right to regulate commercial sales occurring entirely within their borders.

Past Interior bills in the House contained a provision that would have blocked FWS from proceeding on this rule, 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. Given the broad accommodation of most stakeholders that FWS has provided in its proposed rule, WCS encourages the Subcommittee not to include the same or a similar rider in the FY18 bill.

We appreciate the opportunity to share WCS's perspectives and make a case for increased investment in conservation in the FY18 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.

WRITTEN TESTIMONY OF DAVID GENSAW, SR., VICE-CHAIR, YUROK TRIBE, PRESENTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2018 APPROPRIATIONS FOR THE EPA TRIBAL PROGRAMS, BIA TRIBAL COOPERATIVE LANDSCAPE CONSERVATION PROGRAM, AND DOI LANDSCAPE CONSERVATION COOPERATIVES

MAY 24, 2017

Introduction and Summary

Mr. Chairman, members of the Subcommittee, I am David Gensaw, Sr., Vice-Chair of the Yurok Tribe. The Yurok Tribe offers the following recommendations for FY 2018 Appropriations for the Environmental Protection Agency (EPA), Bureau of Indian Affairs (BIA), and the Department of Interior (DOI) Landscape Conservation Cooperatives (LCC):

Yurok Tribe Background

The Yurok Tribe is the largest California tribe with approximately 6,200 members. Our reservation covers over 56,000 acres along the lower 44 miles of the Klamath River. Our ancestral territory also includes over 40 miles of Pacific Ocean coastline. The location of our lands and resources make us extremely vulnerable. We have had firsthand experiences to environmental changes and we have already begun to feel the affects of these changes on our communities. The climate change science indicates sea level rise, increased coastal erosion, increased flooding, landslides, and erosion from changes in river hydrology, loss of wetlands and changes in estuarine ecosystems resulting from changes of salinity and saltwater intrusion, increased intensity and frequency of storm events and wildfires, migration or displacement of cultural significant resources off tribal lands, possible relocation of residences, communities and businesses, as well as impacts on ancestral coastal villages and burial sites are all underway. For Yurok we know that everything is connected and that a healthy Yurok community requires a healthy environment.

(1) EPA – *Environmental Protection in Indian Country*

We strongly urge funding support for Indian tribes of at least the FY 2017 appropriated amount of $3.61 million for State and Tribal Assistance Grants to protect and improve air quality, water quality, and support the EPA Indian Environmental General Assistance Program (GAP).

The EPA Indian Environmental GAP provides essential and critical financial assistance to assist with capacity building and the development of environmental protection programs in Indian Country. In FY 2018, we encourage the Interior Appropriations Committee to continue GAP funding at least at FY 2017 levels, which will allow tribes to develop media-specific environmental programs and also will ensure adequate resources for grantees to successfully implement the EPA-Tribal Environmental Plans (ETEPs) that outline environmental program priorities and goals at the local level.

EPA GAP funding is essential to address long-standing challenges to recruit and retain qualified environmental professionals to remote Indian country locations and will assist tribes with the implementation of environmental regulatory programs.

(2) BIA – *Tribal Cooperative Landscape Conservation Program*
We urge funding for the BIA Cooperative Landscape Conservation Program to at least the FY 2017 appropriated amount of $9.956 million. These funds directly support the jobs of numerous tribal staff with direct funding to address critical environmental issues that directly impact tribal trust resources, tribal lifeways, and environmental, physical, mental and social health.

The BIA Cooperative Landscape Conservation Program helps fulfill an essential need for the Yurok Tribe and all other tribes with direct funding for tribal employees to address critical environmental changes. This program assists tribes in building capacity for addressing clear and present threats posed by climate change. The Yurok tribe is already suffering the effects of impacts caused by climate change. This year the forecasted return of fall Chinook Salmon is the lowest on record and likely the lowest ever in our tribal history. A cause of these record low salmon returns is attributable to climate change and the historic drought that we have experienced in the past few years.

(3) DOI - *Landscape Conservation Cooperatives*
We urge funding to at least the FY17 appropriated funding levels of $12.988 million for LCC Cooperative Conservation and $10.517 million for LCC Adaptive Science.

The Yurok Tribe has been actively engaged with the North Pacific LCC for over four years through our involvement in the steering committee, and tribal/first nations committee. The twenty-two distinct LCCs, which in total encompass the entire United States, are playing an essential role in bringing together federal, tribal, state, local, and private sector conservation efforts. The LCCs foster effective natural resource conservation and good governance by helping to assure that public and private investments in conservation science, planning, and implementation are well coordinated across sectors and political boundaries. Congressionally directed review of the LCCs by the National Academy of Sciences, *Review of the Landscape Conservation Cooperatives* (2015), found that the network is playing a unique and valuable role coordinating conservation activity at the landscape scale.

The final FY17 appropriated funding levels of $12.988 million for the LCC Cooperative Conservation and $10.517 million for LCC Adaptive Science represent a solid funding base to support the operations of the LCC network and the individual LCCs. But additional funding is needed to help provide more robust central coordination of the LCC network, bring parity in funding across the 22 LCCs, and enhance LCC capacity for grant funding to specific projects with states, tribes, and other partners. LCC funding to partner projects through non-federal entities such as state agencies, tribes, universities, and non-profits has brought great leverage—more than a dollar of non-federal funding for each dollar allocated by the LCCs.

We believe that thinking and acting across boundaries leads to more effective natural resource conservation while also sustaining working lands and human communities. As experts in the theory and practice of landscape-scale conservation, we recognize the tremendous value of LCCs in the world of natural resource management and conservation. We are already consumers of the science, data, and technical tools developed through the LCCs, and view the LCC network as a critical coordinating body for work at the landscape scale.

The Landscape Conservation Cooperatives are a prime example of the power of collaborative, bottom-up conservation. These collaborative institutions provide a framework to ensure that practical science is available for making wise natural resource decisions. They create networks and synergies among federal, tribal, state, and private organizations. Even the costs of natural resource management are reduced, as LCCs minimize redundancies, provide pathways to share information and best practices, and create a platform for shared projects. With the ever-increasing complexity of natural resource management, organizations like ours are struggling to fulfill individual mandates, let alone respond to the greater conservation issues we face as a nation. The LCCs provide the means to bring the public and private sectors together for collaborative and synergistic conservation.

We respectfully ask that you consider our requests and recommendations in the appropriations for EPA, BIA Cooperative Landscape Conservation and also Interior LCC funding within the FY 2018 Interior and Environment appropriations bills. As a natural-resourced based tribe, Yurok understands the essential importance of environmental management programs to protect our lands for our future generations.

Thank you for your time and consideration of these requests.

Sincerely,

David Gensaw, Sr.
Vice-Chair, Yurok Tribe

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