

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2019

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS SECOND SESSION

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INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2019

WEDNESDAY, APRIL 11, 2018.

DEPARTMENT OF THE INTERIOR

WITNESSES

HON. RYAN ZINKE, SECRETARY OF DEPARTMENT OF THE INTERIOR
OLIVIA BARTON FERRITER, DEPUTY ASSISTANT SECRETARY, BUDGET, FINANCE, PERFORMANCE, AND ACQUISITION, DEPARTMENT OF THE INTERIOR
DENISE A. FLANAGAN, DIRECTOR, OFFICE OF BUDGET, DEPARTMENT OF THE INTERIOR

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. The committee will come to order.

Before we begin, I want to take a moment and announce that yesterday the Metropolitan Water District of Southern California voted to provide additional funds to build the Cal WaterFix, which I know you are aware of, Mr. Secretary. It is a big deal. I am happy that the project is moving forward. Providing consistent water supply to the people of Southern California has been a long-term goal of mine, and I know a lot of people feel the same way. So, we are making progress.

Now on to the business of the day. This morning, I would like to welcome to the subcommittee the 52d Secretary of the Interior, Ryan Zinke. Joining the Secretary this morning is Olivia Ferriter, the Deputy Assistant Secretary for Budget, Finance, Performance, and Acquisition, as well as Denise Flanagan, Director, Office of Budget.

Our hearing today will address the fiscal year 2019 budget priorities for the Department of the Interior. We look forward to you outlining your goals for the Department and discussing a variety of important issues with us this morning.

We are very pleased to have recently completed work on the fiscal year 2018 budget. The Interior division of the omnibus made tremendous strides by providing over \$500 million to address long-standing deferred maintenance needs across the Department's various bureaus.

Within Indian Country, we provided funding to increase school construction, law enforcement, road maintenance, and water settlements. We allocate an additional \$255 million to the National Park Service, with an emphasis on park operations and deferred maintenance. Also, we provided \$530 million to fully fund the Payments in Lieu of Taxes, the so-called PILT program.

But, as you know, Mr. Secretary, last year's challenges remain this year's challenges. As we approach the fiscal year 2019 budget, we will continue addressing the maintenance backlog in our national parks, across the various Interior bureaus, meeting our legal and moral obligations throughout Indian Country, funding PILT, and numerous other challenges. This subcommittee remains committed to working with the Department to seek solutions to these and many other issues.

Overall, the President's fiscal year 2019 budget request provides \$10.6 billion in discretionary funding for the Department of the Interior programs under this subcommittee's jurisdiction, which is \$2.4 billion below the fiscal year 2018 enacted level. In fiscal year 2018, Congress clearly had some priorities that were not included in your budget request, and I suspect that may be the case again this year.

In bipartisan fashion under both Republican and Democratic Chairmen, this subcommittee has made a concerted effort to address the greatest needs throughout Indian Country. Education, healthcare, and law enforcement issues continue to be nonpartisan subcommittee priorities, particularly those that are on the GAO high-risk list. We welcome your active involvement working with us and our American Indian and Alaskan Native brothers and sisters.

Another challenge facing the Department and the subcommittee is the Endangered Species Act. The ESA is a well-intended statute to save numerous species from extinction, but actually recovering and delisting species remain a challenge and an increasing source of frustration for States and many local communities. This frustration is demonstrated in many ways, including the number of ESA riders which we have had on our appropriation bills in recent years.

The path forward is through partnerships in the field rather than as adversaries in courtrooms and hearing rooms. The subcommittee has heard from States and nongovernmental partners that are willing and able to take on larger roles under the ESA when the Federal Government treats them as equal partners. Flexibilities already inherent in the ESA make these partnerships possible, and the subcommittee is working on a bipartisan basis to foster more of them. We appreciate the Fish and Wildlife Service's willingness to change from within, but we also need your continued leadership. We need conservation without conflict.

I am glad to see that the USGS budget includes full funding for Landsat 9 and proposes funding for domestic and critical minerals inventory. However, again, it proposes to eliminate the earthquake warning system despite the fact that the West Coast, and my home State of California, are counting on the survey to develop this technology. It is safe to say that this subcommittee won't agree to eliminate this program. Instead, I hope you will work with us to ensure that fiscal year 2018 funding is spent effectively and appropriately and that you will provide the subcommittee with the data we need to make informed decisions for fiscal year 2019.

Lastly, we look forward to hearing the latest on your proposal to reorganize the Department under a framework of common regional boundaries across the Department bureaus. I applaud your effort

to identify efficiencies and reduce redundancies. I also want to stress the importance of seeking input from many stakeholders at the Federal, State, tribal, and local level and even Members of Congress who are affected by such changes.

In closing, again this year I want to express my appreciation to your outstanding professional staff. Our subcommittee couldn't do its work without your budget shop, the various bureaus, and the talented people sitting next to you and behind you. Thanks to each of you for all that you do.

And, with that, I am happy to yield to the gentlelady from Minnesota, Ms. McCollum, for any opening remarks she would like to make.

OPENING REMARKS OF MS. MCCOLLUM

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Secretary Zinke, thank you for being with us this morning.

We are here to discuss President Trump's second budget.

Two months ago, Congress passed a bipartisan budget agreement to increase nondefense discretionary spending for 2 years. Three weeks ago, the fiscal year 2018 omnibus bill was enacted into law with both Democratic and Republican votes. This omnibus sent a clear message that Congress rejects President Trump's reckless proposals, which would exploit our natural resources, starve our Federal agencies of the funding they need to meet their critical missions, and jeopardize a legacy we would leave for future generations.

The proposed reduction of \$2.5 billion for Interior is staggering. To me, it indicates a deliberate disregard for that agreement.

It is disappointing but not surprising that worthwhile investments that we made across the bureaus, including the highest funding levels in years to address the maintenance backlogs in our national parks and other Federal lands, are being undone. President Trump's first year in office has been remarkably damaging to our environment, public health, and natural resources, and today we will discuss some of those damaging policies.

The national monuments review has proven to be a sham, with preconceptions that benefit the fossil fuel industry. Last year, you said, and I quote, "Bears Ears really isn't about oil and gas." Investigative reporting by The New York Times has found gaining access to oil, natural gas, and uranium reserves played a central role in shrinking Bears Ears by nearly 85 percent.

Your staff also developed projections on coal deposits to justify reducing the Grand Staircase monument by 47 percent.

The pristine and diverse ecosystems protected in the Arctic National Wildlife Refuge is threatened by a relentless and hasty pushing for drilling. This irresponsible proposal was pushed through in the Republican tax scam—yet another one of the bill's giveaways to big corporations and billionaires. And even the tax bill explodes the Federal deficit by nearly \$2 trillion. The revenue claimed from drilling in ANWR is totally unsupported by the data.

The reckless push to mine and drill in our public lands is also hitting my home State, where sulfide ore mining poses a critical risk to the Voyageurs National Park and the Boundary Waters Wilderness Canoe Area. Officials in the Interior Department recently

renewed grants to a Chilean mining company as a nondiscretionary right to renew two mining leases on the doorsteps of the country's most visited national wilderness.

I am not even going to get into your flawed rollout of the 5-year offshore leasing plan and how you promised to remove areas before the comment period was even over.

Although the outcry on these policies has been great, the harm done by the Trump administration extends beyond drilling and mining issues. It has impacted the integrity of science, access to our parks, and now threatens to disrupt the entire Interior Department as you propose to create a new organizational model with no foundational analysis.

The Department's science programs provide data and tools to inform sound science in making decisions to address complex challenges such as drought, natural disasters, and climate change. Scientific integrity is essential to ensure that there is no bias or preconceived agenda in the information issued by the Department.

And I am particularly concerned that senior leadership at the Department requested the U.S. Geological Survey to violate its policies regarding USGS data.

Furthermore, the Center for Investigative Reporting found the National Park Service deleted every mention of climate change from drafts and the long-awaited report on sea-level rise and storm surge. These findings contradict your March testimony before the Senate Energy and Natural Resources Committee in which you stated there were no instances when DOI changed even a comma in a report. You even challenged any member to find an altered document, and now we have that proof.

This clear interference of political leadership is forcing employees to violate their scientific integrity policies, and it must stop.

I am very disappointed in the way that you rolled out your proposal to dramatically increase the fees at the 17 national parks with little analysis or consideration of public access. Tens of thousands of Americans voiced their opposition through public comment periods, and, thankfully, so far, sir, you have listened.

You have stated that you want to reorganize the Department for the next 100 years and are proposing 13 new regions. But I have serious concerns, and I have asked to talk to you about this numerous times. You are not able to share any analysis on the effects of the proposal. You have had no formal public input. You have not solicited comments from other agencies. And you have not conducted meaningful tribal consultation. I have heard this directly from the tribes.

Mr. Secretary, you must do better.

The department that serves the American public, that tells the story of America, should reflect America's diversity and should never marginalize minorities. In June, when you reassigned 33 career senior executives, almost half of them were minorities, 40 percent were women, 30 percent were Native Americans. This apparent discrimination is wrong.

Mr. Secretary, your task is to protect, preserve, and use resources wisely for the benefit of the American people today and for future generations, and right now I personally do not feel you are living up to that mission.

For the record, I want to be clear: There is a place for responsible resource development on our public lands. But it must be balanced, and it must be sustainable. I find it alarming that this administration continues to prioritize energy dominance and profits for the fossil fuel industry over the protection of our national treasures, conservation of our natural habitat, and our responsibilities to the American people. This budget is unacceptable.

But, Mr. Chairman, I am pledging to work with you to ensure that the Department of the Interior has the necessary funding so that all Americans can continue to enter into our natural lands and our cultural resources for today and for future generations.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you, and I appreciate your testimony.

And next we are joined today by our distinguished chairman of the full committee, Chairman Frelinghuysen, and thank him for taking the time to contribute to this important conversation.

OPENING REMARKS OF CHAIRMAN FRELINGHUYSEN

The CHAIRMAN. Well, thank you.

Mr. CALVERT. Mr. Chairman, you are welcome.

The CHAIRMAN. Thank you, Mr. Chairman, for the time. I want to thank you and Mrs. Lowey on my behalf for your leadership of this important committee.

And, of course, I also welcome our Secretary of the Interior, Ryan Zinke, a former Member and colleague, back. We welcome your testimony and hearing your frank and candid views on many issues.

As I say at every meeting, the power of the purse resides here on the Hill. We have done, through your leadership, Mr. Chairman, and Ms. McCollum's, good work for the 2018 budget. As well, we can anticipate the same type of devotion of you and your staff and your committee towards the 2019 product.

When I travel across the 11th Congressional District in New Jersey, the Department of the Interior's strong presence cannot be missed. We have two national historic parks—actually, the oldest in the country, established in my hometown in 1933, called the Morristown National Historical Park. We also have the Thomas Edison National Historical Park in West Orange. Additionally, we have the National Wildlife Refuge System's Great Swamp Wildlife Refuge, which—let this fact be known—was established by my father when he was a Member of Congress.

There is no conflict in our neck of the woods about the job that the Department of the Interior is doing. There may be conflict in the West, but in our neck of the woods, Mr. Secretary, we hold the people who work for the Department of the Interior in high regard. I just want you to know that.

And may I say, I am concerned that there are cuts across the Park Service and particularly in the area of Fish and Wildlife. I, personally, will be taking a very close look at that. Hopefully, the committee will as well.

Lastly, I would say, apropos of some of the remarks that have been given, New Jersey has a shoreline of about 127 miles. All members of our congressional delegation have opposed, historically, for the last 20 or 30 years, offshore drilling. I understand the administration may have contrary views, but I hope that in the com-

ing weeks and perhaps with the benefit of your testimony this morning that you recognize, obviously, the concerns that many of us have on the East Coast of the United States, that we don't want oil drilling in our neck of the woods.

Mr. Chairman, I will yield back the balance of my time.

Mr. CALVERT. I thank the gentleman.

I am also pleased to see the ranking member of the full committee, Mrs. Lowey, is here today. I am happy to yield the gentlelady her time.

OPENING REMARKS OF MRS. LOWEY

Mrs. LOWEY. Thank you, Mr. Chairman.

I would like to thank Chairman Calvert and Ranking Member McCollum for holding this hearing. And I welcome Secretary Zinke before the subcommittee.

Secretary Zinke, it has been a little over a year since you took your oath of office. Despite your testimony last year indicating a commitment to preserving America's public lands for generations to come, your actions have strayed from that promise.

Under your leadership, the Department of the Interior has brushed off expressed opposition from Native Americans in order to reduce the size of two important national monuments, Bears Ears and Grand Staircase-Escalante; proposed drilling in the Arctic National Wildlife Refuge and in Atlantic waters; weakened protections for endangered species; proposed to significantly raise entrance fees at national parks, which I am thankful you are reconsidering; and worked to unravel environmental protections and important steps to combat climate change.

If funding must be cut so severely that we jeopardize our environment, conservation efforts, and the accessibility of our National Parks, some of our most precious resources, then I expect that the same would be true of your travel arrangements and the accoutrements in which you surround yourself. Doors costing \$139,000, about which you did not notify this committee, in contravention of section 710 of the Financial Services and General Government Appropriations bill, and extravagant trips have violated trust with this institution and with American taxpayers.

I am disappointed that your budget reflects a continued adherence to your misguided priorities. For instance, some of your actions, like flying a flag when present at the Department or handing out commemorative coins with your name on them, indicate that perhaps your ego has gotten in the way of doing the business of the people.

The fiscal year 2019 budget proposes a reduction of \$2.5 billion to your department, a 19-percent reduction from the fiscal year 2018 omnibus. This second Trump administration budget would eliminate several programs of importance, such as the National Heritage Areas in your Interior budget as well as the National Endowments for the Arts and Humanities and the Woodrow Wilson Center.

I certainly could go on to list the many aspects of your budget that value political agenda and mismanagement above the interest of the taxpayers, but my time is limited.

With that, I look forward to your testimony.

Mr. CALVERT. I thank the gentlelady for her testimony.

And, with that, Mr. Secretary, you may proceed with your opening statement.

OPENING REMARKS OF SECRETARY ZINKE

Secretary ZINKE. Well, I thank you, Mr. Chairman, Ranking Members, even though the openings were false and misleading and blatantly untruthful.

Having said that, thank you for the opportunity to testify in support of President Trump's fiscal year 2019 budget for Department of the Interior.

With your permission, I would like to make my entire opening statement for the record.

Mr. CALVERT. Without objection.

Secretary ZINKE. The President has made it clear about his priorities and is keeping his promises to the American people.

This budget supports one of those promises in a big way: rebuilding our infrastructure. It calls for the largest investment in public lands infrastructure in American history. And I will repeat that. It calls for the largest investment in public lands infrastructure in American history.

Our public lands, we agree, are our greatest treasures. They have suffered serious neglect over the years, and Interior's deferred maintenance backlog is \$16 billion. And \$11.6 billion of that belongs in the National Park Service, and I can give you 11.6 billion reasons why Congress has not been able to fix it.

The President's budget proposes legislation for a new Public Lands Infrastructure Fund to address the deferred maintenance problem. This legislation is our top priority. The Fund would provide up to \$18 billion over 10 years for maintenance and improvements in our national parks, our national wildlife refuges, and Bureau of Indian Education-funded schools.

It would be funded from energy revenues, all energy revenues, on public lands, similar to the Land and Conservation Fund. I repeat: all energy, across the board. I believe it is a fair proposition to say if you are going to gain wealth from energy development on public lands, the public lands should in fact be preserved and protected from those activities.

In 2006, 330 million visitors to our parks spent an estimated \$18.4 billion in local regions nationwide, supporting about 318,000 jobs. Clearly, recreation trends are up. All Americans should have the opportunity to enjoy our national parks, but we need to invest in our infrastructure to go along with our record-setting numbers. Quite frankly, many of our parks are being loved to death.

The Public Lands Infrastructure Fund would also support 150 Bureau of Education schools in 23 States, where the school maintenance backlog is about \$634 million. Some 48,000 American Indian students and their families rely on the Interior to deliver a quality education in a safe work environment, but our schools are notoriously in poor condition. American Indian children deserve a world-class education too.

This budget also presents the opportunity to reorganize the Department for the next 100 years. I look forward to going into that in some detail. The budget includes \$18 million to shift resources

to the field and establish unified regional boundaries for Interior's bureaus.

In planning for this reorganization, we continue to take into account feedback from Congressional Members, Governors, and Interior employees, conservation groups, and all stakeholders. We are basing these new boundaries on science, to include such things as watersheds, wildlife corridors, ecosystems, so we can better manage our public lands and waters in a more coordinated way based on the American conservation ethic of best science, best practice, greatest good, longest term.

This budget also recognizes American strength relies on American energy. Under President Trump, we are pursuing energy dominance. Today, I am happy to report this country is producing about 10.6 million barrels a day. First time in 60 years, we are a net exporter of liquid natural gas. We are soon to become the largest oil and natural gas producer in the world.

This budget requests a \$43 million increase for American energy development to continue our revenue growth from production. President Trump's tax cuts and smart regulation are helping to grow the economy and increase our energy portfolios so we can achieve American prosperity.

Our total budget request for fiscal year 2019 is \$11.7 billion. This budget clearly lays out the Administration's top priorities of strongly supporting the American people and rebuilding our infrastructure, fixing our schools, achieving energy dominance, and being fiscally responsible. I remind you that the budget deficit is about \$1 trillion this year.

With that, thank you for your continued support of the Department. I appreciate your hard work. And I appreciate a cordial and fruitful discussion with all members.

[The statement of Secretary Zinke follows:]

**STATEMENT OF RYAN ZINKE, SECRETARY OF THE INTERIOR
BEFORE THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
ON THE 2019 PRESIDENT'S BUDGET REQUEST
APRIL 11, 2018**

Chairman Calvert, Ranking Member McCollum, and Members of the Committee, I am pleased to appear before you today to discuss the 2019 President's Budget for the Department of the Interior. The 2019 Budget Request for Interior is \$11.7 billion.

2019 BUDGET PRIORITIES

Interior's 2019 budget prioritizes American interests with targeted investments to advance American energy dominance, enhance public access to public lands, and strengthen the economy through infrastructure investment, regulatory relief, and fiscal responsibility. The Department's 2019 budget reflects the Administration's commitment to strike the right balance of development and conservation of America's resources to advance important national objectives.

A major component of the 2019 budget is the Public Lands Infrastructure legislative proposal, which will provide up to \$18 billion to address Interior's deferred maintenance backlog in the national parks, national wildlife refuges, and Bureau of Indian Education-funded schools. The investment in the Interior's infrastructure will be funded by federal revenues derived from rents, rights of ways for energy purposes, and royalties collected by the Department of the Interior. The proposal complements the President's national infrastructure investment initiative and recognizes the strategic importance of long-term investment in America's treasures.

GENERATING REVENUE AND UTILIZING NATURAL RESOURCES

Growing America's Economy

Across Interior's diverse mission, the 2019 budget emphasizes the Department's crucial role in promoting economic growth for America. America's lands hold tremendous job-creating assets. Interior supports \$254 billion in estimated economic benefit, while direct grants and payments to States, Tribes, and local communities provide an estimated \$10 billion in economic benefit. In 2017, the Department collected \$9.6 billion from energy, mineral, grazing, and forestry activities on behalf of the American people. Interior also supports the economy by eliminating unnecessary and burdensome Federal regulatory requirements. For example, in 2017, Interior initiated 21 deregulatory actions all with significant associated savings for the taxpayer, once enacted.

The 2019 budget maintains support for Interior programs that play a critical role in encouraging national infrastructure development. The 2019 budget includes \$98.8 million for the Fish and Wildlife Service's planning and consultation activities to support development while avoiding species conflicts. This request enables FWS to meet legal consultation requirements and avoid logjams that could delay infrastructure projects and associated economic benefits to communities, States, Tribes, and companies. The request includes \$118.7 million for the Bureau

of Reclamation's construction of water delivery systems for Tribes and local communities. In addition, Reclamation continues to explore future water storage opportunities. The budget also includes \$48.3 million for the Bureau of Land Management's cadastral program, which maps and surveys the lands and resources needed to permit rights-of-way and other infrastructure project requirements in a timely fashion.

Advancing Energy Dominance

Interior plays a significant role in the Administration's objective to achieve America's energy dominance. The budget proposes \$792.0 million in current and permanent funding for energy related programs across the Department. Interior's 2019 budget continues to support an "all-of-the-above" energy development strategy, increasing funding for onshore and offshore oil and gas, expanding coal activities, and sustaining the current pace of renewable energy development.

A large portion of Interior's energy development activities occur on the Outer Continental Shelf. The 2019 request includes support from offsetting collections for a total offshore energy development and safety program of \$379.2 million. The budget includes a total of \$179.3 million for offshore oil, gas, and renewable energy development activities managed by the Bureau of Ocean Energy Management. It includes \$9.4 million for BOEM to prepare the 2019-2024 National OCS Oil and Gas Leasing Program. The request for BOEM also includes \$28.1 million for Renewable Energy activities across the Bureau. The 2019 budget includes \$199.9 million for the Bureau of Safety and Environmental Enforcement's programs to streamline the permitting process, conduct inspections, evaluate emerging offshore technologies, improve safety, conduct training, and maintain up-to-date policies, standards, and guidelines.

Onshore, the budget includes \$176.3 million in current and permanent funding for the BLM oil and gas management program which generated \$348.9 million from bonus bids derived from onshore oil and gas lease sales in 2017. The 2019 budget includes \$137.2 million in appropriated funds for BLM oil and gas management and oversight, including leasing, permitting, and inspections. This funding will be used to expand areas available for leasing, expedite permitting, and improve various aspects of program management. The budget includes \$19.5 million for the BLM coal management program to help reduce processing times, simplify the lease application process, and improve the timeliness to complete lease sale fair market value determinations. The budget includes \$16.0 million for BLM to support onshore Renewable Energy development.

An important component of Interior's natural resource programs is the collection and disbursement of receipts from development. The 2019 budget includes \$137.5 million for the Office of Natural Resources Revenue. In 2017, Interior held the first meeting of the re-established Royalty Policy Committee, which includes 20 members representing local, tribal, and State governments and other stakeholders. The RPC advises the Secretary on the fair market value and revenue collection from Federal and Indian mineral and energy leases, including from renewable energy sources.

Increasing Natural Resource Development

Interior manages a wealth of additional natural resource assets that require balanced stewardship and management. Maintaining healthy and productive forests requires active management. The 2019 budget includes \$9.5 million for BLM's Public Domain Forestry program and \$90.0 million for the Oregon and California grant lands. Both programs support jobs and local economies through timber and timber product sales. The programs also maintain and improve the productivity and resilience of forest and woodland ecosystems through sales and forest development projects such as density management and reforestation.

The BLM actively manages rangeland and grazing activities on public lands in the West which remain a vital part of local western economies. The 2019 budget includes \$82.1 million for the Rangeland Management program. The BLM manages nearly 18,000 livestock grazing permits and leases on the public lands.

Another example is the U.S. Geological Survey Mineral Resources program which conducts assessments to identify critical minerals and estimate potential supplies. A recent Secretarial Order directs all Interior bureaus to identify a list of critical minerals, identify domestic sources, and streamline permitting to encourage domestic production of these critical minerals. The 2019 budget for USGS includes \$19.1 million to support this Administration priority. With this funding, USGS will accelerate nationwide geological, geophysical, and topographical surveys of the United States to locate domestic critical mineral sources.

CONSERVING OUR LAND AND WATER AND EXPANDING OUTDOOR ACCESS

Interior is the steward of America's public lands and cultural resources for the benefit of current and future generations. Taking care of the resources we have rather than acquiring new Federal lands continues to be a top priority in the 2019 budget. To administer ongoing projects, the budget for land acquisition programs across the Department is \$8.1 million.

The 2019 budget includes \$4.6 billion for operating programs in the three primary land management bureaus—BLM, FWS, and the National Park Service. This funding supports the day-to-day management of the natural resources and public amenities of America's national parks, national wildlife refuges, and BLM-managed public areas, including its national conservation lands. Within this request is funding to support visitor services and safety, law enforcement, and maintenance of facilities. Early eradication and control of invasive species is an example of a core stewardship activity shared Department-wide, which is funded through land management operations. Across Interior, the 2019 budget includes a total of \$103.1 million for invasive species activities to address significant issues such as the spread of invasive mussels and Asian Carp.

The Land and Water Conservation Fund matching grants provided to States, and through States to local governments, support the acquisition and development of public outdoor recreation areas and facilities all across the Nation. The 2019 budget continues a funding shift that began in 2018 for NPS State Assistance grants from discretionary to mandatory funding. Starting in 2009, discretionary LWCF appropriations for the State Assistance program were supplemented by revenues from certain oil and gas leases in the Gulf of Mexico, as authorized by Section 105 of

the Gulf of Mexico Energy Security Act. Under existing law, this permanent funding for NPS State Assistance grants is expected to reach \$89.3 million in 2019.

Ensuring the availability of water is central to the Department's resource stewardship mission and is vitally important to communities across the West. The 2019 budget includes \$1.0 billion for Reclamation's water resource programs to ensure millions of customers continue to receive the water and power essential for daily life, healthy local economies, and land management. The 2019 budget includes funding to continue the WaterSMART water conservation grants and funds Title XVI water recycling reuse research grants to support local innovation efforts to stretch water supplies.

The 2019 budget maintains an important commitment to Interior's neighboring communities, by including \$465.0 million in the discretionary request for the Payments in Lieu of Taxes program. The PILT payments offset the loss in property tax revenue for communities with significant Federal lands in their jurisdictions.

FULFILLING OUR TRUST AND INSULAR RESPONSIBILITIES

The Department of the Interior upholds the Federal government's unique trust responsibilities by fostering government-to-government relationships between the Federal government and federally recognized Tribes, American Indians, and Alaska Natives. The U.S. also has important relationships with the affiliated insular areas including the territories of American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. Interior administers and oversees Federal assistance to the three Freely Associated States: the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

The 2019 budget addresses Federal responsibilities and tribal needs related to education, social services, infrastructure, and stewardship of land, water, and other natural resources. The budget prioritizes support for programs that serve the broadest service population rather than initiatives that are more narrowly focused. The President's budget maintains the Administration's strong support for the principle of tribal self-determination and efforts to strengthen tribal communities across Indian Country. The budget calls for full funding for Contract Support Costs and Tribal Grant Support Costs that Tribes incur from managing Federal Indian programs.

The Bureau of Indian Affairs also undertakes initiatives to promote resilient tribal communities. The 2019 budget includes \$2.5 million to address the opioid crisis, which has been particularly devastating in Indian Country. The funding will support BIA participation in intra- and interagency initiatives that support opioid and substance abuse prevention efforts. The BIA liaisons will align, leverage, and coordinate Federal efforts and resources to assist American Indian and Alaska Native communities in achieving their goals to reduce the supply of drugs, provide opioid addiction prevention assistance, and otherwise combat the opioid crisis, which is an Administration priority.

The 2019 budget includes \$173.0 million across the Department to honor Indian land and water Settlement commitments. This includes \$127.3 million in Reclamation and \$45.6 million in BIA. The budget continues to meet Federal responsibilities outlined in enacted land and water

rights claim settlements with Indian Tribes to ensure they have access to land and water to meet domestic, economic, and cultural needs.

In 2019, the Office of Insular Affairs will continue to execute activities which bolster healthcare capacity, strengthen island economies, and fulfill U.S. compact obligations. The proposed 2019 OIA budget is \$608.0 million, with \$84.1 million in current appropriations. The President's budget also proposes \$111.0 million in discretionary Department of Defense appropriations as a transfer to the Department of the Interior to fund the 2010 Compact Review Agreement with Palau.

PROTECTING OUR PEOPLE AND THE BORDER

A key component of Interior's land stewardship and public safety goals is management of wildland fire. The 2019 budget provides \$388.1 million for wildfire suppression. The budget responsibly funds 100 percent of the rolling 10-year average cost for wildfire suppression in the Departments of Agriculture and the Interior within discretionary budget caps, and proposes a separate annual cap adjustment for wildfire suppression operations to ensure adequate resource availability during severe fire seasons.

Over 12.5 million acres under Interior's jurisdiction are within 50 miles of the United States-Mexico border. More than 40 percent of the border, or 820 linear miles, is managed by Interior's land management agencies and the U.S. Forest Service. Interior is engaged with the Department of Homeland Security to increase security on the Southwest border, including 74 border miles on tribal lands primarily made up of lands located on and managed by the Tohono O'odham Nation in Arizona. The budget includes \$1.8 million to continue implementation of the Department's Southwest Border Radio Demonstration Project, which is an example of the coordination which occurs to help protect our border. The project was developed in cooperation with BLM, FWS, NPS, and the U.S. Forest Service in the Southwest border region to address Office of Inspector General-identified material deficiencies in the land mobile radio program and infrastructure, and ensure continuity of communications essential for safety, law enforcement, and resource management in the area.

Interior also plays an important role in preparation for and addressing the aftermath of natural hazard events. The 2019 budget includes \$117.3 million for the USGS Natural Hazards programs to maintain important nationwide monitoring networks, including volcano and earthquake networks, which provide vital scientific information to emergency managers.

MODERNIZING OUR ORGANIZATION AND INFRASTRUCTURE FOR THE NEXT 100 YEARS

Infrastructure Management

Interior manages an infrastructure asset portfolio with a replacement value exceeding \$300 billion, ranging from elementary and secondary schools serving Indian children in the West, to highways and bridges serving the daily commuting needs of the Washington, D.C., metropolitan area. Many of these assets are deteriorating, with older assets becoming more expensive to repair and maintain in good condition. Taking care of this significant asset portfolio is a persistent challenge.

Interior's deferred maintenance backlog has grown to over \$16 billion in 2017 of which over \$11 billion belongs to NPS. In addition to funding proposed in the Administration's Public Lands Infrastructure Fund, the 2019 budget for NPS includes \$281.5 million in current funding for construction and deferred maintenance projects. Construction and maintenance funding across the Department totals over \$1.4 billion in 2019, excluding Reclamation.

Management and Reforms

During the peak summer seasons, the Department of the Interior has nearly 70,000 employees in 2,400 locations across the United States, Puerto Rico, U.S. Territories, and Freely Associated States. Interior is also taking bold steps to better position itself for the next 100 years. In response to the President's *Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch*, Interior is working to reorganize its operating structure to establish unified regional boundaries to provide better coordination across the Department to improve mission delivery and focus resources in the field. The 2019 budget includes a total of \$17.5 million for this effort. The budget also proposes additional shifts to better align functions within the Department and respond to Congressional direction related to the Office of the Special Trustee for American Indians. The Department is continuing to evaluate the advantages and disadvantages of BOEM and BSEE being separate organizations with the understanding that revenue collection activities need to be separate from safety.

The Department annually spends nearly \$3 billion to procure goods and services, over \$1 billion on information technology, and over \$300 million to administer acquisition and human resources services. In 2019, Interior will work to achieve cost savings of \$52.7 million across the Department, through more aggressive use of shared services and use of multiagency "Best in Class" procurement vehicles, such as shared contracting with other bureaus and Federal agencies.

BUREAU HIGHLIGHTS

Bureau of Land Management – The 2019 budget request for BLM is \$1.0 billion. The budget proposes \$930.6 million for the Management of Lands and Resources appropriation and \$90.0 million for the Oregon and California Grant Lands appropriation – BLM's two operating accounts. The BLM budget proposes to restructure several budget lines to provide greater management flexibility and improve coordination of program activities.

Through BLM's multiple-use mandate, the 2019 budget advances energy resource development which generates revenues for Federal and State treasuries and local economies. The budget includes \$137.2 million in Oil and Gas appropriated programs to strengthen overall program capacity, improve management, and expedite permitting to facilitate increased environmentally responsible energy development. Within the total, \$9.5 million will establish a competitive leasing program in the 1002 Area of the Alaska North Slope, as required by the recently enacted Tax Cuts and Jobs Act, and bolster BLM's capacity for permitting activities in the National Petroleum Reserve-Alaska. The budget also includes \$19.5 million to strengthen BLM's Coal

Management program and \$16.0 million to meet anticipated market demand in the Renewable Energy program.

To maintain the BLM's land stewardship responsibilities, the budget includes \$82.1 million for Rangeland Management and \$66.7 million for the Wild Horse and Burro Management program. The budget also proposes \$53.2 million for Recreation Resources Management and \$26.3 million to continue support for the National Conservation Land areas.

The budget includes \$90.0 million for the Oregon and California Grant Lands programs. At this level, the BLM will focus resources on timber harvests as it pursues the timber sale targets specified in the 2016 resource management plans.

Bureau of Ocean Energy Management – The 2019 budget request for BOEM is \$179.3 million, including \$129.5 million in current appropriations and \$49.8 million in offsetting collections from rental receipts and cost recoveries. The budget proposes to offset a decline in offsetting collections with an increase in direct appropriations. The 2019 budget includes \$9.4 million to facilitate the development of a new National Outer Continental Shelf Oil and Gas Leasing Program.

Bureau of Safety and Environmental Enforcement – The 2019 budget request for BSEE is \$199.9 million, including \$132.1 million in current appropriations and \$67.9 million in offsetting collections from rental receipts, cost recoveries, and inspection fees. The budget proposes to offset the decline in offsetting collections with an increase in direct appropriations. The budget proposes \$12.7 million for Oil Spill Research.

Office of Surface Mining Reclamation and Enforcement – The 2019 budget request for OSMRE is \$121.7 million in current appropriations. The budget includes \$52.4 million for State and tribal regulatory grants, a level consistent with anticipated State and tribal program obligations.

Bureau of Reclamation – The 2019 budget includes \$1.0 billion for Reclamation's water resource programs to ensure millions of customers continue to receive water and power essential for daily life, healthy local economies, and land management.

The 2019 budget includes a total of \$447.0 million for construction, planning, and management of water and energy projects and programs. Funding for these activities supports water supply, drought preparedness and response, land management including recreation areas, and promotes water reliability by addressing the impacts of Reclamation projects on fish and wildlife. The budget also provides a total of \$444.0 million for water and power facility operations, maintenance, and rehabilitation activities. Reclamation emphasizes safe, efficient, economic, and reliable operation of facilities, ensuring systems and safety measures are in place to protect the facilities, Reclamation's employees, and the public.

The 2019 budget continues support to address America's water reliability and availability by investing to modernize existing water infrastructure. The 2019 budget includes \$10.0 million to continue the WaterSMART water conservation grants and \$3.0 million for Title XVI water recycling reuse research grants that support local innovation efforts to stretch water supplies.

The 2019 budget continues to support water technology innovation by incentivizing research through Reclamation's Water and Power Technology Prize Competitions. Reclamation's prize competitions target difficult scientific and technological problems related to infrastructure, water availability, and environmental compliance that affects water delivery and hydropower generation. The budget also includes \$7.6 million for Reclamation to proactively stop the spread of invasive mussels in the West, including preventing the spread of zebra and quagga mussels into the Columbia River Basin.

U.S. Geological Survey – The 2019 budget request for the USGS is \$859.7 million. The budget includes \$72.9 million for satellite operations, which includes \$31.9 million to continue development of the Landsat 9 ground system component for launch in 2021.

The request emphasizes science to inform energy and mineral development with \$84.1 million for the Energy and Minerals Mission Area, including \$19.1 million to locate domestic critical mineral sources. These commodities are those minerals with important uses particularly in technology, and no viable substitutes, yet face potential disruption in supply. This funding will support the Administration's initiative to spur critical mineral resource development in the United States.

The budget for Natural Hazards is \$117.3 million to support essential hazards monitoring, and provide scientific information needed by resource managers and policy makers. The budget maintains support for nationwide networks of more than 8,200 streamgages and nearly 3,000 earthquake sensors. The 2019 budget includes \$96.1 million for Ecosystems programs, focusing on nationally significant priorities, including detecting and responding to invasive species and wildlife disease, research supporting the conservation and recovery of species at-risk or protected by law, and science supporting biological resource management. The budget provides for continued collection of high-resolution elevation and hydrography data for the Nation, including modernizing maps for Alaska and complete national lidar coverage by 2033.

Fish and Wildlife Service – The 2019 President's budget requests \$1.2 billion for FWS programs of which \$1.1 billion supports FWS operations. The budget prioritizes funding to maintain operations and maintenance for the National Wildlife Refuge System at \$473.1 million and includes \$50.0 million for the National Fish Hatchery System.

Ecological Services programs are funded at \$211.8 million and the budget prioritizes funding for Planning and Consultation and species Recovery activities. The budget is \$74.8 million for FWS conservation grants including \$31.3 million for State and Tribal Wildlife Grants, \$33.6 million for the North American Wetlands Conservation Fund, \$6.0 million for the Multinational Species Conservation Fund, and \$3.9 million for Neotropical Migratory Bird Conservation. The budget proposes \$7.0 million for FWS land acquisition activities, which includes \$12.0 million in new budget authority and a \$5.0 million proposed cancellation of prior year balances.

National Park Service – The 2019 budget request for NPS is \$2.7 billion which includes \$299.0 million provided in the Budget Policy Addendum for 2019.

The budget proposes \$2.4 billion for NPS operations. Within this account funding is prioritized for the care and maintenance of existing resources, including repair and rehabilitation projects,

which addresses the deferred maintenance backlog, and cyclic maintenance projects, which ensure maintenance is conducted in a timely fashion to avoid increasing the deferred maintenance backlog. The budget proposes \$241.3 million for the Construction account, which includes \$157.0 million for line-item construction activities.

The request provides \$32.2 million for National Recreation and Preservation programs to support local community efforts to preserve natural and cultural resources. The 2019 budget includes \$32.7 million for the Historic Preservation Fund core grants-in-aid programs. The budget assumes funding for Land and Water Conservation Fund State Assistance Grants shift from discretionary to mandatory funding from offshore oil and gas receipts, estimated to support an \$89.3 million program. The budget requests \$8.8 million to administer both ongoing Federal land acquisition projects and American Battlefield Protection grants, and includes a \$10.0 million cancellation in available prior year balances, for a net total of -\$1.2 million for Land Acquisition and State Assistance.

Indian Affairs – The 2019 budget request for Indian Affairs is \$2.4 billion. Funding for Operation of Indian Programs totals \$2.0 billion. In 2019, priority is given to programs serving the broadest audience rather than initiatives or pilots. Within this total is \$741.9 million for Bureau of Indian Education programs where funding focuses on direct school operations and full funding for Tribal Grant Support Costs. The main operating account also includes \$350.1 million for Public Safety and Justice programs including \$2.5 million to address the opioid crisis which has been particularly devastating in Indian Country. The budget includes \$258.9 million for Trust Services programs to fulfill key fiduciary trust responsibilities.

The budget fully funds Contract Support Costs at \$231.0 million, which will cover all anticipated tribal program administration requirements at the requested program funding level. The budget requests \$133.3 million for Construction programs and prioritizes dams, irrigation projects, and irrigation systems which deliver water to aid economic development as well as protect lives, resources, and property. The budget prioritizes funding within education construction for improvement and repair of existing facilities. The budget also includes \$45.6 million to provide payments to ongoing Indian Land and Water settlements and \$6.7 million for the Indian Guaranteed Loan Program.

Departmental Offices

Office of the Secretary – The 2019 budget request for Departmental Operations is \$134.7 million. The budget reflects the proposed transfer of \$140.5 million associated with the Office of Natural Resources Revenue to a new appropriation within Department-wide Programs.

Office of Insular Affairs – The 2019 budget request for OIA is \$84.1 million of which \$81.0 million is for Assistance to Territories and \$3.1 million is for Compact of Free Association programs.

Office of the Solicitor – The 2019 budget proposes \$65.7 million for the Office of the Solicitor to provide legal counsel, administer the Department's ethics program, and help resolve legal issues among bureaus and offices as they fulfill their duties.

Office of Inspector General – The 2019 budget proposes \$52.5 million for the Office of Inspector General to continue support for audit and investigations across the Department. The budget supports the need for case management system maintenance, OPM security clearances, continuous data monitoring, and information technology systems assistance.

Office of the Special Trustee for American Indians – The 2018 budget requests \$107.1 million for OST. The budget proposes several organizational changes including to realign OST under the Assistant Secretary – Indian Affairs; to shift Land Buy Back Program for Tribal Nations to OST; and proposes OST assume coordination of certain functions of the Office of Navajo and Hopi Indian Relocation.

Department-wide Programs

Payments in Lieu of Taxes – The 2019 budget proposes \$465.0 million in discretionary funding for PILT. This amount includes \$68.1 million provided in the Budget Policy Addendum for 2019.

Office of Natural Resources Revenue – The 2019 budget request includes \$137.5 million for ONRR's receipts management programs as a separate appropriation to increase transparency of the program. The request includes \$3.7 million for anticipated contract cost increases to maintain the Minerals Revenue Management Support System.

Central Hazardous Materials Fund – The 2019 budget requests \$2.0 million for the Central Hazardous Materials Fund to support program management and legal staff. The program will fund highest priority remediation projects based on the availability of recoveries and focus resources on remediation projects with potentially responsible parties.

Wildland Fire Management – The 2019 budget request for the Wildland Fire Management Program is \$870.4 million. The request provides \$388.1 million for Suppression Operations to fully fund the 10-year average. Separately the Administration proposes an annual cap adjustment for wildfire suppression operations during severe fire seasons. The budget includes \$322.2 million for wildland fire Preparedness activities to support Interior's firefighting capabilities. To maintain proper stewardship of public lands and address wildfire risk, Fuels Management activities the budget includes \$150.6 million. The budget includes \$9.5 million to support high priority restoration of public lands damaged by wildfire.

Natural Resource Damage Assessment and Restoration – The 2019 request for NRDAR is \$4.6 million. The budget includes funding needed for ongoing damage assessments and restoration activities.

Working Capital Fund – The 2019 budget proposes \$56.7 million for the appropriated portion of the Department's Working Capital Fund. The request includes \$46.8 million for the Financial and Business Management System and \$9.9 million for Department-wide Cybersecurity needs.

Legislative Proposals

Public Lands Infrastructure Fund – The 2019 budget launches the Administration's Public Lands Infrastructure Fund (PLIF) to address repairs and improvements in national parks, national wildlife refuges, and BIE-funded schools. The PLIF would dedicate 50 percent of the

Department's incoming, unallocated energy leasing revenues that exceed the 2018 budget baseline estimates, for the National Park Service, Fish Wildlife Service and Bureau of Indian Education infrastructure needs. These revenues will be deposited into the Fund for 10 years and will be capped at a total of \$18.0 billion.

Bureau of Reclamation Title Transfer – The Administration has recently submitted to the Congress a proposal to better facilitate title transfer of Reclamation facilities to non-Federal entities when such transfers are beneficial. This proposal will allow local water managers to make their own decisions to improve water management at the local level, while allowing Reclamation to focus management efforts on projects with a greater Federal nexus.

Cancel Southern Nevada Public Land Management Act Account Balances – The budget proposes legislation to cancel \$230.0 million in unobligated balances from the Southern Nevada Public Land Management Act program over three years. This would redirect a portion of program balances to the Treasury for broader taxpayer use. The SNPLMA program is not proposed for elimination and viable conservation efforts will continue to be supported.

Land and Water Conservation Fund – The LWCF receipts authorization expires at the end of fiscal year 2018 and the Administration will review options for reauthorization.

Reauthorize the Federal Land Transaction Facilitation Act – The budget assumes permanent reauthorization of FLTFA's land sale authority, allowing Interior to dispose of lands with low conservation value and use the proceeds to acquire lands with higher conservation values, consistent with the original FLTFA mandate.

Recreation Fee Program – The budget proposes to permanently reauthorize the Federal Lands Recreation Enhancement Act, set to expire in September 2019. As a precaution, appropriations language is also submitted proposing a two-year extension through September 2021. The revenues collected by Interior from these recreation fees – nearly \$318.8 million in 2017 – are an important source of funding for land management operations, maintenance, and improvements to recreation facilities on public lands.

Termination of EPCA Geothermal Payments to Counties – The budget proposes to restore Federal geothermal leasing revenue allocations to the historical formula of 50 percent to the States and 50 percent to the U.S. Treasury by repealing Section 224(b) of the Energy Policy Act of 2005.

Wildland Fire Suppression Disaster Cap Adjustment – The budget responsibly funds 100 percent of the rolling 10-year average cost of wildfire suppression in the Departments of Agriculture and the Interior within discretionary budget caps, and proposes a separate annual cap adjustment for wildfire suppression operations in severe fire seasons, similar to how unanticipated funding needs for other natural disasters are addressed.

Conclusion

Thank you for the opportunity to testify on the President's 2019 Budget Request for the Department of the Interior. This budget maintains core functions important to the American people and supports transformation the Department needs to accomplish more effective

management over the next 100 years. It reflects tough choices to prioritize and focus limited resources where investments have the most impact while continuing to deliver access and services that are critical to Americans. Achieving success in all of Interior's important responsibilities for the American people is the Department's primary focus and Interior is committed to take action to better accomplish our mission. Thank you again for your continued support of the Department's mission. This concludes my written statement and I look forward to your questions on this budget.

Ryan Zinke

Secretary of the Interior

Ryan Zinke was sworn in as the 52nd Secretary of the Interior on March 1, 2017.

A fifth-generation Montanan and former U.S. Navy SEAL Commander, Ryan Zinke built one of the strongest track records in the 114th Congress on championing sportsmen's access, conservation, regulatory relief, forest management, responsible energy development, and smart management of federal lands.

"As a former Navy SEAL, Ryan has incredible leadership skills and an attitude of doing whatever it takes to win," President Donald Trump said in nominating the former congressman, who built an impressive portfolio on Interior issues ranging from federal mineral leases to tribal affairs to public lands conservation.

Growing up in a logging and rail town near Glacier National Park, Ryan has had a lifelong appreciation for conserving America's natural beauty while honoring Teddy Roosevelt's vision of multiple-use on our public lands. He has consistently led the efforts to renew the Land and Water Conservation Fund in Congress, and has also been a firm advocate for our nation's sportsmen to gain access to our public lands with the SCORE Act and SHARE Act. Zinke also coauthored the Resilient Federal Forest Act, which initiated new reforms for revitalizing America's timber towns and preventing wildfires by emphasizing the collaborative process.

Zinke is widely praised for his voting record supporting the Teddy Roosevelt philosophy of managing public lands, which calls for multiple-use to include economic, recreation and conservation. He has pledged to explore every possibility for safely and responsibly repealing bad regulations and using public natural resources to create jobs and wealth for the American people.

"I am honored and humbled to serve Montana and America as Secretary of the Interior," Zinke said. "I shall faithfully uphold Teddy Roosevelt's belief that our treasured public lands are 'for the benefit and enjoyment of the people'. I will work tirelessly to ensure our public lands are managed and preserved in a way that benefits everyone for generations to come. Most importantly, our sovereign Indian Nations and territories must have the respect and freedom they deserve. I look forward to making the Department of the Interior and America great again."

As Secretary of the Interior, Zinke leads an agency with more than 70,000 employees who are stewards for 20 percent of the nation's lands, including national parks, monuments, wildlife refuges and other public lands. The department oversees the responsible development of conventional and renewable energy supplies on public lands and waters; is the largest supplier and manager of water in the 17 Western states; and upholds trust responsibilities to the 567 federally recognized American Indian tribes and Alaska Natives.

Ryan Zinke represented the state of Montana in the U.S. House of Representatives since 2014. Before that he served in the Montana State Senate from 2009 to 2011, but the bulk of his public service was 23 years as a U.S. Navy SEAL officer.

Zinke enlisted in the Navy in 1985 and was soon selected to join the elite force where he would build an honorable career until his retirement in 2008. He retired with the rank of Commander after leading SEAL operations across the globe, including as the Deputy and Acting Commander of Joint Special Forces in Iraq and two tours at SEAL Team Six. Zinke was the first Navy SEAL elected to the U.S. House and is the first SEAL to serve as a cabinet secretary.

Zinke holds a Geology degree from the University of Oregon, where he was an All-PAC 10 football player; a Master's degree in Business Finance from National University; and a Master's degree in Global Leadership from the University of San Diego. Ryan and his wife Lolita (Lola) have three children and two granddaughters. Zinke is proud to be an adopted member of the Assiniboine Sioux Tribe at the Fort Peck Reservation in Northeast Montana.

Olivia Barton Ferriter
Deputy Assistant Secretary
Budget, Finance, Performance, and Acquisition

Olivia Barton Ferriter is the Deputy Assistant Secretary for Budget, Finance, Performance and Acquisition for the U.S. Department of the Interior, Office of the Assistant Secretary – Policy, Management and Budget. She provides leadership and oversight for developing the Department’s annual budgets, achieving clean audit opinions, implementing the Department’s Strategic Plan, and providing Department-wide guidance on contracting, real property, museum and fleet management and other functions. She champions the Department’s small business goals and ensures optimal performance of the Financial and Business Management System (FBMS).

Olivia has broad professional experience gained through U.S. Department of the Interior leadership and management roles, as a senior aide on Capitol Hill and as an award-winning journalist for a major daily newspaper. She served as the Deputy Director, Office of Policy Analysis, from January, 2011, to December 1, 2014, and in that role guided the development and implementation of a number of key Departmental policies. Prior positions at the Department include Director, Office of Conservation and Educational Partnerships; Chief of Staff, Budget and Audit Liaison, Office of the Assistant Secretary for Water and Science; and Congressional and Constituent Relations Specialist, U.S. Geological Survey.

Olivia served on Capitol Hill for 12 years as a House Appropriations Committee associate staffer and as a press secretary for a senior member of Congress. She also worked as a journalist for The Birmingham News, Birmingham, Alabama, and for Newhouse News Service, Washington, DC. She is a native of Alabama and currently resides in McLean, Virginia.

Denise A. Flanagan
Director
Office of Budget

Denise Flanagan joined the Department of the Interior as the Director of Budget in February 2010. Between 2003 and 2010, Ms. Flanagan was the Director of Financial Management in the Office of Naval Research at the Department of the Navy, where she managed a research and development budget of \$2.6 billion including Navy's Science and Technology program. During her tenure, the Financial Management Office received eleven financial management awards from the Department of the Navy, the Department of Defense, and the American Society of Military Comptrollers.

Prior positions include Director of Financial Management for the Navy's Office of Civilian Human Resources, Director of Business Operations for the Navy's Human Resources Operations Center, Executive Assistant to the Deputy Assistant Secretary of the Navy (Civilian Personnel/Equal Employment Opportunity), and Human Resources Marketing Manager for the Defense Mapping Agency. Ms. Flanagan began her Federal career as a 1991 Presidential Management Intern with the U.S. Office of Personnel Management.

Ms. Flanagan grew up in Fargo, North Dakota and graduated from the University of North Dakota with a Bachelor of Science in Public Administration with Honors. She earned a Master of Public Administration with a Concentration in Public Finance from the Maxwell School of Citizenship and Public Affairs at Syracuse University, and a Master of Science in National Resources Strategy from the Industrial College of the Armed Forces at National Defense University. Ms. Flanagan is a Harry S. Truman Scholar, a Defense Leadership and Management Program Scholar, a Certified Defense Financial Manager, and honors include two Department of the Navy Superior Civilian Service Awards.

REORGANIZATION

Mr. CALVERT. Well, I thank the gentleman for coming here today. We have a number of things that we would like to discuss.

Last September, the Department unveiled a reorganization proposal that you mentioned in your opening testimony. You contemplated establishing common regional office boundaries across the Department of the Interior bureaus. As I understand it, your goal is to improve coordination and decisionmaking among the Department's bureaus.

I applaud your efforts to identify efficiencies and reduce redundancies within the Department. I also want to stress the importance of seeking input and providing feedback from those that are potentially affected. People would like to hear from you about all of this, both from the Federal, State, tribal, and local level, as this moves forward.

Can you update the subcommittee on the present status of your efforts to reorganize the Department? And what specific goals or outcomes are you seeking to achieve?

Secretary ZINKE. Well, thank you.

Imagine an Interior Department organization that hasn't been reorganized in 150 years. Welcome to Interior.

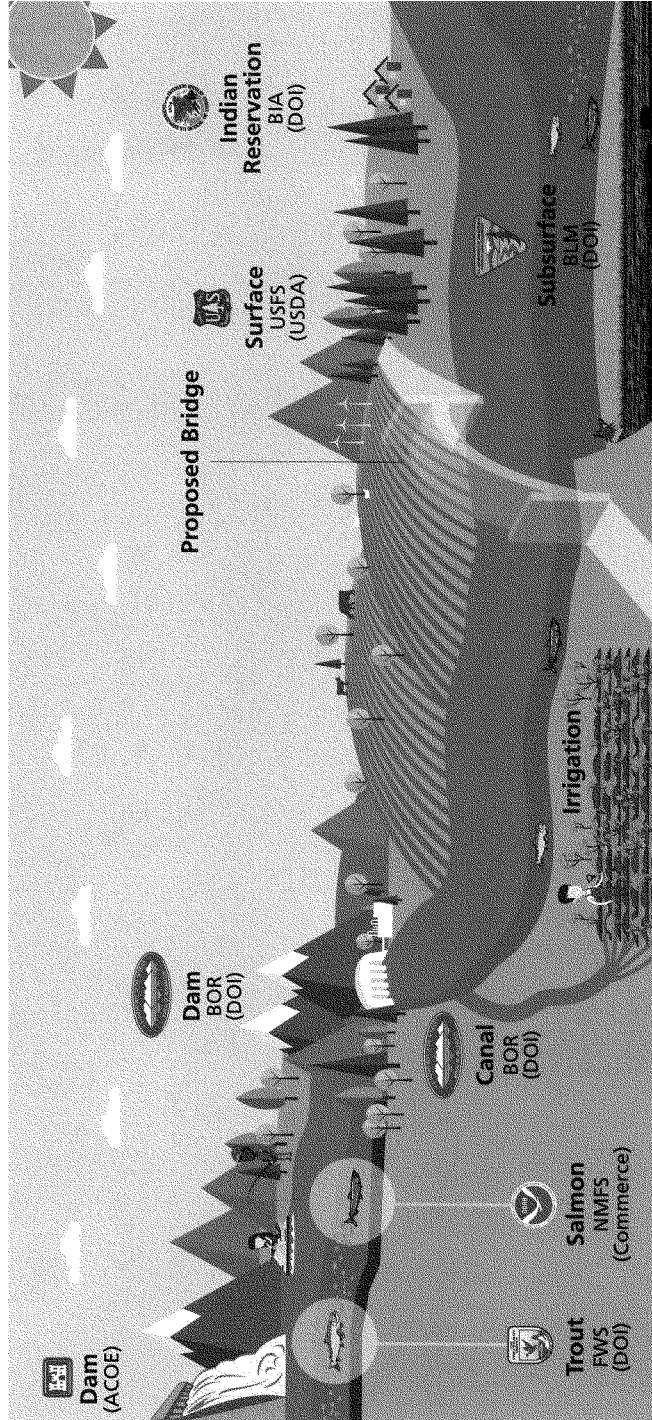
Let me explain one of the problems. Let's say you have a trout and a salmon in the same stream. Let's say upstream you have a dam, downstream you have irrigation, and if that stream passes by a U.S. Forest Service holding.

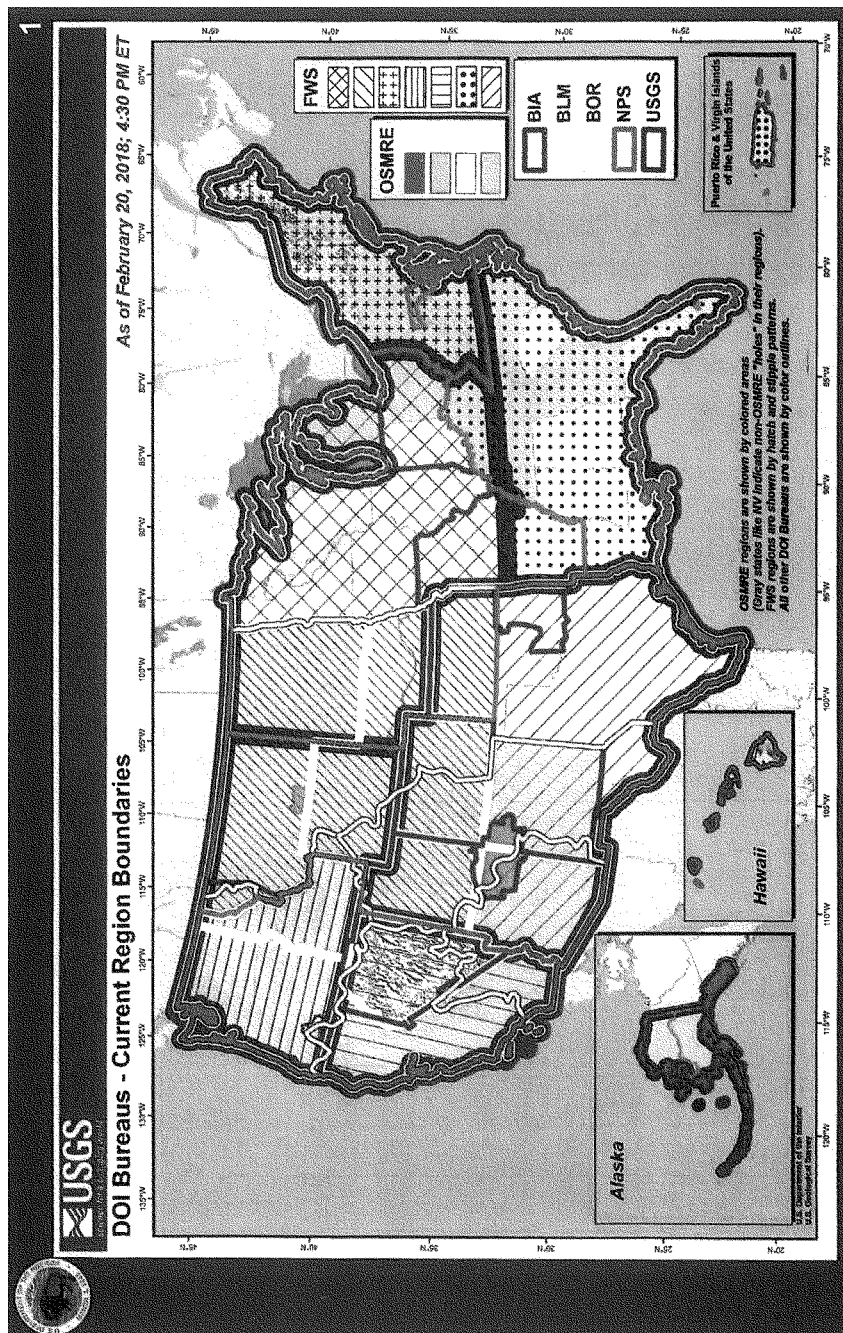
At present, this is how we are managing it: The salmon are managed by Department of Commerce through NMFS. The trout are managed by the Fish and Wildlife Service. Upstream, water temperature and flow is often the Army Corps of Engineers, although it sometimes can be Bureau of Reclamation, depending on the dam. Downstream, irrigation is generally Bureau of Reclamation. When it passes a Forest Service holding, the surface is Department of Agriculture through U.S. Forest Service. Subsurface is BLM through me.

Same stream, same activity. You can have multiple biological opinions produced by different bureaus with different missions, independently produced, and two or three of them are going to be in conflict.

The chart you have is presently how Interior is managed. Looking at that, I challenge you to figure out how Interior can get things done currently.

[The information follows:]

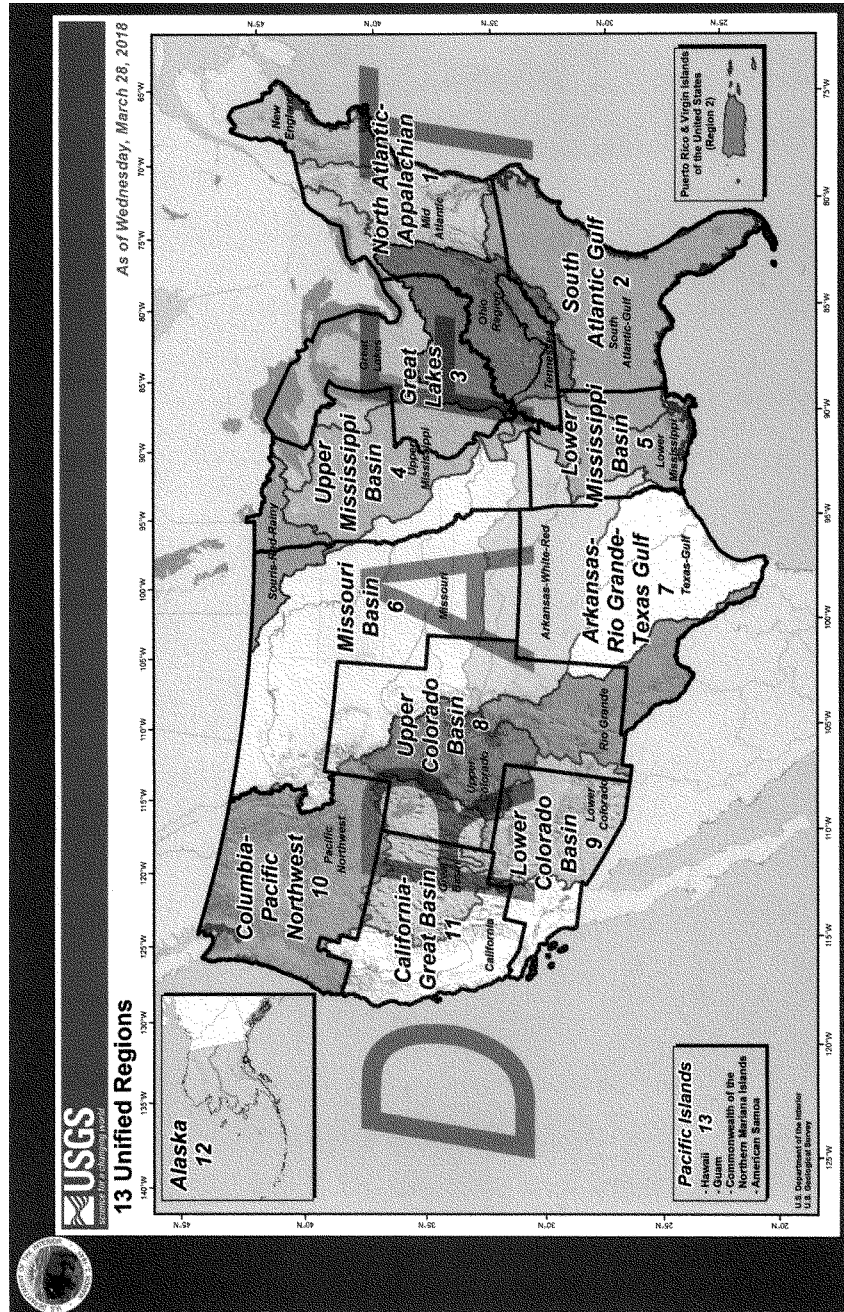




Secretary ZINKE. So this is what we did. We asked USGS to strip current boundaries and go by science to look at things like watersheds, wildlife corridors, and holdings, based on science. They had about 13 different variables. Then we took the pure science and we brought in our senior SES, our senior civil career professionals, and they murder-boarded it, and they made recommendations.

Even though I didn't agree with every recommendation, I took every recommendation, and we came with—next slide, please—we came up with unified boundaries. There are 13. They are similar in some cases to State lines, but mostly they follow a watershed line.

[The information follows:]



Secretary ZINKE. Within those new boundaries, they are unified so Fish and Wildlife and National Parks and Bureau of Reclamation can be in the same geographical units. Then we are focusing on three areas: recreation, NEPA, and permitting. It is our intent to do those jointly.

Recreation is an \$887 billion industry. And things like trail systems, bike systems should connect. We should have a system that is supporting and in harmony with recreation, rather than just doing it by isolated assets. Similarly, with permitting, you have to have all stakeholders at the table. And NEPA is similar. We need all stakeholders.

So where we are in the process is we looked at our current problem, we identified that we needed to be more joint in these decisions. Then, on the basis of science, USGS developed the 13 regions. Then we had the SES review of that. We brought the Governors in. A Governors' concern was BLM. We decided we are going to keep the State directors for the BLM because that is an important relationship.

I have talked to Simon Roosevelt and Gifford Pinchot III, and we are having a roundtable of conservationists take a look at it. We want to do it right, and we want to make sure we coordinate with you before we go forward on it.

This is where we sit currently. It is 13 regions. Just trying to unify our regions. This is not a new idea. We fight forest fires jointly. Certainly the United States military overseas conducts its operations in a joint manner. There is no reason why Interior can't move to this model.

CONSULTATION

Mr. CALVERT. Before I move on to the ranking member, is the Department engaged in any substantive consultation with Governors, tribes, and State and local officials affected by this reorganization?

Secretary ZINKE. We are.

And the tribal nations, they are sovereign. We are beginning consultation, and whether or not they adopt this model is really up to them. I have always said that I believe the nations are sovereign, and it is a partnership, it is a relationship.

I think it is to their advantage to join, especially in recreation, NEPA, and permitting. But we will enter a consultation, and whether or not BIA—which is unique in Interior, because BIA is the people department, unlike some of our other departments that manage lands or wildlife, the people department. It is yet undetermined whether or not they will be incorporated into that.

Mr. CALVERT. I want to make sure we get feedback from the tribes and other constituencies, especially the tribes, because I have heard from a few that feel that they are not part of the process. So I have your assurance that they will be and that you are going to stay in touch with them?

Secretary ZINKE. And, again, whether or not the BIA gets incorporated into this model will be up to the results of the consultations and the nations.

Mr. CALVERT. I am looking at this map real quick. The Navajo Tribe, for instance, moves over to several of these proposed basins. Those issues will make it more complex.

But, with that, Ms. McCollum.

REORGANIZATION

Ms. MCCOLLUM. I do have some questions on reprogramming. I am just going to make a point to say that when we talked in December, I said I would like to have someone come in and brief me and talk to me about this. I have been available. And I guess maybe we can finally do it now that I have a map in my hand for the first time.

But I just want to make one comment before I go to the question that I want to get to. Being from one of the Great Lakes States, knowing how the Governors from the Great Lakes work together and knowing how all the water districts work together up there and the tribes work together under the Great Lakes region, I am baffled a little bit by this draft map breaking up the Great Lakes the way it does. But we can get into that in more detail later.

REPROGRAMMING

I wanted to talk about direct spending and reprogramming. Congress has provided significant increases to the Department in the fiscal year 2018 bill. A statement that accompanies the bill provides direction on how the Department is supposed to spend the money.

So I would like you to comment on the way that you are going to adhere to the directives in the explanatory statement. Will you ensure that appropriate programs receive the funding levels that had been congressionally directed?

We have also included extensive direction about reprogramming requirements and stated our intention to include the bill language in fiscal year 2019. Are you familiar as of today of what these requirements are? And will you commit to working with the committee to develop language in order to avoid any barriers to implementation?

Secretary ZINKE. Well, you know, I follow the law. We had a conversation about a grant process. I have a stack of IG reports on my desk about grants. The intent of Congress should be followed on distribution of grants. But I also have an obligation to make sure, when the grants are given, that we follow up to ensure money was actually spent delivering on congressional intent, and we follow up on it. In a lot of cases, we have not followed up on grants. As well as, the grant process, there were some deep and very concerning conflicts of interest with how grants were awarded. I will share the IG reports on it. So we have changed the process.

The other thing on grants, particularly with the climate-change grants we talked about, is they are not asking for the grants until we get funded. What we needed to do—and we have taken the process of pre-clearing those, so when they get funding, those grants can be actually executed. What was occurring is the grants were not being submitted to the headquarters until we had funding, and then all of a sudden, you know, the process—everything was being held up. We have reversed that trend. If they are pre-

approved and in the priority of the congressional intent, then we should be able to get them out.

It is not my job to dismantle congressional intent. It is my job to execute congressional intent. And if we have any questions, that is where a dialogue comes back and forth.

MONUMENTS

Also, I might mention about Bears Ears. I am a geologist. I can assure you oil and gas in Bears Ears was not part of my decision matrix. A geologist will tell you there is little, if any, oil and gas. There is no proposal that I have seen to mine uranium in the former area of Bears Ears. The geology is clear on that.

TRAVEL

I won't go into line by line of some of the other comments, but—I certainly can. I am willing to discuss anything with you. I can assure you, I follow the law. I look at best practices. I make sure every time we look at things—on my travel schedule, by the way, you will find—and the report is coming up—that I followed every law, regulation, procedure, policy across the board. Every time I travel, it is reviewed by career ethics officials and approved prior. It is approved and looked at by legal folks.

The previous Secretary, for instance, on travel, took 80 trips, over \$1 million. And Sally Jewell, whether she took commercial or charter planes to hike, you know what? She was approved to do that, because hiking in some of our areas is exactly what a Secretary should do.

I took three trips for \$17,000, and it was the only available transportation available—only transportation available to meet the schedule.

I understand we live in a political environment, back and forth, but on every case I follow the exact policy, regulation, and procedure.

Ms. MCCOLLUM. Mr. Chair, that was not my question. Is this counting against my time?

Mr. CALVERT. I will not count it against your time.

Ms. MCCOLLUM. Thanks, Mr. Chairman.

In fairness so everybody gets to ask a question, I hope we have a second round, because I would like to get more into a couple other issues. Thank you.

Mr. CALVERT. OK. Thank you.

Mr. Amodei.

Mr. AMODEI. Thank you, Mr. Chairman.

Mr. Secretary, first of all, I want to thank you for kind of acting as a life coach during a lonely 2 hours in the Salt Lake airport a few months ago when I expressed some frustration with the general state of affairs in my life—of course, not yours. But anyhow. So I want to publicly say thank you for helping a non-Navy guy out, for a former Army JAG. I appreciate that.

And having said that, I also want to say thank you for being responsive in terms of hooking me up with Mr. Tanner. Although he is from Utah, he has been a very able guy, and I have enjoyed the exchange we have had.

I have enjoyed the fact that I had a chance to visit with Ms. Combs in your office recently to talk about the reorganization stuff.

REORGANIZATION

And I heard you say again today, so I won't say anything else about it—I am happy to hear that we are talking about the importance of BLM State directors. And so we will leave it at that.

You know, as I listen to the chairman of the whole committee talk about the importance of what is going on in New Jersey—and that is very important—and other parts around the Nation, I do feel an obligation to go, well, with all due respect, one of your bureaus, the Bureau of Land Management, owns the equivalent of about 25 or 30 New Jerseys in my State.

And I say that to say that the mission of the Bureau in my State is phenomenally important because the jurisdiction that your folks have there is about seven times that of the Governor, the legislature, every county commission, and every city council. So those people are very, very important when we talk about multiple use and land management for basically everything they do in their mission except probably timber, although we do have trees in Nevada, and offshore issues because we don't have any coastline.

BLM BUDGET

So, having said that, I would like to ask for an opportunity, obviously not during this hearing, to get with Ms. Ferriter and talk about the need for—because we have done some work in terms of what staffing looked like a decade ago, what it looks like now, most of which was not during your tenure. But it is like, hey, it is important that, to the extent we have budgeted positions, to do things on the non-fire side of the house. And I am not a guy who says more money is the answer to everything, but it is like, if we need personnel to do the mission, then I think that is the statement.

So I want to get a little deeper, obviously not in this hearing, into how that looks in terms of regular operations of the Bureau in Nevada. So how that looks with what we did with the Omni as a starting point, and then what we are talking about doing with this year's—although I know when it gets to the Senate that that is a different planet, and I will just leave that at that.

But, having said that, I really want to sit down and go, hey, so how do we—so, quite frankly, if there are four real estate positions in western Nevada, that those are filled and that those people are doing their job. Nobody leave the room and said that I expect the Bureau to give everybody a yes or something like that, but we do expect realistic timeframes when you talk about fulfilling the mission.

SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT

And I notice in your statement that you have a reference to SNPLMA and doing some stuff with some of those funds. And I will just join in the chairman's comments about another program that, while I am all for looking at everything, I am probably going to urge that the committee not to strip the SNPLMA funds out of

the account because they are unobligated. And I know that will come as a shock to your staff and everything else.

OFFICE OF THE SOLICITOR

The final thing I would like to do is I would like to get together and speak with your appropriate folks, and maybe that is the Under Secretary, but, quite frankly, I have a concern about solicitor operations in my State. Because, quite frankly, the solicitor isn't in my State. And so, no offense to the chairman here, who lives in the Golden State, but you know what? Having a solicitor in Sacramento making decisions that affect Las Vegas, Elko, Winnemucca, that have to interpret Nevada water law, sometimes that kind of gets left out.

And so, while I appreciate the value of legal advice, being a recovering lawyer myself, I just have a concern about, quite frankly, that there is a lot of district managers going, oh, the solicitor and whatever said this and so end of discussion. And then I end up calling up Mr. Steed or somebody else like that to say, hey, can we have somebody take a 360-degree look?

So, with that, I will make it real hard on you. Do you have any objection to me borrowing Ms. Ferriter or discussing with your folks the solicitor stuff?

And if you don't, I will yield back, Mr. Chairman.

Mr. CALVERT. I thank the gentleman—as a matter of fact, all three of you.

Secretary ZINKE. No, I don't have any objection to any member of this committee, both sides, you know, fully engaging the staff on issues. Up front, I don't know all the answers. I have really good people around me that work hard, and we will get there.

But, as a former Member, I think it is important that we do have a dialogue. Even though we may agree or disagree, we shouldn't agree to disagree, and that we should be cordial and we should work for common goals. I don't think there is anyone on this committee that doesn't love public lands. I don't think there is anyone on this committee that doesn't want to see better management of public lands, long term, greatest good.

With that, your comment was, just to answer real shortly, we are short in the field. Every time I go out, we are too short in the field, we are too long in the headquarters. The decisions, a lot of times, are made in D.C., which don't reflect local priorities. Asian carp, for instance, if you are in the Michigan watershed area, Asian carp is a big deal. So is zebra mussels. Not so much in D.C.

REORGANIZATION

Part of the idea about the reorganization is to go based on science and the watersheds as a baseline, wildlife corridors, and try to push those important decisions and the priority down within different regions so things like Asian carp can be addressed, as important as it is, within these new unified regions.

When you had the fish and the trout scenario—and every bureau has different priorities and is structurally different. We need to get the stakeholders working jointly, I think, in the three areas—recreation, NEPA, and permitting—so we can make better positions sooner.

Mr. CALVERT. Thank you.
Ms. Pingree.

OFFSHORE DEVELOPMENT

Ms. PINGREE. Thank you, Mr. Chair.

Thank you very much, Mr. Secretary, for being with us today. And in the spirit of friendliness, I think I mentioned to you once that my first visit to Montana was the Bob Marshall Wilderness. I went on a pack trip. And the thing that struck me was the similarities between our State, even though you have mountains and, where you are landlocked, we have oceans. I do think you bring a perspective of a rural State and some of the same concerns. I think we have a lot of similarities within our natural resource space and other issues.

But I want to focus my question on the thing you don't have in Montana, which is offshore oil drilling.

So I sent a letter, along with the Democrats on the committee—I am happy to give you another copy of it—and that was just to ask you to explain a little more about the process that we are going through to do this. We have had enormous concerns from our constituents about the possibilities of doing this.

When you made the announcement, it seemed as though it was somewhat arbitrary, given how many States raised concerns. You heard the chair of Appropriations this morning on the Republican side talk about the concerns in New Jersey. Certainly we have had a decades-old ban on doing this, and there are good reasons for that.

In my State, people think the science is clear, and they are very worried about the economic impact. Tourism is the largest industry in Maine, \$5.6 billion, 71 percent of which comes from our coast. Fishing is a very important part of our culture, our history. Lobster fishing alone brings in \$500 million. Our fishermen are up in arms about this possible idea and the potential damage that could be done with offshore oil drilling and any danger that comes with that.

We are concerned about the process. We did have a visit from the Bureau of Ocean Energy Management to Maine. While many of my constituents had planned and hoped that they could speak in a public hearing—these were fishermen, these were small-business owners who wanted to come forward and say what was on their mind—the format was very different. I appreciate your department explaining that to me, but, really, it was more of a one-on-one. You could visit a booth, you could talk to somebody about it, but you really couldn't register your public complaint. I think this has been very upsetting to people in Maine.

So I wanted to know a little more about this decisionmaking process. I know you have said at times we have a Governor who has been favorable towards this. He won't be the Governor, because of term limits, after the end of this year. And our legislature voted very strongly to oppose this. Our entire congressional delegation—Republicans, Democrats, and independents—are opposed to this.

We were shocked to see that you would exempt Florida. Even though many Mainers spend their winter in Florida and we don't want them to have an oil spill either, the fact is that was kind of

an arbitrary decision and very upsetting to most of the other Atlantic States.

I am happy to pass along that letter to you, give you the resolution that our legislature passed in opposition. But can you tell me a little bit more about the process?

Secretary ZINKE. Absolutely.

Ms. PINGREE. And, frankly, why did you exempt Florida and not us? We deserve it more.

Secretary ZINKE. Florida is not exempt, because they are still going through the process. Let me explain what we did.

If you go back to 2008, Interior made about \$18 billion a year just in oil and gas. When I came in office, we made \$2.6 billion. We dropped \$15 billion in revenue a year. On scale, that would have covered our entire backlog of maintenance in the three primary areas.

It was a decision of mine, rather than looking at 94 percent taken off, I said, let's do a zero-based budget and let's put everything on, and let's have a discussion as Americans and about priorities and the importance of oil and gas.

Now, having said that, it is interesting that, clearly on the East Coast, what we are seeing—and I have talked to your Governor and Georgia's. Both of them are either favorable or neutral. The rest of the Governors are opposed.

But also the oil and gas revenues—for instance, in Maine, there isn't any oil and gas, really, of significance. The only play, really, is called the mid-Atlantic. It starts in northern Georgia and kind of goes up to Virginia. It is some distance off the coast, as far as about 70 miles. We think it is a gas play. We don't really have a lot of geologic definity on it.

What is also happening is there is no doubt drilling offshore is more risky than onshore. What we are seeing as a country is investments are moving onshore to the Permian because it is not as risky and, also, there is no infrastructure offshore. Unlike the Gulf Coast, there is no sub-sea infrastructure. Were we to begin an offshore oil and gas play on the East Coast, you would have to start from scratch.

The other thing, States matter. The local voice matters, you matter, and the Governor matters. As we go through, we are shaping our plan to make sure we accommodate local voices. Fishermen matter. And fishermen aren't very happy about wind either. I just was up announcing some fairly large and significant wind leases off the coast. We want to make sure the stakeholders—and when we do our wind, for instance, same thing, is we want to make sure we design the fields so we don't negatively impact our fishing fleets.

We are going through the process. I committed in Florida—and Florida is different. They have a moratorium in place, a Federal moratorium, that prevents oil and gas activities. Looking at both parties, every Member and the Governor asked me for a meeting. I committed no new oil and gas platforms off the coast of Oregon. What was driving it is every Member, both sides, where the oil and gas resources are, asked for an immediate meeting. You would have thought that I would have been applauded by the Democrats on that side, but they—somehow, they agreed with the policy, they

didn't agree with how I did it. They are still going through the process.

Again, it is not a rule; this is a plan. We are trying to get the first draft out in the fall.

Again, in the State of Maine, most of the areas, A, you don't have resources off the coast; B, you don't have infrastructure in place; and, C, most of the districts along the coast and communities are not in favor of oil and gas, while most of them are in favor of wind, as long as they don't see it. So wind has to be over the horizon. There is less opposition to gas. But, quite frankly, we don't have the data, in particular.

The last thing about seismic is seismic is also required for wind. Seismic is also, in some cases, required for going out and mining for sand, for reclamation. And mining the sand off the coast, which we do an enormous amount of mining, is far more destructive than any seismic.

We have to be careful about saying we don't want science and the best possible technology to look at what is there. Same thing with wind, you have to make sure when you augur these platforms in that you are on stable ground, or, if you should mine, making sure we look at the environmental effects.

That is where we are. We will get you the draft as soon as we get done. We are taking public comment. I think I know exactly where everyone sits, on both coasts.

Ms. PINGREE. Well, thank you for the followup. I certainly will look forward to seeing the draft. I think you, in fact, made a lot of good arguments about why Maine should be exempted. Perhaps you could commit to, after this next election cycle, if I am lucky enough to be here—and our State will have a different Governor. If we are all on the same page, maybe you can meet with us, we will have everyone aligned, and you can say, "Oh, well, Maine shouldn't have it either," and just get this off the table sooner rather than later.

Secretary ZINKE. I am sure Maine is going to be very happy with the draft proposal.

Ms. PINGREE. Well, thank you.

Mr. CALVERT. Mr. Jenkins.

Mr. JENKINS. Great. Thank you, Mr. Chairman.

And good to see you, Mr. Secretary. Great to be part of your class of 2014, and you have done well. Appreciate you.

A couple of quick questions.

AML PILOT PROGRAM

One, I just wanted to sensitize you to something that Chairman Calvert, Chairman Rogers, and I have been very involved with, and that is the AML pilot program. We, in the omni, re-upped for a third year of that. And I just wanted to share with you the positive things that are happening in West Virginia—I am sure Chairman Rogers could do the same from Kentucky—of how this program is working. This is taking previous AML properties, and using funds to make connections to economic development possibilities.

Just the one, kind of, seed. When, at the State level, these AML projects are identified, approved, meet the criteria, they do go back up the food chain, get reviewed in Washington, and we still don't

quite have the timeliness and turnaround that I think we ought to be able to achieve. So I would like to work with your AML folks, OSM office, to try to expedite. Because that was the intent, was to get these funds dispensed quickly and these projects out in the field.

KING COAL HIGHWAY

The second I would like your assistance on, and first with a compliment. King Coal Highway, my philosophy: As go the roads, so go the jobs. And the King Coal project, which was taking actively mined out property, leaving the roadbed, and then being able to come in at a significantly reduced amount of cost to the taxpayers, building roads. And this project has been held in abeyance for almost 10 years because of regulatory red tape. And thanks to President Trump, thanks to this administration cutting through the red tape, and, in particular, thank you to the EPA, we have been able to clear an important hurdle to get this project on the road to being constructed.

But we still have a Fish and Wildlife Service issue that has cropped up. So really just wanted to plant the seed. Once again, thank you for the work that has been done. I think we are heading in the right direction. But we still have some bumps in the road, and we would like to work with you, your appropriate staff, to address these hurdles that still need to be cleared.

I am really excited, the people of West Virginia are excited about the administration's very clear directive. We are going to cut through red tape, we are going to cut down burdensome regulations, we are going to get projects moving forward. And we have seen that already, but we just want to keep the foot on the pedal.

And there are still some opportunities, I think, whether it be OSM and the AML pilot program or Fish and Wildlife relating to King Coal, and would like to work with your folks on that.

Secretary ZINKE. I am absolutely committed. I have some good news. Fish and Wildlife recently did finish a consulting on a segment in 2 days. That was light speed for government.

But on the——

Mr. JENKINS. So we could have this by Thursday or Friday of this week? This is great.

Secretary ZINKE. But, some of it is structural, you know, on the fish and salmon, about a regulatory framework. The goal is to make sure we maintain accountability and oversight but make the decisions sooner, one way or another, yes or no, on projects.

When you have multiple agencies and independently produced biological opinions, sequentially, that is why we are seeing a simple replacement of a bridge and sometimes it is 17 years.

Mr. JENKINS. Yeah.

Secretary ZINKE. If we work together, we can do it better.

Then we have to figure out a way to incorporate innovation into our regulatory framework. Because, a lot of times I think everyone's goal is to improve safety, reliability, accountability, environmental stewardship, but sometimes the government regulatory framework doesn't work, when new techniques, new science, new innovation will save time, cost. We have to look at being flexible

enough on our regulatory framework to allow innovation into that framework so we can move smartly in a responsible manner.

SUE AND SETTLE

Mr. JENKINS. Just one final comment. When you mention the OIG, you referenced a stack of reports on your desk. Your staff shared a three-ring binder.

A year ago before this committee and then subsequent discussions—and I just wanted to give you a quick minute, to the extent you are publicly willing, to address it. I wanted to thank you publicly, because I do believe we have, unfortunately, a past practice under Interior and the EPA, in particular, sue and settle; third-party groups that had maybe nudging from EPA and others to do certain things; taxpayer dollars being misused to drive an ideological agenda.

And to the extent you are able to discuss today—and I am looking forward to looking at the OIG reports. With this year under your belt, I know you were committed to fettering out some of the abuses and the mistrust of the taxpayer dollars that has occurred in the prior administration. What has the OIG been able to find, and what are you able to share?

Secretary ZINKE. I would say there were three areas. There was sue and settle, which a regulation will be put in place. It would invite a lawsuit; the lawsuit would be settled, both monetary and then a regulatory fix, without going through the process of regulation. Compensatory mitigation, where, in order to get a permit, you would have to in some cases almost be extorted to do it.

There is a case right down the road here about a power company that wanted to put a power line in. The Park Service opposed it. In order to get the permit, they had to deliver \$90 million to a few 501(c)(3)s for the idea that somehow this power line, which—I did an aerial survey, I looked at it. The power line itself, yes, could be seen if you walked off the path and you went in a far little area. The power line crossed the Captain Smith Trail, which is on the James River. But, of course, the power line could be seen for a little bit of an area, but, then, so could the power plant itself and Busch Gardens and the Navy derelict fleet. In order to get the permit, they had to pay about \$90 million. And no question that it upset people.

GRANTS

Then some of the grants. Grants has not just been the problem of the previous administration. It is a long-going problem that we didn't have proper procedures to make sure that conflict of interest wouldn't happen, that if your wife is a grantee, that there is a process. With the conservation community, there are lot of husbands and wives that work in that area. And that is fine. But if you do have a conflict of interest, like in the Congress, you should identify it and make sure you are not part of making that decision.

We put processes in place to make sure that didn't happen, and I am confident we are going to get better. But we also need to make sure we exercise funds upon congressional intent. I don't want to hold funds. It is your decision as a Congress to fund. It is my decision to execute those funding lines.

Mr. JENKINS. Thank you, Mr. Secretary.

I yield back.

Mr. CALVERT. Thank you.

Mr. Kilmer.

Mr. KILMER. Thank you, Chairman.

And thanks, Mr. Secretary, for being with us. I have got three topics I am going to try to cover super fast.

OFFSHORE DEVELOPMENT

First, along the lines of what Ms. Pingree was asking about, I had a bunch of townhalls last week in my district. The issue of offshore drilling came up a bunch.

I know you testified in front of Senator Cantwell's committee and you are keenly aware of the broad opposition to Washington State's inclusion in the plan. You know, obviously, we have got fisheries and shellfish growing and marine tourism and shipping, all of which are really fundamental to our economy and are largely incompatible with oil and gas development.

We have a letter that is actually both bicameral and bipartisan outlining the concerns from our region. I have got a copy of it. And with the chair's and the ranking member's permission, I would love to submit it for the record.

[The information follows:]

Congress of the United States

Washington, DC 20510

February 1, 2018

The Honorable Ryan Zinke
Secretary, U. S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Zinke:

We write to express our strong opposition to inclusion of Pacific Northwest waters in the Trump Administration's National Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024. The states of Washington and Oregon have made clear through local, state, and federal action, as well as extensive public comment, that oil and gas lease sales off the Pacific Coast are not in the best interest of our economies or environment. The Department of the Interior's proposal to consider drilling off the states we represent, absent stakeholder support and directly contradicting economic and environmental factors of the region, is a waste of time, government resources, and taxpayer dollars.

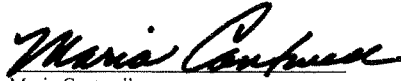
The importance of marine resources to our regional economy and the level of local opposition to offshore oil and gas development cannot be overstated. The coasts of Washington and Oregon are home to numerous seafood and tourism-dependent coastal communities. Washington state supports a \$50 billion dollar maritime economy and 191,000 maritime related jobs. Oregon's commercial fisheries contributed over \$500 million in personal income to the state in 2016, with an economic impact of more than \$2.1 billion. In Oregon, coastal tourism alone generates \$1.9 billion in revenues and supports over 20,000 jobs. An oil spill off our shores would jeopardize jobs in commercial, recreational, and tribal fisheries, employment in the seafood processing industry, a robust tourism and recreation economy, a historic shipbuilding industry, and the clean water required for critical regional and international trade and transportation routes.

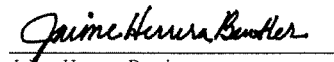
There is a reason it has been decades since the waters off the coasts of Washington and Oregon have been considered for oil and gas leasing. Voluminous existing information documents the lack of oil and gas resources; absence of oil and gas industry interest; strong state and local opposition as expressed through laws, goals and policies of affected states; other uses of the waters to support our coastal economies that conflict with oil and gas activities; and extreme environmental and ecological risks.

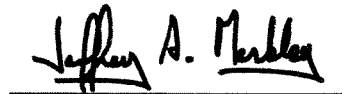
From healthy beaches serving as tourism hubs on the coast, to the 3,188 square mile pristine Olympic Coast National Marine Sanctuary, protecting our sustainable marine resources is a priority for our states. As you finalize the Draft National Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024, we urge you to remove the Washington/Oregon planning area.

Thank you for your attention to this matter which is of the utmost importance to our constituents.

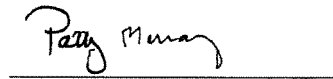
Sincerely,


Maria Cantwell
United States Senator

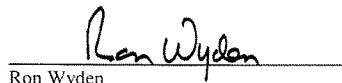

Jaime Herrera Beutler
Member of Congress

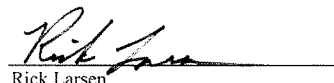

Jeffrey A. Merkley
United States Senator

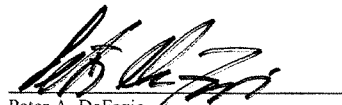

Dave Reichert
Member of Congress

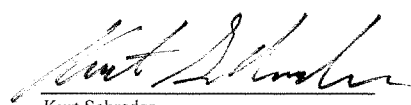

Patty Murray
United States Senator

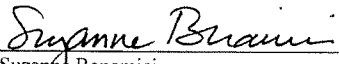

Derek Kilmer
Member of Congress

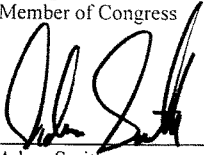

Ron Wyden
United States Senator

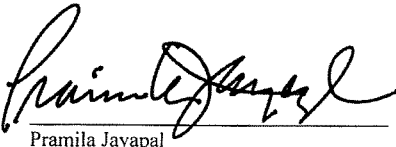

Rick Larsen
Member of Congress


Peter A. DeFazio
Member of Congress

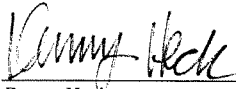

Kurt Schrader
Member of Congress


 Suzanne Bonamici
 Member of Congress


 Adam Smith
 Member of Congress


 Pramila Jayapal
 Member of Congress


 Earl Blumenauer
 Member of Congress


 Denny Heck
 Member of Congress


 Suzan K. DelBene
 Member of Congress

Mr. KILMER. I know that you told Senator Cantwell you were going to mark Washington State down as opposed to drilling. So I am hoping I can ask you today if you are prepared to announce that you will withdraw our State from consideration, as you have done with Florida.

And, if not, given the near universal opposition to drilling off Washington's coast, what is preventing the Department from making that determination? Has anybody expressed an interest in drilling off of our coast?

Secretary ZINKE. Putting everything on, and if I would have left Florida off in the beginning it would have been arbitrary and capricious. Again, this is the plan and not the rule. Everyone is in the process.

Washington. There are little or no resources of oil and gas off the coast of Oregon or Washington. There is no infrastructure to support an oil and gas industry off the coast of Oregon or Washington. There is, I would say, passionate opposition to do so.

In the case of Washington with the coal terminals, Washington itself has enormous leverage as a State. I have talked to your Governor. But because Washington has the first, I think, 3 or 4 miles is State waters, Washington can restrict the Federal activity.

If you were to drill off the coast of Washington, and if there were resources, which as a geologist I haven't seen any interest or resources there, you would somehow have to bring it to shore. Well, you would have to go through the State waters.

Similarly, Massachusetts strenuously objected to a wind farm that was pretty close to the coastline. What they did is they revoked the ability for that wind farm's energy to get to shore through State waters.

We will continue with the process. Our team went out there. I have talked to your Governor. I have talked to, I think, almost every Congressional Member, including your two Senators. I think I have a pretty good idea where Washington sits.

Mr. KILMER. Thank you.

ELWHA WATER FACILITIES

I want to ask you about an issue I brought up when you were here last year, and that is the settlement negotiations between the Park Service and the City of Port Angeles regarding the operation and maintenance of the Elwha Water Facilities.

I know we have engaged with you a lot over the past year, and I am grateful for your attention to this issue and your staff's attention, particularly given the substantial economic consequences for the city if an agreement can't be reached.

As you know, the committee included language in the fiscal year 2018 omnibus that directs the Park Service to report to the committee on how it intends to meet its obligations under the Elwha River Ecosystem and Fisheries Restoration Act prior to transferring any of those water facilities and basically urging the Park Service to work it out with the city by this June.

This June is right around the corner. And so I would just like to ask for your continued partnership to ensure that the Park Service has the resources it needs to carry out this committee's direc-

tion and hopefully to resolve this issue in a way that works for the city.

Secretary ZINKE. My understanding is there are negotiations, although the two sides remain apart. You have my assurance I am going to get personally involved in it because I just want it settled.

Mr. KILMER. Thank you. We do, too.

FISHERIES

Secretary ZINKE. Also in the State of Washington, fisheries are an enormous concern of mine. I think our fisheries have been allowed to deteriorate. I have talked to many of the tribes and they are concerned. We have to work together to make sure we rekindle our fisheries, particularly with salmon.

There are some environmentalists we are going to have to work through, but it is hurting the economy of Washington and it is hurting the tribes. A lot of our fisheries have atrophied and we need to reinvest in them, in my opinion.

Mr. KILMER. The Elwha dam removal I think was a real success story, but it won't be if it ends up with a giant burden on the local community.

Do I have time for one quick one?

Mr. CALVERT. OK.

MAINTENANCE BACKLOG

Mr. KILMER. Finally, I just want to thank you for the attention to the maintenance backlog within the Park Service. We have got a bipartisan bill called the National Park Service Legacy Act that would establish a permanent fund dedicated to paying down the maintenance backlog. I know that my good friend on the committee, Mike Simpson, who is ironically down for maintenance himself on his knee, has also introduced another bipartisan solution on this.

This is a big deal because there is a lot of concern about substantially jacking up the entrance fees and how that could affect some of the gateway communities. I know that there is difference in some of the specifics on these bills, but I know we want to see something cross the finish line that actually addresses this maintenance backlog. So I just want to ask for your continued attention and partnership as we work to hopefully establish a dedicated fund to address in the maintenance backlog.

Secretary ZINKE. What I am hoping is that there are multiple bills that approach it somewhat differently. We need to address the backlog in maintenance. There are several Senators that looked at our bill and said, well, if it should pass and you get the backlog in maintenance caught up, what then? Are we going to be in the same box the next 10 years? They are moving to make it more permanent, structured.

With energy, this is what I thought. I thought at the end of the day, if you are going to make—all of the above. We are seeing a trend on the East Coast to go more wind up the coast, similar to oil and gas in the Gulf that funds LWCF. And the approach was net dollars going into Treasury.

So it didn't affect LWCF. It didn't affect GOMESA. The proposal we had didn't affect any program. It was just whatever was left

from congressional intent going into Treasury net, half of it would go back into an infrastructure account.

Now, that was our proposal. Senator Alexander, has a bipartisan proposal too. We are very supportive of any mechanism that is responsible in order to address a backlog, and it is not getting any better.

Mr. KILMER. Yeah.

MAINTENANCE

Secretary ZINKE. And, lastly, if I can take 1 minute.

The doors. I read it like you that the doors were \$139,000. I didn't even know they were my doors. But it is part of a long-term maintenance program with the building.

Why are they \$139,000? Well, we brought it down to \$55,000. We had this little thing called the National Historic Preservation Act, and when you have a building or a facility that sits on the historic register, you are bound to go through SHPO and consultation and the whole works.

It would be helpful if we worked together in this to make sure common sense can be applied. There are some buildings we absolutely need to make sure they are restored to original, Independence Hall among many of them.

But some of our holdings we don't need to. If a roof is sugar pine shake, we don't need to replace it to sugar pine shake, we can find alternates shakes. That is a lot cheaper, more cost effective, that also saves our maintenance dollars, and we make sure we can get more done for little or less expense.

I hope that this is a bipartisan issue on the National Historic Preservation Act, particularly, I think it is section 106. If we work together, and we are going through what legislative fixes would be, what do I have the power to do as the Secretary, and what legislative fixes would allow a little more flexibility and common sense to be applied on some of these products as we go through the maintenance. Otherwise, we are going run out of money.

Mr. CALVERT. Common sense is also an endangered species around here.

Mr. Joyce.

Mr. JOYCE. Thank you, Mr. Chairman.

Welcome, Mr. Secretary. The burning issue of the day, obviously, in this building is, are you on Facebook? I am just kidding.

Secretary ZINKE. I am not on Facebook.

Mr. JOYCE. Well, maybe if we talk about Facebook we would have more cameras here so they could see the great job that you are doing here.

GREAT LAKES

I am going to bring you to something I bug you about every time I see you, much to your chagrin, I am sure. The Great Lakes and the idea that the Great Lakes Restoration Initiative has helped protect and restore the habitats of the Great Lakes and the species that are native to the Great Lakes and keep harmful invasive species out of the Great Lakes, which I have found that previous editions of this, when we had problems with the zebra mussels and

quagga mussels, actually affect you in Montana. I don't know how they got out there, but they managed to.

You have been very important to help us restore and protect the Great Lakes, which I refer to not just as a lake or series of lakes, but a national treasure, of which there are a few of us Members who are all in cahoots about bugging you on.

We received \$271 million to undertake 82 GLRI projects from the U.S. Fish and Wildlife Service, as of February of 2018. Yet, to no one's surprise on this committee, the administration has once again proposed to virtually eliminate all funding for the GLRI in fiscal year 2019.

I know this is an important issue, and we talked about it last year, but I was hoping that we might be able to get a commitment from you that you could visit the Great Lakes. I am sure Ms. Kaptur, who is not here today, would be glad and proud also to take you out on Lake Erie. I am sure Ms. McCollum would be glad to entertain you on the Great Lakes so you could see firsthand the tremendous work that is being done. It is, I would say, the high water mark on how government should operate, and I am glad that you are a party to it.

Secondly, I would like to understand what you are doing to make sure the U.S. Fish and Wildlife Service, the U.S. Geological Survey, and other agencies can maintain, protect, and continue to restore the Great Lakes. If cuts were going to be made, I understand that, sir, but if there are going to be any cuts, could you provide examples of what initial projects would be significantly curtailed?

Secretary ZINKE. On the Great Lakes, we receive about \$64 million from the EPA, so our budgets from the EPA are impacted, as they get cuts, we do. We receive about \$64 million. Our budget request adds about, \$13 million for Asian carp.

Some of it is structural. You know, how do we get to resolution, and how do we address a problem?

Again, on the trout and the salmon, same thing that happens in the Great Lakes.

Mr. JOYCE. Certainly.

Secretary ZINKE. Is that you can put significant more funding in place, but if it doesn't result in actually moving the needle or doing something on the ground, that is part of the issue, and I think structurally we have to change. The reorganization looks at how to do it better, to make sure we emphasize things that matter in the Great Lakes and those regions, rather than from Washington, D.C. That would be helpful.

And, a budget request from the Executive is just that, it is a budget request. We have the dialog back and forth. We do this every year.

What areas are priority for me? The priority in Interior was infrastructure and reorganization, so we can make the decisions that affect the Great Lakes quicker, better, and then focus on a solution. Then make sure the money spent on that solution actually goes towards a solution and not more studies.

As you know, we give about \$5.5 billion worth of grants a year—billion—and a lot of those grants go to studies that don't lead to any action. It is great to study it, love studying. But some of the

studies—less studying and more action would be helpful in a lot of these areas, including the Great Lakes.

Mr. JOYCE. I certainly appreciate that and I appreciate that you are focusing on it. People who are working on the Great Lakes Restoration Initiative have to share the information so you don't have studies upon studies, but an actually using those studies and implementing them in the different agencies.

ASIAN CARP

One of the things that we have been dealing with is the Army Corps of Engineers, which had this study going about how we are going to prevent Asian carp from getting into the Great Lakes. They came up with what they said was seven different options—one being do nothing, so that is really not an option. We are still waiting for some finality to what it is that they are going to do.

But, obviously, the Fish and Wildlife Service is the most important component of making sure, in the interim, that we don't have this issue, because as I have said time and time again, once Asian carp get into the Great Lakes, especially Lake Erie, being the shallowest of the lakes, it is game, set, match. They are such voracious eaters, they will ruin the habitat there.

So I was wondering if you could foresee what cuts, if any—hopefully none—but what cuts might be in line or staff reductions in 2019 that would scale back Fish and Wildlife Service Asian carp operations?

Secretary ZINKE. I would say, given the importance of the Asian carp, we have about \$13 million there. How successful have we been? We moved about 48,000 carp on some fish herding exercises. It is not enough. But we got better at it. I think we are going to continue and probably accelerate that.

The U.S. Geological Survey and the Fish and Wildlife are also looking at some technologies that will help us on that. I am personally aware of the issue. Previously this wasn't an issue for Montana so much, and now the issue of the Asian carp and the zebra mussels both are a concern there. Those are a problem on irrigation.

And there are some, I would say, some encouraging developments on zebra mussel from the USGS, as well as there are some encouraging developments on Asian carp and how to manage it. We will continue to make sure the resources are there to go forward.

Mr. JOYCE. If I may be so rude as to invite myself if you would ever go to see these Asian carp operations where they are doing herding and other things, so we could understand what it is you are doing to address this threat. We would like to find a solution to the problem that we hope will never come about in the Great Lakes.

Secretary ZINKE. Ohio is on my schedule in August, as I understand it.

Mr. JOYCE. A lovely time of year to be out on the Great Lakes, and our chairman can attest to it as he was out there.

Mr. CALVERT. I once was invited to go walleye fishing in August, but somebody lost the invitation.

Mr. JOYCE. They found out that you weren't coming so they bumped me. That is what you don't understand on that expedition.

Thank you very much for your time, and I yield back.

Secretary ZINKE. We did increase, by the way, work on zebra mussels about \$3 million in those summits. There is some promising USGS technology that we think has——

Mr. CALVERT. That is a big problem in California, too.

Ms. McCollum.

MONUMENTS

Ms. MCCOLLUM. Thank you, Mr. Chair.

Before I ask my question, I want to go back. I had mentioned in my opening statement, I spoke about Bears Ears and the Grand Staircase Monument. I am just going to focus on the Grand Staircase Monument here.

I cited why I said what I did based on a New York Times article. And you came back and said, no, that coal was coal and mining was not part of the decision on how the rescission of the monument went.

But I base my statements on memos from the Interior Department, which talks about one of the plateaus located in the monument that contains one of the largest coal deposits in the United States. The Interior Department memo issued in spring of 2017 said about 11.62 billion tons are technologically recoverable.

The story goes on to cite Interior staff preparing a report on each national monument with a yellow highlighter on the document, emphasizing the need to examine and detail the annual production of coal, gas, and renewables, if any, onsite. The article goes on to talk about how there were many, many meetings with people from the mining industries.

So I wanted to be clear, Mr. Secretary, I didn't pull that out of the air. I took it from a New York Times article which cited Department memos.

Secretary ZINKE. And your opening statement was on Bears Ears.

Ms. MCCOLLUM. No, I also had Grand Staircase.

Mr. Secretary, we can talk about this later. But there were maps that both The New York Times had looked at and yellow highlighter used in the Department reports on this.

Secretary ZINKE. Well, I don't take The New York Times as a credible source on such things. But we will take it at that.

Ms. MCCOLLUM. I think when you turn over public documents that actually have Interior memos that are cited in a news source that that would be rather credible, if they are citing the Department.

TWIN METALS

Mr. Secretary, you and I have talked about this before. There is a 20-year withdrawal mineral lease currently under consideration for the watershed that contains the Boundary Waters Canoe Area Wilderness and Voyageurs National Park. You have been vocal in your support for a similar 20-year mining ban in Paradise Valley in Montana. You clearly understand that there are some places that are just too precious to mine.

In December, your solicitor's office overturned the right of the Forest Service to deny consent for two mining leases on the doorsteps of the Boundary Waters. The principal deputy solicitor's

schedule shows that he repeatedly met with lobbyists from the foreign-owned mining company, but does not appear that he consulted with any of the stakeholders who oppose the automatic renewals.

Secretary Zinke, to the best of your knowledge, did your solicitor meet with stakeholders other than representatives of Twin Metals Mining Company before issuing their opinion? Were there any meetings with stakeholders presenting the strong legal case against nondiscretionary interpretation of the leases?

Did your solicitor's office seek input from either the Department of Agriculture's general counsel, or from the Department of Justice, who was actively defending the Forest Service's consent denials against the lawsuit from Twin Metals?

Did you have an opportunity to personally look at the solicitor's opinion before it was issued?

And the reason why I am bringing this up is I am concerned and I am confused about the criteria that are being used by you to determine which public lands need to be protected from mining. If the Forest Service finds that there is no significant impact of withdrawal on the Superior National Forest, will that be enough for you to move forward on the 20-year ban on mining in this unique, precious, and vulnerable watershed?

Secretary ZINKE. Well, first, I agree, there are some areas that are too precious to mine.

In regards to the previous administration's removal for preferred leasing, our solicitor teams viewed that as unlawful and undefendable in court, and they did confer with the Department of Justice, which also had the same view. Losing in court would cost the Interior as much as hundreds of millions of dollars.

So the correct path, in our opinion, was to do a process called NEPA. That is what is going on. In order to remove and do a taking, it has to be on the basis of science. And the NEPA process is——

Ms. MCCOLLUM. Mr. Secretary, my question is—and thank you for saying that you did consult with the Department of Justice—but one of my questions was, did the solicitor's office meet with anyone else besides representatives of Twin Metals before issuing this opinion?

Secretary ZINKE. I will have to look at the records on who exactly we met with, but it is a matter of public record. But we did coordinate with Agriculture on it. But again, the solicitors from—are talented lawyers, career lawyers,—viewed that withdrawing preferred leasing was unlawful. The right path to look at it was continue that and then initiate a NEPA so we can make a decision based on science.

Ms. MCCOLLUM. Thank you. I look forward to finding about who was met with. As you and I both know and we see on TV every night, there are talented attorneys that can come up with two different opinions. So I respect that your solicitors come up with one opinion. The solicitors of the previous administration came up with another.

Thank you, Mr. Chair.

Mr. CALVERT. Thank you.

Mr. Stewart.

Mr. STEWART. Thank you, Mr. Chairman. And I beg your indulgence and your understanding. I thank you, appreciating that we had three hearings this morning and an Intel hearing as well, so a total of four, and thank you for letting me come late.

Mr. Secretary, thank you for being here. I am going to thank you for three things and then ask you a question, if I could.

LEADERSHIP

The first thing is, and I really mean this, thanks for your leadership. We live in tumultuous times when everything that was partisan anyway has become hyperpartisan, and many times it becomes too personal.

I believe you are trying to thread a needle. I really do. I believe you are listening and trying to understand people's objections, and we appreciate that.

MONUMENTS

The second thing is, thank you for Grand Staircase Escalante and for Bears Ears. Representing one of those monuments, I can tell you that was the right thing for Utah, it was the right thing for the local communities, and more than that, it was the right thing for the America people, because we have protected those areas that deserve the protections that we have afforded them at the same time we have opened up some economic opportunities for communities that are desperately in need of it.

And, again, I think we threaded the needle there where we had conflicting priorities, and I think we found a nice compromise on that. I am grateful this President did that. I don't think any other person who was running for office would have had the courage to do what he did, and speaking for the people in Utah, we are grateful for that.

REORGANIZATION

And the third thing I will thank you for is for this. I know that this is not without controversy as well, and there are some objections that some people had, and we had some concerns, one of them being the State directors and the fact that they would still remain State directors and a few other things. But once again I think that it is a bit of a shake-up, but in an organization that needs a shake-up every hundred years or so. And we are excited to see what we hope will be a better outcome.

MONUMENTS

Now, if I could ask a question, and I know the committee is going to look at me and just go—and, by the way, before I go on, Ms. McCollum, if I could, you know, you are someone I have tremendous respect for, and I really mean that. I would be happy to talk with you a little bit about Grand Staircase Escalante and how the impacts that that has had on the communities there, and give you my perspective on that. I think it might be helpful if we were to have a conversation regarding that. I don't know that I will necessarily change your mind on anything, but it might be helpful for us to have our own private conversation regarding that.

WILD HORSES AND BURROS

Again, I hate to beat—I will use an old joke—I hate to beat a dead horse, but I want talk about horses. We didn't get what we were hoping, and I know the chairman here did everything he could to advocate for this issue of mine. But if you care about these animals, we have got to do better. We have got to make situations better for them. I am wondering if you could give some indications of where you think you can go with your own authorities.

Secretary ZINKE. No one loves a horse more than I do, up front. I love horses and horses are iconic. But this is where the numbers are. The ground will hold about 27,000 healthy horses. We have 108,000 horses; 45,000 are in captivity. We are spending \$81 million on the horse program.

The current practice has been this, when a horse population gets larger, we go out, we round up, and we take the excess off, and then the excess goes off into either corrals, which is inhumane for wild horses to be in captivity. We really haven't been able to address the growth.

Every time we get to this period, Congress will put a rider in, either the House or the Senate, it is a fight to get the rider in or out, and then we don't address the growth.

What we are looking at doing is either birth control, spaying, neutering, but looking at rounding up the horses in a humane way and focus on the growth.

It is unsustainable to continue doing what we are doing. And, quite frankly, the most inhumane thing we can do is no action.

I accept that, we are working with the Humane Society. I have had the first meeting ever with stakeholders that are passionate horse advocates. We are trying to say, all right, this is what we have got to do.

I am an advocate, quite frankly, of rounding the horses up and going on a spaying, neutering, birth control, because that is really the only option we have on the table to focus on growth and focus on making sure we have healthy herds, and striving to that number.

We are also working with some Indian tribes. Some of our reservations have a lot of land that are open spaces. We are working with some of our Indian nations to accommodate some of the horses. As we round up and neuter and spay, rather than they spend the rest of their existence in a cubicle, it probably would be better, I think more humane, to have them on open range. We are working on that.

Mr. STEWART. Well, I will conclude just again thanking you. And if you look at these horses in captivity, there are thousands of them sitting in enough space where they have a few feet to move and they just sit there in the dust all day, and it is very unfortunate for them.

And I think we have got to do something permanent, the spaying and the neutering, the inoculations, I think we know now, just aren't effective and nearly impossible to administer effectively. So we appreciate you taking a more aggressive stand.

And, again, I take you at your word, having observed you ride your horse to work the first day, that you are sincere when you say

you care about these animals. I am as well. And hopefully we can have a better outcome for them.

Chairman, I yield back.

Mr. CALVERT. I thank the gentleman.

Ms. Kaptur, do you have a quick question you would like to ask? I have a question I am going to ask. Do you want me to ask my question?

Ms. KAPTUR. Thank you.

Mr. CALVERT. We will ask you first.

Ms. Pingree, do you have a quick question?

Ms. PINGREE. Do you want me to go first?

Mr. CALVERT. OK. Sure.

Ms. PINGREE. I know you are going to run out of time.

OFFSHORE DEVELOPMENT

A couple of thoughts that I had after you and I discussed oil drilling, and I will not beat this dead topic, because it is not dead.

You started out by saying that the Department needs to raise money and you talked about reducing oil revenues. I think we all appreciate that you are looking for ways to help balance the budget and raise money, but as you said on an earlier question, some areas are too precious to mine. Coastal waters are too precious to drill for oil. So just another thought to keep in your mind.

CLIMATE CHANGE

I want to just briefly talk about this whole issue around science, denial of science, climate change, it is kind of a recurring theme with this Administration. I think many of us are always on guard looking for places where this topic will be purged or not discussed. Again, coming from a coastal State where we are already worried about sea level rising, changes in our fisheries, sea level temperature changing, ocean acidification, it has already had a huge impact on my State and there is a lot of fear around it, again, because of some of our biggest industries.

My understanding is that there is a pending report about the national parks and the impact of climate change on the national parks, and there has been reporting to say that there has been some said editing of taking climate change out of the document and removing any references to things about human-made climate change and greenhouse gases.

I am not in the debate anymore. Humans have an impact on climate change. I am done with that. And you have said that you are not editing it, that is not going to happen.

So I would just like to hear your reassurance that these reports are either something that happened in the past and you are going to change, or it is really not going on. And when that report comes out, I personally don't want to see it edited to remove any reference to that. We have a coastal national park in our State. I think it is extremely important that departments like yours are paying attention.

ACTING ASSISTANT SECRETARY—FISH, WILDLIFE, AND PARKS

The second thing that is somewhat related I just want to put in there is some controversy around Susan Combs becoming the acting secretary for Fish and Wildlife. Excuse me, because I don't think I know her, and so I don't have any personal issues here, but because she has been frequently noted as someone who opposes the Endangered Species Act.

I know this committee in particular, we have differing points of view on it and when it is well-used and when it is not. But, again, coming from a State where the bald eagle has made an amazing comeback in a community like mine, you can see one virtually every single day fishing, and that is the result of the changes from the Endangered Species Act.

I know it is a complicated issue, but it plays a really important role, and to have someone in that position who comes at it with an opposition to that, I just want to know how you think she can perform that job with so much bias.

CLIMATE CHANGE

Secretary ZINKE. First, on the national park document. I never change even a comma on scientific things. So how did that report get to you? Because it didn't get to us. Nobody in Interior in Washington ever saw that document. It is a draft document, as far as I understand. It was forwarded from a university and it was still in a deliberative process.

So nobody, no political has ever seen that document. And I haven't seen the document. So I want an investigation how that document got around to the press before even we had a chance to look at it. I think that is fair.

Ms. PINGREE. Fair question.

Secretary ZINKE. The other report was a USGS document that I wanted to see before they released it. It had to do with ANWR. Because I wanted to know why the USGS report was so radically different—it is an assessment on national resources—was so radically different than a same assessment just conducted a few years before. And they were significantly different in the assessment of resources given the data set was very similar. I want to know what techniques that we are using.

Ms. PINGREE. I agree, you should have the ability to have a draft document and people state their opinions. But can you assure me that you are not going to deny any references to climate change and that you will allow for the inclusion in documents from the Department of Interior that have a human impact on climate change?

Secretary ZINKE. If it is a scientific report, all right, I am not going to change a comma of it, because I think that is the integrity.

And my director of USGS, he is an astronaut. It has taken a year to get an astronaut with a Ph.D. In science that has had a Top Secret/SCI security clearance, he is probably arguably the best director, most qualified director we have had in the history of the USGS. That is saying something because we had John Wesley Powell and some icons, it has taken over a year.

ACTING ASSISTANT SECRETARY—FISH, WILDLIFE, AND PARKS

With Susan Combs, that is not her permanent place. She has been nominated to be number three, not in Fish and Wildlife, but there are holds on her from a few named Senators, that I would like to have her confirmed.

Ms. PINGREE. We all have our issues with the Senate now and then.

So, again, will you confirm that while she is in that role she will not be actively working to undermine the Endangered Species Act?

ENDANGERED SPECIES ACT

Secretary ZINKE. She will not be actively working to undermine any of our environment protections as reasonable. Although we both agree with the Endangered Species Act, it is very difficult when a species has recovered to either down-list or remove a species. Quite frankly, when a species has recovered, I would rather spend the money and effort looking at species that are in challenge, because we have lot of species that are in trouble.

We have to look at the processes. When we put a species on and a species is recovered, we should all celebrate that the Endangered Species Act has been positive. It was a Dick Nixon bill. So great, we should celebrate in our victories, and then we should focus our efforts on the species that really need help.

But we need to look at off-ramps, too. We are looking at that as part of a structure without deteriorating in any way my responsibility of being the steward of your public lands.

Ms. PINGREE. Thanks.

Mr. CALVERT. Thank you.

A couple of quick points. You mentioned the recovery of endangered species. I don't need to comment. Obviously, we are having a discussion here about the gray wolf and the Great Lakes and Wyoming, and we have some disagreements, but a lot of people believe that that is a recovered species. So I will leave that until next year, but I just bring it up.

OFFSHORE DEVELOPMENT

Oil. There is one State that does have oil. There is no doubt about it. You have a house in Santa Barbara, you can gaze across and——

Secretary ZINKE. My wife does.

Mr. CALVERT. Your wife has a house in Santa Barbara?

Secretary ZINKE. She is lucky.

Mr. CALVERT. There is a lot of oil in California. I think we are the fourth largest oil-producing State in the Union. Some people believe the largest off-coast supply outside of Alaska in the United States is in California, is in the Santa Barbara gulch.

As you look at that, there are technologies that are available today to slant drill without using coastal rigs, especially off Vandenberg and others that have been studied. So I hope you look at all technologies that are available as you look at California.

Also, California has the largest depository in Monterey Shale, in various counties in the interior part of the State of California.

EARTHQUAKE EARLY WARNING SYSTEM

And while we are talking about California, I want to mention the Earthquake Early Warning System. Which doesn't apply to California, it applies to the State of Oregon, the State of Washington. It is not a matter of if we are going to have a significant earthquake in the future, it is just matter of when.

The USGS has been very involved in this issue, and we have put a substantial amount of money in this appropriation bill, about \$13 million to increase the program, another \$10 million for the infrastructure cost, which will be hopefully online here shortly, despite the fiscal year 2019 budget request that obviously would zero out the program.

Will you work with USGS to make sure that the congressional intent is fully carried out and the program is prioritized in light of the public safety it will provide? We hope to have this online, working with Caltech and USGS, soon to provide a warning system that could save thousands and thousands of lives.

Secretary ZINKE. I will commit. And it is the power of your leadership that it remains strong in the budget, as well as the University of Oregon is working on it as well, my alma mater. So I am aware of the importance.

Mr. CALVERT. And the State of Washington. We have that whole zone area up there.

OFFSHORE DEVELOPMENT

Secretary ZINKE. And if I can add real quickly on the oil and gas. The Coastal Commission and the State of California also have a say on oil and gas, even if you were to do a slant rig. And I believe there are companies that looked at it at Vandenberg, that there were oil deposits, particularly a gas play off the coast that was reachable by horizontal drilling. And the Coastal Commission and the State regulatory framework has a big, big say whether or not they are going to go forward.

Mr. CALVERT. We are a difficult State.

We have time for a real quick question from Ms. Kaptur.

Ms. KAPTUR. Thank you, Mr. Chairman.

Welcome back, Mr. Secretary. Glad to have you.

Mr. CALVERT. The Secretary has a hard exit in 5 minutes. He has to go to an important meeting.

Ms. KAPTUR. I hear you.

Secretary ZINKE. But I do offer this. I said in the very beginning when I came in that I will meet with this committee outside of a hearing in a working group, and I would do that. I offer that.

ASIAN CARP

Ms. KAPTUR. Thank you. Also, earlier I know Mr. Joyce asked questions about the Asian carp, and, Mr. Secretary, you mentioned it as a priority. Thank you very much. We don't want them in the Great Lakes.

OFFSHORE WIND

You also had a conference recently with a large group of energy developers about the potential for offshore wind. I want to let you

know this Member supports that. In fact, we know the Great Lakes have about a minimum of 700 gigawatts of power that are uncaptured at this point, and the first offshore project is being proposed near Cleveland, Ohio, LEEDCo.

I wanted to draw your attention to that, but I also wanted to state, for the record, that I do not support the request to cut renewable energy at the Department of Interior by half, and we are going to try to fix that as this bill moves along. But, we very much welcome your comments to that offshore wind organization.

GREAT LAKES

My question relates to USGS. Because of the condition of Lake Erie right now, I wanted to reiterate Mr. Joyce's warm invitation to you to come to our area, Lake Erie, the shallowest of the Great Lakes. We are facing a very, very serious crisis there dealing with the largest watershed in the Great Lakes, which empties into Lake Erie.

USGS BUDGET

Your budget proposes to cut the USGS. Again, I am hoping we can fix that here, because a quarter cut to the budget doesn't help us, and especially because the cuts include the contaminant biology and toxic substance hydrology accounts, which are so important to us because it is toxic microsystem that is causing all the difficulty in our water system.

I am troubled by the fact that you are cutting programs that are the most important to science as we try to shepherd the fresh water resource that is so precious in our country. Could you comment on the fact that our water quality issues and fresh water are getting worse, but you are cutting the budget to fix it?

OFFSHORE WIND

Secretary ZINKE. Real quickly on renewables, is that our budget reflects the demand. There is a greater demand going offshore, but there is a lesser demand on onshore right now. So our budget looked at the USGS forecast and BOEM's forecast of renewables, and our budget request is aligned to that. We will share the same data we have. We just want to make sure.

Renewables is important. The President's policy is all-of-the-above.

Ms. KAPTUR. Good.

Secretary ZINKE. And so at the end of the day if we need to move things around, we can do it by a reprogramming letter, too. If the demand is up or down, we want to make sure we have an appropriate amount to accommodate our energy policy, which is all-the-above.

And so we will share the same data that you have that we have. So if we are short in that, we would adjust it because we are all-of-the-above.

Ms. KAPTUR. All right.

Secretary ZINKE. Your second question, I am sorry, was? U.S. Geological Survey?

Ms. KAPTUR. Yes.

LANDSAT

Secretary ZINKE. Well, we also have some expensive programs. We have the Landsat 9. We think we can do much better with Landsat 10 by opening up for competitive bidding. It would save us some money.

INVASIVE SPECIES

I will admit, our water is at risk. Our invasive species we need to get a handle on and control. Some of it is looking at better technology, particularly with the Asian carp. And there is some promising technology for zebra mussels, which is a big issue. But I will work with you on it, because I understand how important it is.

GREAT LAKES

And the Great Lakes matter, too. They matter politically, economically, they matter morally to this country, and I will work with you on it. We think the reorganization, which I will be glad to talk in detail with you on it, we think it is best on the reorganization to put more authority in the front line to address some of these regional problems because they get lost at the Federal level.

TOPOGRAPHICAL MAP

Ms. KAPTUR. Mr. Secretary, could I ask you, before you come out to Ohio, could you identify a person within USGS that could work with us on a topographical map of the watershed that must be managed in a much more thoughtful way so that we aren't polluting the lake?

Secretary ZINKE. I have the best map on watersheds. It is broken down to every basin. It is magnificent.

Ms. KAPTUR. Good, we need that. We need people to understand that it isn't flat, that it actually rolls somewhere when a drop of water falls off. I would really appreciate if you could, if we could have that attendant to your visit, that would be marvelous. It would be really.

Mr. Chairman, I just have to state, Rotary International has selected Lake Erie because of its condition and has made it as high a priority as their priority to eliminate polio, which they were successful in doing globally. It is that important.

So, we have stakeholders that want to help, but we need the technology, science, and resources to fix the problem.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you. Thank you for coming out to this hearing today.

Ms. McCollum asked a question of me, and I think it is a good idea, hopefully that we can get together at some point in a non-hearing setting to talk about reorganization and get a better understanding of this. So we can do that in the near future. We will set up a time to do that.

I appreciate your coming out. And we are adjourned.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Department of the Interior
April 11, 2018

Questions for the Record – Secretary of Department of
the Interior

Questions from Mr. Calvert

Fiscal year 2019 budget request

The Department's fiscal year 2019 budget request proposes large reductions to the Department's recently enacted fiscal year 2018 budget including cuts to the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service. Proposed reductions to the National Park Service include funding for park operations, many popular grant programs, and the Centennial Challenge matching grant program which has been instrumental in addressing the deferred maintenance backlog. The Land and Water Conservation Fund is virtually eliminated in the budget request.

Calvert Q1: While the Administration's request may not be what you would personally propose, can you speak broadly to the budget request and specifically to where you may agree or disagree with proposed reductions across the Department? Are there some proposed reductions you may feel more strongly about than others?

Answer: The FY 2019 budget request for the Department is part of the Administration's broader economic strategy of fiscal responsibility. This budget request reflects key priorities with investments in: infrastructure, the reorganization of Interior, energy and critical minerals, conservation stewardship and outdoor recreation, wildland fire and forest health, payments in lieu of taxes, and meaningful tribal sovereignty.

Department senior level vacancies

We are now well into the second year of this Administration and yet many high-profile posts remain unfilled at the Department. I'm particularly concerned about senior-level positions like the Director of the Fish and Wildlife Service, the Director of the Bureau of Land Management, and the Director of the National Park Service—all very significant positions. These vacancies affect the morale of the workforce in the field and impede the operations of these agencies. They also prevent this Committee from conducting critical oversight of these agency budgets; it's hard to hold budget oversight hearings for these bureaus without a director at the Fish and Wildlife Service, the BLM, or the National Park Service.

Calvert Q2: Why has there been such an ongoing delay in filling these important positions of responsibility? Have candidates been identified? What is the anticipated timeline for these and other senior positions being filled?

Answer: In several cases the Department's nominees for leadership positions have been waiting for confirmation in the Senate significantly longer than previous Administrations' first-term nominees. The positions that you specifically reference in your question have identified candidates that are actively being vetted and we will continue to work with White House staff, the Office of Government Ethics, and the Federal Bureau of Investigation to ensure the very detailed review process is completed as soon as possible.

Payments in Lieu of Taxes (PILT)

The Payments in Lieu of Taxes (PILT) program is a critical priority of many members of this subcommittee, particularly those of us in the West. The fiscal year 2019 budget request proposes \$465 million in discretionary funding for the PILT program. This is a \$65 million reduction from the fiscal year 2018 enacted level of \$530 million.

Calvert Q3: Knowing that "full funding" for PILT varies from year to year based on the rate of inflation and other criteria, does the amount requested in your budget fully fund PILT for fiscal year 2019? If not, can you share with us today—or submit for the record—the anticipated shortfall?

Answer: We will have the FY 2019 inflation rate later this summer which will help us to develop an estimate. We will finalize the FY 2018 payment calculation at the end of June, however, we expect the FY 2018 payment year to be an anomaly and not indicative of FY 2019 requirements. Secure Rural Schools payments were not authorized by the date required for inclusion in the FY 2018 PILT calculation. This is expected to increase the FY 2018 PILT payment requirements above the standard fluctuations we see with the program.

The statutory calculation bases payments on annual reporting from the States and counties on eligible acreage, prior year payments (including Secure Rural Schools), inflation and population. It is usually difficult to predict the payment requirement when we formulate the budget, however, the anomaly of FY 2018 makes this even more challenging to estimate FY 2019 requirements. The 2019 President's budget request identifies \$465 million for PILT payments, the 2017 program level, which is the last payment including deductions for Secure Rural Schools payments.

GAO High Risk Programs in Indian Country

Since 1990, the Government Accountability Office (GAO) High Risk List has highlighted government programs most in need of attention from Congress and the executive branch. The High Risk List differs from most GAO reports because, once a program is put on the list, it has to earn its way off. Last year the GAO added programs that serve American Indians and Alaska Natives, including education and energy development. Fixing these programs has been a nonpartisan, top priority of this subcommittee over the past several years, but obviously we cannot do it alone. Most of the heavy lifting needs to be done by you and your leadership team.

Calvert Q4: Are the GAO High Risk programs among your top priorities as Secretary, and are you personally overseeing efforts to remove these programs from the list?

Answer: Yes, Indian Education and Indian Energy Development are priorities for the Department. The Bureau of Indian Education (BIE) and the Bureau of Indian Affairs (BIA) have made strides to implement GAO's recommendations, and we will continue to work to address the remaining recommendations.

Calvert Q5: Can you share with us today—and submit for the record in more detail—significant milestones achieved in the effort to remove these programs from the GAO list?

Answer: With regard to GAO recommendations on Indian Energy programs, the Office of Trust Service coordinated a review of the 14 recommendations to accelerate completion of remaining open recommendations. A demonstration of the Trust Asset and Accounting Management System (TAAMS) tracking enhancements with the GAO is planned before the next quarter to prepare closure documents. Representatives from BIA plan to meet with GAO in June or July to answer remaining questions. BIA will continue to work cooperatively with GAO to address outstanding recommendations expeditiously and effectively.

The BIE is also working cooperatively with GAO to address outstanding recommendations expeditiously and effectively. This collaboration has enhanced BIE's ability to efficiently address outstanding recommendations. Of 13 GAO recommendations to improve management of BIE schools, BIE has now closed seven. BIE is well-positioned to address all outstanding recommendations by year's end.

National Park Entrance Fees

Last year, the Department proposed raising entrance fees to 17 of the most visited national parks as a means of addressing critical deferred maintenance needs within our parks. The public response to this proposal was largely negative and I understand the Department is now reconsidering these plans.

Calvert Q6: Has the Department's proposal from last October been formally withdrawn? How many public comments did the Department receive?

Answer: The initial proposal has been withdrawn based on the public's response.

The Department received approximately 109,000 public comments to the October 2017 proposal for peak-season entrance fees at 17 highly visited national parks.

Calvert Q7: Is the Department now considering other options and, if so, what is the likely path forward? Will you go through a public comment period for any revised entrance fee proposal?

Answer: The Department considered other options in response to public comments on the entrance fee proposal released in October 2017. On April 12, 2018, a smaller increase for all entrance fee-charging parks, was announced.

The Department used feedback provided in the original 109,000 comments to develop the final fee updates announced in April. For that reason, the revised fees will not go through a separate public comment period.

Public Lands Infrastructure Fund

The 2019 budget request includes a legislative proposal to establish a Public Lands Infrastructure Fund to address infrastructure repairs and improvements in national parks, national wildlife refuges, and Bureau of Indian Education-funded schools. Under the proposal, 50 percent of additional revenue above the 2018 baseline derived from energy leasing and development would be deposited into the Fund for 10 years for Department infrastructure needs. The Natural Resources Committee is the appropriate committee of jurisdiction for this legislative proposal within the budget request.

Calvert Q8: What is the Department's expectation of how much funding can be provided to address longstanding infrastructure needs utilizing the Public Lands Infrastructure Fund?

Answer: The Public Lands Infrastructure Fund proposal would direct 50 percent of incremental energy revenues (i.e. revenues above those assumed in the 2018 Budget's receipt projections that are not otherwise allocated for other purposes) toward Interior's critical infrastructure needs. This would include revenue from all energy activity on federal lands, not just oil and gas. Similar to the concept of the Land and Water Conservation Fund, revenue from all forms of energy activity on the federal lands would contribute to maintaining our public lands. Deposits to the fund would continue for 10 years and would be capped at \$18 billion. The Budget estimates \$6.8 billion in expenditures from the fund over ten years.

Calvert Q9: The Natural Resources Committee has held some hearings on similar legislative proposals with a particular focus on national parks. Can you provide us with a snapshot of where things presently stand on potentially marking up and moving legislation in the coming months?

Answer: The Department testified at an oversight hearing before the full House Natural Resources Committee on March 6, 2018, and at a legislative hearing before the House Natural Resources Subcommittee on Federal Lands on March 20, 2018, in support of addressing the Department's maintenance backlog with a dedicated Public Lands Infrastructure Fund. The Department testified in support of HR 5210, the National Park Restoration Act, which was authored by your colleague, Rep. Mike Simpson, but recommended amending the bill to allocate funding for the U.S. Fish and Wildlife Service and the Bureau of Indian Education. This bill is based off the Public Lands Infrastructure Fund blueprint within the FY19 budget. We similarly testified in support of the Fund before the full Senate Energy and Natural Resources Committee on April 17, 2018. We look forward to working with you and your colleagues in Congress on technical amendments to H.R. 5210 as the bill move towards a markup.

GAO High Risk Programs – Education

To help ensure that BIE schools provide safe and healthy facilities for students and staff, GAO made 4 recommendations which remain open, including that Indian Affairs ensure the inspection information it collects on BIE schools is complete and accurate; develop a plan to build schools' capacity to promptly address safety and health deficiencies; and consistently monitor whether BIE schools have established required safety committees.

Calvert Q10: Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: In GAO-16-313 *Better Management and Accountability Needed to Improve Indian Education* (September 2013), GAO made four recommendations:

- I.) Ensure that all BIE schools are inspected as well as implement a plan to mitigate challenges;
- II.) Prioritize inspections at schools where facility conditions may pose a greater risk to students;
- III.) Develop a plan to build schools' capacity to promptly address safety and health problems with facilities and improve the expertise of facility staff to maintain and repair school buildings; and
- IV.) Consistently monitor whether schools have established required safety committees.

BIE completed implementation of recommendation IV and this has been closed. Indian Affairs submitted final closure packages for recommendations I and III which await final review and publication in the Indian Affairs manual. Once published, these recommendations will be permanently closed. The BIE, BIA and Indian Affairs successfully completed 100 percent of school inspections in 2016 and 2017, and are on track to complete 100 percent of inspections in 2018 and are monitoring whether schools have established required safety committees. BIE in collaboration with all Indian Affairs partners will continue to work with GAO to ensure implementation of recommendation II which remains.

Calvert Q11: To help ensure that BIE conducts more effective oversight of school spending, GAO made 4 recommendations which remain open, including that Indian Affairs develop a workforce plan to ensure that BIE has the staff to effectively oversee school spending; put in place written procedures and a risk-based approach to guide BIE in overseeing school spending; and improve information sharing to support the oversight of BIE school spending.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: In GAO-15-121 *Bureau of Indian Education Needs to Improve Oversight of School Spending* (November 2014) GAO made four recommendations:

- I.) Develop a comprehensive workforce plan;
- II.) Implement an information sharing procedure;
- III.) Draft a written procedure for making major program expenditures; and
- IV.) Create a risk-based approach in managing BIE school expenditures.

As of May 2018, BIE developed and implemented a comprehensive fiscal monitoring policy and procedure, which coordinates efforts and technical assistance across the Bureau. As such, GAO permanently closed recommendations II, III, and IV. BIE is focusing efforts to complete a workforce plan to fully implement recommendation I, the last remaining overdue recommendation by the close of 2018.

Calvert Q12: To help ensure that Indian Affairs improves how it manages Indian education, GAO made 5 recommendations. Three recommendations remain open, including that Indian Affairs develop a strategic plan for BIE that includes goals and performance measures for how its offices are fulfilling their responsibilities to provide BIE with support; revise Indian Affairs' strategic workforce plan to ensure that BIA regional offices have an appropriate number of staff with the right skills to support BIE schools in their regions; and develop and implement decision-making procedures for BIE to improve accountability for BIE schools.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: In GAO 13-774, - *Better Management and Accountability Needed to Improve Indian Education* (September 2013).

GAO made five recommendations:

- I.) Develop and implement decision-making procedures which are documented in management directives, administrative policies, or operating manuals;
- II.) Develop a communication strategy;
- III.) Appoint permanent members to the BIE-Education committee and meet on a quarterly basis;
- IV.) Draft and implement a strategic plan with stakeholder input; and
- V.) Revise the BIE strategic workforce plan.

BIE completed implementation of recommendations I, II, and III and GAO permanently closed these three recommendations. BIE is currently working to implement recommendations IV and V, which are to develop a strategic plan, as well as a comprehensive workforce plan. BIE plans to implement the remaining recommendations by the end of 2018. BIE's draft Strategic Direction is in leadership review. BIE will begin implementation once it is approved, and will create and implement the workforce plan in recommendation V, based on goals outlined in the Strategic Direction.

GAO High Risk Programs – Indian Energy

Calvert Q13: To help ensure BIA can verify ownership in a timely manner and identify resources available for development, GAO made 2 recommendations, including that Interior take steps to improve its geographic information system mapping capabilities.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: GAO report 15-502, *Indian Energy Development Poor Management by BIA Has Hindered Energy Development on Indian Lands* (June 2015), made two recommendations regarding verifying ownership in a timely manner and identifying resources available for development. Below is the current status of these recommendations:

Recommendation 1: To ensure it can verify ownership in a timely manner and identify resources available for development, BIA should take steps to complete its GIS mapping module in TAAMS.

Indian Affairs GIS Map Viewer has been deployed, as of August 31, 2017. As of February 22, 2018, BIA addressed the requirements for this recommendation, and demonstrated the system with ample evidence to close this recommendation.

Recommendation 2: To ensure it can verify ownership in a timely manner and identify resources available for development, BIA should work with BLM to identify cadastral survey needs.

The BIA and the BLM, in a coordinated and focused effort, prepared a Reimbursable Service Agreement between the two agencies to identify and deliver the much needed survey-related products and services. BIA continues to evaluate the cadastral survey requests that have been approved for funding for completion by BLM.

BLM and BIA reviewed and established a database that contains the information necessary to identify ownership. An intake mechanism was developed by the Indian Energy Service Center for making new survey requests. The BIA drafted instructions and will provide guidance on how to make requests and how to track the progress of incoming requests from BIA Regional offices. Implementation and full deployment of the cadastral survey process is scheduled no later than September, 2018.

Calvert Q14: To help ensure BIA's review process is efficient and transparent, GAO made 2 recommendations, including that Interior take steps to develop a documented process to track review and response times for energy-related documents that must be approved before tribes can develop energy resources.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: GAO report 15-502 *Indian Energy Development Poor Management by BIA Has Hindered Energy Development on Indian Lands* (June 2015), made two recommendations to improve the efficiency and transparency of its review process. Below is the current status of these recommendations:

Recommendation 3: To improve the efficiency and transparency of its review process, BIA should develop a documented process to track its review and response times.

Previously BIA stated it was in the process of evaluating and reviewing the approval process and information stored in TAAMS to improve efficiencies and timeliness in processing workloads. Since then, the BIA subject matter experts provided modifications to enhance TAAMS to incorporate a tracking mechanism for proposed mineral related transactions. A Change Request for the system was presented to the TAAMS Change Management Board in January, 2018. In February, the Board vetted and approved the system enhancements.

To support and demonstrate BIA's commitment to enhance and streamline business processes, a National Policy Memorandum (NPM-TRUS-34-A1) has been issued regarding the utilization of a Tracking sheet for Communitization Agreements in addition to Rights-of-way. Once developed, this tracking system will include permanent tracking in TAAMS by September 30, 2018.

Recommendation 4: To improve the efficiency and transparency of its review process, BIA should enhance data collection efforts to ensure it has data needed to track its review and response times.

The TAAMS Change Management Board meets quarterly and must approve the enhancement request(s). Data tracking is under development for TAAMS enhancements to capture review and response times. The enhancements will be reviewed by regional offices with active oil and gas transactions to improve business transactions.

The Fluid Minerals Handbook updates will include the new process, time frames, and reporting requirements. BIA's target completion date is September 30, 2018.

To help improve clarity of tribal energy resource agreement regulations, GAO recommended BIA provide additional guidance to tribes on provisions that tribes have identified to Interior as unclear.

Calvert Q15: To help improve clarity of tribal energy resource agreement regulations, GAO recommended BIA provide additional guidance to tribes on provisions that tribes have identified to Interior as unclear.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: On 3/8/2018, the BIA closed recommendation 5 (GAO-15-502) which called on BIA to provide additional energy development-specific guidance on provisions of tribal energy resource agreement (TERA) regulations. In September 2017, the Department of the Interior's Office of Indian Energy and Economic Development (IEED) added information to its website identifying a mechanism that allows a tribe interested in pursuing a TERA to obtain specific guidance and clarification for TERA regulations. For example, any tribe can request technical assistance through IEED's Division of Energy and Mineral Development (DEMD) to provide guidance regarding the programs, functions, services, and activities that can be included under a TERA. Upon request from a tribe and receipt of the activities that a tribe is interested in performing through a TERA, DEMD will provide technical guidance regarding the proposed activities, and opinions on whether they are inherently federal functions; however, final determination on inherently federal functions would come from Interior's Solicitors Office. This additional notification to tribes about the technical assistance is included as part of a DEMD "Tribal Toolbox" that contains numerous resources intended to help tribes develop and manage energy resources. In addition, IEED is developing a primer document on TERAs that will provide further guidance for tribal officials in user friendly question and answer format. IEED has committed to completing the primer and placing it online by close of FY 2018.

Calvert Q16: To help ensure that BIA's effort to streamline the review and approval process for revenue-sharing agreements achieves its objectives, GAO made 3 recommendations, including that Interior establish time frames for the review and approval of Indian revenue-sharing agreements for oil and gas, and establish a system for tracking and monitoring the review and approval process to determine whether time frames are met.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: GAO report 16-553, *Interior Could Do More to Improve Its Process for Approving Revenue-Sharing Agreements* (June 2016), made three recommendations to streamline the review and approval process for revenue-sharing agreements. Below is the current status of these recommendations:

Recommendation 6: Establish required time frames for the review and approval of Indian Communitization Agreements (CAs) to ensure a more timely CA process.

The Department is continuing its work to ensure CA processes for review and approval are timely. A National Policy Memorandum (Memorandum) was issued that establishes a tracking mechanism to monitor the existing time frames for review and approval of Indian CAs. As mentioned previously, the procedure to modify TAAMS is in development.

The process will be outlined in the Standard Operating Procedure (SOP) supported by the intent of the Interagency Agreement. The Interagency Agreement is signed by BIA, BLM, OST, ONRR and IEED to process federal Indian energy transactions. Each Agency has a role and responsibility to support resource development including training. SOP training specific to Indian Oil and Gas Leasing Activities is June 12 - 13, 2018 at the National Indian Training Center in Albuquerque NM.

Before BIA can close out Recommendation 6, enhancements must be made to TAAMS which establish processing steps and required data entry. The target date to close this recommendation is September 30, 2018.

Recommendation 7: Develop a systematic mechanism for tracking Indian CAs through the review and approval process to determine, among other things, whether the revised CA process meets newly established time frames.

The BIA developed a systematic mechanism to track Indian CAs through the review and approval process. Until TAAMS can be modified to incorporate the key identifiers and data fields, the BIA, in the meantime, is utilizing a centralized tracking spreadsheet. BIA leads the development and deployment of this tracking spreadsheet in consultation and coordination with BLM. BIA received an extension from GAO to complete this recommendation by the end of FY 2018. BIA is on target to meet this timeframe to complete and close out this recommendation.

Recommendation 8: Assess whether the revised CA process is achieving its objective to improve the timeliness of the review and approval of Indian CAs, and if not, make changes as appropriate.

Effective coordination to identify areas of improvements to key data fields have been progressive to assure TAAMS capabilities capture all aspects of the CA process. The bureaus will continue to coordinate to collect data, which will assist in identifying and implementing any necessary process modifications. It is important to know that this Recommendation falls in line with other TAAMS system enhancements already underway. It is expected that training will be provided to personnel to use these system enhancements by the end of this fiscal year 2018. The system enhancements scheduled for training are the GIS Mapping (Complete February, 2018), Title Status Reports (TSR), and Acquisition & Disposal modules. Once the CA module is complete, follow up to the SOP training will be coordinated and implemented.

Calvert Q17: To help improve efficiencies in the federal regulatory process, GAO made 4 recommendations, including that BIA take steps to coordinate with other regulatory agencies so the Indian Energy Service Center can serve as a single point of contact or lead agency to navigate the regulatory process.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: GAO report 17-43, *Additional Actions by Federal Agencies Are Needed to Overcome Factors Hindering Development* (November 2016), made four recommendations to improve efficiencies in the federal regulatory process. Below is the current status of these recommendations:

Recommendation 9: Include the other regulatory agencies in the Service Center, such as Fish and Wildlife Services, the Environmental Protection Agency, and the Army Corps of Engineers, so that the Service Center can act as a single point of contact or a lead agency to coordinate and navigate the regulatory process.

The IESC is committed to establishing formal Memorandums of Understanding (MOUs) for each of the recommended agencies. On January 10, 2018, the United States Army Corps of Engineers (USACE) signed the MOU with IESC. On June 1, 2018, the U.S. Fish and Wildlife Service's Principal Deputy Director also signed the MOU with IESC. The remaining draft MOU is in the review and signature approval process with the Environmental Protection Agency (EPA). BIA anticipates all MOUs will be signed before the end of 2018.

Recommendation 10: Direct the Bureau of Indian Affairs to establish formal agreements with IEED and DOE that identify, at a minimum, the advisory or support role of each office.

In an effort to improve communication between the two offices, on June 21, 2016, an MOU was signed between IEED and the Department of Energy (DOE) outlining a partnership going forward. The IESC prepared an addendum to the MOU with IEED and DOE to formalize communications and finalize the agreement. The addendum is currently in the surname process within the Department.

Recommendation 11: Direct Bureau of Indian Affairs to establish a documented process for seeking and obtaining input from key stakeholders, such as BIA employees, on the Service Center's activities.

The IESC developed a process that allows key agencies to provide input and requests for service received on behalf of tribes from the IESC. The process includes guidance on the prioritization of task orders. The Executive Management Group of the IESC is comprised of the directors of the BIA, BLM, ONRR, and Office of the Special Trustee for American Indians (OST). The IESC began utilizing the intake forms in August 2017 to obtain input regularly from stakeholders. IESC is on target to close this recommendation.

Recommendation 12: Direct the Bureau of Indian Affairs to document the rationale for key decisions related to the establishment of the Service Center, such as alternatives and tribal requests that were considered.

The Department created the Indian Energy & Minerals Steering Committee (IEMSC), which is a group that helps to ensure that the Department meets its trust responsibility to federally recognized Indian tribes and the individual Indian mineral owners. The IEMSC is an inter-agency forum for Indian energy and mineral resource development, royalty management coordination, and information exchange. This committee is comprised of senior representatives from the BIA, BLM, ONRR, OST, and the Solicitor's Office. On February 6, 2018, the IEMSC met to further address energy issues and opportunities in Indian Country. The recent major accomplishments of the IEMSC include:

- Ensuring consistent answers across the Department to questions in Indian country;
- Working through issues involving underground injection;
- Streamlining activities across agencies to avoid duplication of effort; and
- Creating multi-agency policy for communitization agreements.

In addition, this committee sponsors three Federal Partners groups that focus on Fort Berthold; Uintah and Ouray; and Oklahoma, Texas, and Kansas.

Calvert Q18: To help ensure that it has a workforce with the right skills, appropriately aligned to meet the agency's goals and tribal priorities, GAO made 2 recommendations, including that BIA establish a documented process for assessing BIA's workforce composition at agency offices.

Please report on progress made in the prior fiscal year, and plans for the current and upcoming fiscal years, to implement and close each of these recommendations. Highlight any relevant funding requested for the upcoming fiscal year. If the agency disagrees with any specific recommendation, please provide the rationale.

Answer: GAO report 17-43, *Additional Actions by Federal Agencies Are Needed to Overcome Factors Hindering Development* (November 2016), made two recommendations to help ensure that BIA has a workforce with the right skills, appropriately aligned to meet the agency's goals and tribal priorities. Below is the current status of these recommendations:

Recommendation 13: Direct the Bureau of Indian Affairs to incorporate effective workforce planning standards by assessing critical skills and competencies needed to fulfill BIA's responsibilities related to energy development and by identifying potential gaps.

IESC identified energy and minerals workforce data collected from a multi-agency survey to align with workforce needs for energy and minerals management. The information gleaned from the survey confirmed common needs across agencies in the areas of engineering, engineering technicians and environmental science disciplines at the forefront of identifying the availability of the resources for economic development.

Based on responses to the survey and current data, BIA attrition over the past 5 years has resulted in a potential gap of 33 to 50 engineers, engineering technicians, and environmental scientists, within the Trust functions across the BIA. Current retirement statistics show that 59% of the employees who encumber these positions are eligible for retirement now or within 5 years.

With the data collected from the survey and knowledge of the gaps that need to be filled, the BIA will work with the IESC and partner bureaus to develop effective workforce standards to address the need for the skills and competencies needed for energy development. The BIA's goal is to develop draft energy and mineral workforce standards by the end of FY 2018, but no later than the end of that calendar year.

Recommendation 14: Direct the Bureau of Indian Affairs to establish a documented process for assessing BIA's workforce composition at agency offices taking into account BIA's mission, goals, and tribal priorities.

In previous testimony, BIA indicated it was assessing the BIA Indian energy and mineral workforce composition using the same process as described in the response to Recommendation 13. The same data and results from the survey conducted will provide a starting point for BIA to establish a documented process that will allow BIA to assess its workforce composition. The composition will, of course, take into consideration BIA's mission and goals, and also tribal priorities.

Presently, workforce planning is conducted by the Regional Division managers working directly with the respective Deputy Directors with respect to Regional priorities as identified for this Recommendation. Once the workforce plan is finalized it is presented to and reviewed by the Regional Director for further analysis and final approval. Amended organizational charts are reviewed and approved by the Regional Director; and as appropriate by the Director of BIA.

We expect the workforce plan to include a documented assessment component for our workforce composition. The BIA is on target to complete this documented assessment by the end of FY 2018, but no later than the end of the calendar year.

Habitat Conservation Plans

DOI is in control of a very effective force multiplier that facilitates infrastructure development in a way that saves time, money, and avoids litigation all the while meeting obligations under the Endangered Species Act, namely Multi Species Habitat Conservation Plans (HCPs).

Calvert Q19: How can DOI most effectively staff so as to expedite the approval and maximize the impact of HCPs;

Answer: The U.S. Fish and Wildlife Service is placing a priority on providing technical assistance for large, multi-species HCPs over project specific plans. In addition, through the 2016 Habitat Conservation Planning Handbook, the Service addresses how to streamline review processes and expedite approvals. The Service is also entering into agreements with applicants

who are willing to provide funds for dedicated Service staff to specifically address the needs of their project and expedite the plan development and permitting process.

Calvert Q20: How can DOI best expand and expedite their planning and land acquisition grants; and

Answer: The Service will continue to provide technical assistance to States and landowners to expedite the approval and maximize the impacts of HCPs to the extent that resources permit. The Department leverages planning opportunities where appropriate to support conservation. The Service is not requesting funding in the FY 2019 Budget request for the Cooperative Endangered Species Conservation Fund, including for HCP planning and land acquisition grants, in order to support higher priorities.

Calvert Q21: How can DOI accommodate HCPs making necessary amendments to their plans without risking having to reopen their entire plan?

Answer: The 2016 Habitat Conservation Planning Handbook (Chapter 17.4) provides specific guidance about HCP amendments. First, the guidance describes administrative changes that would be processed internally, would not require public notice and comment, and would therefore not reopen the plan. Second, the guidance makes clear that, when the scope of the amendment is such that it would require a *Federal Register* notice to seek public comment, the Service will limit public review to comments only on the proposed change and not reopen the entire HCP for revision.

Wild Horses and Burros

As Congress said in the fiscal year 2018 conference agreement, we must address the fast-rising costs of the Wild Horse and Burro program and overpopulation of wild horses and burros on the range. The failure to address these problems is irresponsible and will result in irreparable damage to the landscape and the welfare of the animals protected by the Wild Free-Roaming Horse and Burro Act. I reiterate that the Subcommittee firmly believes there is no one solution to the problems with the program, and that Congress, the Administration, and all other interested groups must work together to correct them.

Calvert Q22: What is the status of the comprehensive plan that the Committee required in the Consolidated Appropriations Act, 2017 and required to be delivered by April 22, 2018, in the Consolidated Appropriations Act, 2018?

Answer: The report was submitted to Congress on April 26, 2018.

Calvert Q23: Other than the proposed change to appropriations language included in the fiscal year 2019 budget request, what statutory changes to the Wild Free-Roaming Horse and Burro Act are you considering?

Answer: The report the Department submitted to Congress identifies various possible management options for achieving a sustainable Wild Horse and Burro Management program. These options contemplate a variety of statutory changes, including:

1. Provide that animals that are sale-eligible, pursuant to the Wild Free-Roaming Horses and Burros Act, are no longer subject to the protections of the Act, and should be offered for sale as soon as is practicable.
2. Stipulate that areas identified for long-term management may be managed as non-reproducing herds, in whole or part, through the use of surgical and/or chemical sterilization methods.
3. Lower the sale-eligibility age from older than 10 years to older than 5 years.
4. Eliminate the provision that limits an adopter to acquire title to only 4 animals per year.
5. Reduce the time to title an adopted wild horse and burro from 1 year to 6 months.
6. Provide a) for transfer of wild horses and burros to nonprofit organizations or other countries for humanitarian purposes or to promote economic development outside the United States, and b) that such transfer causes animals to lose their status as wild horses and burros under the Act.
7. Enable the BLM to use receipts from sales for gathering and removing excess wild horses and burros from the range.
8. Provide permanent authority to transfer excess wild horses or burros that have been removed from the public lands to other Federal, state, and local government agencies for use as work animals.

Calvert Q24: Please provide the most up-to-date information regarding the number of wild horses and burros on the range and in long-term holding. Includes estimated numbers of foals.

Answer: The national on-range population estimate as of March 2018 is 81,950. An additional 14,500 foals are projected to be born during spring 2018. The total estimated on-range population by summer 2018 will be 96,300.

Population in off-range holding as of March 2018 is as follows: Off-Range Pastures: 34,854; Off-Range Corrals: 10,969; Total Off-Range Population: 45,823.

Calvert Q25: Please update the information provided in the FY 2017 QFRs regarding BLM's research on population control methods for wild horse and burros. How much funding will be dedicated to this activity in FY 2018? What are the sources of the funding?

Answer: No new FY 2018 appropriations are necessary for this purpose; prior year allocations sufficiently cover current expenses. In prior years, the BLM obligated funding for agreements with universities and the USGS for multi-year research projects that are being conducted for the BLM. There is adequate funding in these agreements from previous obligations to continue research projects into FY 2018.

Calvert Q26: Please update information provided in the FY 2018 QFRs regarding the number and cost of research grants the agency funded in FY 2017 and FY 2018.

Answer: There are no updates to this response provided in the FY 2018 QFR. While research work and expenditures for on-going research continues, no new obligations related to research have occurred in FY 2018.

Calvert Q27: How many population control applications does BLM plan to make in FY 2018 and FY 2019? What methods will be used?

Answer: The total for FY 2017 was 802 animals treated with PZP contraceptive vaccine.

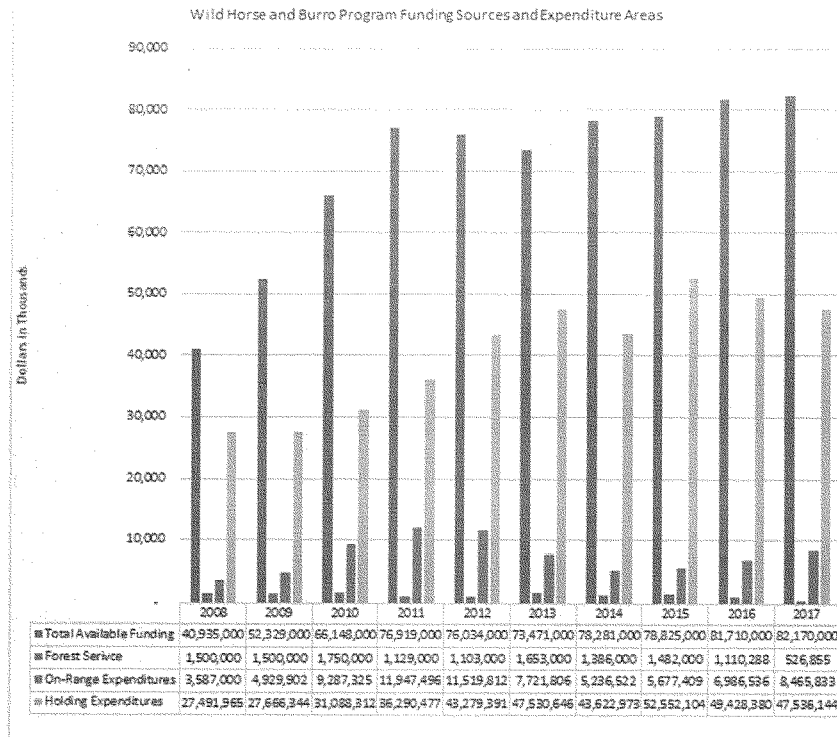
The planned total for FY 2018 as well as FY 2019 is 500 PZP treatments via ground darting. However, BLM is considering additional treatments through darting and permanent sterilization as funding allows.

Calvert Q28: Does BLM plan to remove wild horses and burros from the range in FY 2019? Please also describe the agency's plan for FY 2018 and include information regarding priority removals.

Answer: The FY 2019 President's Budget proposal will support the removal of approximately 1,000 animals from the range. In FY 2018, the BLM plans to remove 8,000 animals from the range, but we may increase this amount based on need and funding availability. The BLM prioritizes these removals based on court orders, human health and safety, requests to remove animals from private land, impacts to priority wildlife habitat, and the emergency removal of imperiled horses due to lack of forage or water.

Calvert Q29: Please update the 10-year table showing total funding for the wild horse and burro program. Include transfers from other agencies and the allocation of funding between the management of wild horses and burros on the range and those in long-term holding facilities.

Answer: The chart below has been updated to include expenditures through FY 2017. Expenditures for FY 2018 are not final.



Notes: 1. On-Range Expenditures include costs associated with developing HMA Plans; on-range improvement construction and maintenance; removals; fertility control treatments; monitoring of rangeland within HMAs; and population surveys of HMAs. Previous versions of this data did not include all of these action areas. They are all included here to more accurately represent expenditures on-range.

2. Holding expenditures include all costs associated with off-range corrals and off-range pastures, regardless of the source of funding.

3. Total Available Funding includes carryover, re-programmed funds, and enacted appropriations within the Wild Horse and Burro Program subactivity; however, the Program also has available funds from sales revenues and adoption revenues. Neither of these funding sources are included in the total available funding.

4. In FY2016 the funding includes \$3.6 million from the Wildlife Program's Sage-Grouse funding used for gathers and holdings in high priority Sage-Grouse areas.

BLM Law Enforcement

Calvert Q30: The Consolidated Appropriations Act, 2018 increased funding for BLM's law enforcement operations to help ease the burden on front-line rangers. As new lands are designated and the duties of the Bureau increase, what law enforcement needs, such as

personnel, equipment, training, vehicles, is the Bureau likely to face in the future? What are the specific needs for FY 2019?

Answer: The BLM law enforcement program regularly assesses law enforcement needs and strives to best address those needs within the budget resources available and in light of new or modified designations on public lands. Specific law enforcement needs will continue to be evaluated within the context of protecting public lands, availability of resources and staff, and providing visitors with safe recreational experiences in FY 2019.

Calvert Q31: The U.S. Forest Service has begun a pilot program to remediate illegal marijuana cultivation sites. Has BLM considered establishing a similar program? If not, please explain why.

Answer: The BLM has historically remediated natural resource damage resulting from the illegal cultivation of marijuana on public land and will continue to do so as resources allow. In addition, BLM Law Enforcement works with the Department of Justice to hold accountable those individuals responsible for such damage.

Calvert Q32: Please update the information provided in the FY 2018 QFRs regarding the Bureau's most significant law enforcement concerns.

Answer: The BLM's most significant law enforcement concerns on public lands include:

Southwest Border – The BLM is committed to supporting the Administration's priority of securing our borders. As the manager of nearly 200 miles of public lands along the border with Mexico, the BLM plays a critical role in border safety, enforcement, and environmental protection. Efforts to curb the resource and public safety impacts generated by smuggling activities on public lands places significant demands on BLM law enforcement resources.

Large-scale Marijuana Cultivation – This continues to represent a safety concern for the public and employees. Grow sites damage the natural environment in a number of ways including chemical contamination; diversion of natural water sources; degradation to wilderness; elimination of native vegetation; poaching wildlife; ignition of wildland fires; disposal of garbage; and concentrations of human waste (coliform bacteria). These sites also represent a significant safety concern due to the frequent presence of booby traps and armed guards stationed to protect the grow site.

Urban Interface – Population growth in urban areas near public lands has an impact on public safety and resource protection efforts. Proximity to natural spaces has increased conflicts between various user groups and natural resources. Areas with mixed land status (e.g. public land, State Trust lands, and private property) complicate enforcement efforts and require extensive multi-agency coordination to ensure appropriate management of the area.

Endangered Species Act

I know you're well aware of State frustrations with implementation of the Endangered Species Act. We are beginning to see hints of a shift in the approach of the Fish and Wildlife Service under your leadership and with guidance from bipartisan members of this subcommittee. It is a shift towards a more collaborative ESA process with States treated as equal partners, as Congress intended.

We believe that recovery is a shared responsibility that does not default to the Fish and Wildlife Service. Although final decisions ultimately rest with the Service, nothing in law prohibits States from being involved in the process. Increasing collaboration throughout all phases of ESA implementation is in everyone's best interest.

The subcommittee will continue to foster this collaboration in several ways: (1) by incentivizing increased State and non-governmental organization involvement and leadership through matching grants; and (2) by directing the Fish and Wildlife Service to focus on ESA actions that are inherently Federal—in other words, actions that only the Federal government can do. For instance, there are still 49 species awaiting a formal downlisting or delisting.

Calvert Q33: Do you agree with this approach, and will you work with us to help make implementation of the Endangered Species Act a more collaborative process?

Answer: The Service encourages and appreciates active participation from the States and other partners in all parts of recovery, including developing plans, implementing actions, and monitoring species on the ground. Longstanding strong support for State involvement in ESA implementation was reflected in the recent update to the Service's Interagency Policy Regarding the Role of State Agencies in ESA Activities (81 FR 8663, February 22, 2016). More recently, the Principal Deputy Director issued guidance on January 16, 2018, directing that all Species Status Assessment teams invite participation by each affected State. The Service looks forward to working with the Committee to encourage greater collaboration with States, Tribes, non-governmental organizations, and landowners in implementation of the ESA.

Arlington Memorial Bridge

The Arlington Memorial Bridge linking Washington, DC and Northern Virginia is one of the largest deferred maintenance projects facing the National Park Service. In December, the Park Service announced that it had secured \$227 million to rehabilitate the Arlington Memorial Bridge. My understanding is that the project will be completed in a single phase rather than multiple phases and that that contractor will both design the work and conduct the necessary repairs which will save taxpayers \$35 million and accelerate the project's completion by 18 months.

Calvert Q34: When is construction expected to begin on the Memorial Bridge rehabilitation and what is the projected timeline for completion?

Answer: Interim work to prepare Arlington Memorial Bridge for the rehabilitation began this month. Construction is scheduled to begin in fall 2018 and is expected to continue until early 2021. During construction, three of the six lanes will remain open to traffic.

Greater Sage-Grouse Conservation

For the fiscal year 2017 Questions for the Record, BLM provided detailed information on its activities related to the conservation of the greater sage-grouse and sage-steppe ecosystem. The Committee requests that this information be updated to reflect fiscal years 2016, 2017, 2018, and 2019.

Calvert Q35: Please describe how fiscal year 2016, 2017, and 2018 funds were allocated by activity, such as conservation measure implementation, assessment, monitoring, travel management, and inventory.

Answer: See tables below. Note that the dollar figures are in thousands.

Calvert Q36: Please describe how fiscal year 2019 funds are expected to be allocated by activity, such as conservation measure implementation, assessment, monitoring, travel management, and inventory.

Answer: See tables below. Note that the dollar figures are in thousands.

Calvert Q37: Please provide a break out of how the funds were allocated by State in fiscal years 2016, 2017, and 2018.

Answer: See tables below. Note that the dollar figures are in thousands.

In addition, for 2018 the \$68.0 million in the table below represents the minimum amount that BLM plans to allocate. This includes \$60.0 million in the Wildlife Management subactivity and \$8.0 million in the Resource Management Planning, Assessment, and Monitoring (RMP) subactivity. The \$8.0 million represents base funding for greater sage grouse conservation activities in the RMP subactivity. The 2018 Omnibus Appropriation provided an overall increase of \$8.0 million to the RMP subactivity compared to the 2017 enacted level. The accompanying Statement of the Managers directs BLM to focus these additional resources on greater sage-grouse, sage-steppe, and other high priority conservation areas. The BLM has not yet decided how it will distribute this net \$8.0 million increase between these directed activities.

Calvert Q38: Please describe how funds are planned to be allocated by State in fiscal year 2019.

Answer: See tables below. Note that dollar figures are in thousands:

[illegible]

2017 GRSG Congressional Appropriation	CA	CO	ID	MT/DK	NV	OR/WA	UT	WY	WO	Totals
Activity										
Vegetation Treatments, Habitat Restoration, and Travel and Transportation Management	\$2,865	\$3,103	\$6,705	\$3,731	\$5,256	\$6,310	\$5,397	\$6,310		\$39,677
Outreach, Training, Regional Support Teams, and Implementation Coordinators	\$446	\$720	\$2,503	\$1,979	\$1,713	\$1,229	\$1,446	\$1,152	\$1,953	\$13,141
Monitoring and Land Health Assessments	\$620	\$710	\$1,031	\$935	\$375	\$1,315	\$1,190	\$737		\$6,913
Data Support, Science, and Disturbance Tracking	\$260	\$260	\$1,300	\$780	\$1,820	\$1,474	\$347	\$2,427		\$8,668
Litigation and Planning	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
2017 GRSG Congressional Appropriation										\$68,900

*Totals may not add due to rounding

2018 GRSG Congressional Appropriation	CA	CO	ID	MT/DK	NV	OR/WA	UT	WY	WO	Totals
Activity										
Vegetation Treatments, Habitat Restoration, and Travel and Transportation Management	\$3,795	\$1,975	\$4,942	\$2,071	\$3,362	\$4,342	\$8,303	\$3,185		\$31,975
Outreach, Training, Regional Support Teams, and Implementation Coordinators	\$401	\$648	\$2,075	\$1,781	\$1,541	\$1,106	\$1,301	\$864	\$7,547	\$17,264
Monitoring and Land Health Assessments	\$609	\$965	\$1,130	\$1,100	\$1,015	\$1,255	\$1,010	\$1,075		\$8,159
Data Support, Science, and Disturbance Tracking	\$187	\$187	\$933	\$560	\$1,306	\$1,057	\$249	\$1,742		\$6,221
Litigation and Planning	\$60	\$90	\$120	\$0	\$260	\$0	\$587	\$172	\$3,093	\$4,382
2018 GRSG Congressional Appropriation										\$68,000
*Totals may not add due to rounding										

2019 GRSG Presidents Budget	CA	CO	ID	MT/DK	NV	OR/WA	UT	WY	WO	Totals
Activity										
Vegetation Treatments, Habitat Restoration, and Travel and Transportation Management	\$1,595	\$1,486	\$3,533	\$1,967	\$1,853	\$3,600	\$2,961	\$1,802		\$18,797
Outreach, Training, Regional Support Teams, and Implementation Coordinators	\$376	\$608	\$1,947	\$1,671	\$1,446	\$1,038	\$1,221	\$811	\$3,385	\$12,503
Monitoring and Land Health Assessments	\$337	\$670	\$731	\$703	\$577	\$642	\$666	\$539		\$4,865
Data Support, Science, and Disturbance Tracking	\$157	\$157	\$784	\$470	\$1,097	\$888	\$209	\$1,463		\$5,225
Litigation and Planning	\$56	\$84	\$113	\$0	\$244	\$0	\$551	\$161	\$2,902	\$4,111
2019 GRSG Presidents Budget	\$2,521	\$3,005	\$7,108	\$4,811	\$5,217	\$6,168	\$5,608	\$4,776	\$6,287	\$45,500
*Totals may not add due to rounding										

Calvert Q39: Please update the information provided in previous fiscal years regarding funding used for coordination with other Federal agencies, State and local governments, and partners.

Answer: Currently, the Wildlife Management Program supports:

1. Two regional implementation coordinators, selected in 2016, one in each of the Great Basin and Rocky Mountain regions to oversee and track implementation; coordinate across State and regional boundaries and entities; report and analyze progress; identify key issues; ensure consistent approaches; resolve differences; and provide support to the regional support teams.

2. Three regional support teams were established: two in the Great Basin region (based in Boise for the northern portion and Reno for the southern portion), and one in the Rocky Mountain region (Denver). These teams support and facilitate field and regional level project planning. The Rocky Mountain region team provides skills in the fields of public affairs, GIS and mitigation. The two Great Basin regional teams continue to provide sub-regional support for project level NEPA.
3. Implementation coordinators in eight BLM State Offices (CA; CO; ID; MT/DAK; NV; OR/WA; UT; WY) who coordinate annual programs of work; monitor, track and report progress; and coordinate issues across State boundaries.
4. Collaboration with the States through the Western Governors' Association Sage-grouse Task Force to implement the 2015 GRSG plans and the effort to better align the 2015 plans with the State plans through the ongoing plan amendment process. By collaborating with these groups on State mechanisms and strategies, the BLM is better able to coordinate activities across the range of GRSG with relevant stakeholders. Likewise, adaptive management monitoring and response is primarily led by technical experts in each State who coordinate across State boundaries, as needed, without establishing formal teams.
5. Two Regional Leadership Coordination Committees (West/Great Basin and East/Rocky Mountain). These teams consist of the BLM Regional Coordinator, the BLM State Directors, Deputy State Directors, and Washington office leadership. The two regions have selected one State Director and one Deputy State Director to participate with a representative from the National Operations Center, the Fire and Aviation Directorate, and a Washington Office representative to form the BLM Sage-Grouse Implementation Group (SGIG).

The regional teams coordinate the implementation of the conservation and restoration efforts using the Sage-Grouse Integrated Program of Work (IPOW). The IPOW serves as a geospatial repository of proposed projects and treatments in priority sage-grouse areas and as a budgeting and reporting tool each fiscal year. The SGIG coordinates implementation of the GRSG Plans across the range. Additional coordination occurs with the U.S. Fish and Wildlife Service (USFWS), U.S. Geological Survey (USGS), and appropriate State, tribal, and other Federal agencies through participation on the Western Association of Fish and Wildlife Association (WAFWA) Sagebrush Task Force and Sagebrush Executive Oversight Committee.

Additionally, the BLM and the U.S. Department of Agriculture (the Natural Resources Conservation Service and U.S. Forest Service) entered into an MOU in April 2016 to provide a framework for the agencies to collaborate and accomplish common goals related to conservation of the Greater Sage-Grouse and its habitat. Progress reporting and coordination on implementation of the Rangeland Fire Management Strategy continues through the Department's Implementation Manager who tracks, coordinates and facilitates implementation of the Action Plan.

Native Plants/National Seed Strategy

Calvert Q40: Please update the information provided in the FY 2018 QFRs regarding funding allocated for the Native Plant Materials Development Program to include FY 2019.

Answer: The table below contains funding allocated to the Native Plant Materials Development program.

Subactivity	FY 2014 Funds	FY 2015 Funds	FY 2016 Funds	FY 2017 Funds	FY 2018 Funds	FY 2019 PB*
Soil Water Air	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$0	\$0
Wildlife Management - base funding	\$4,600,000	\$4,600,000	\$4,600,000	\$4,600,000	\$4,600,000	\$4,000,000
Wildlife Management - National Seed Strategy	\$0	\$0	\$0	\$5,000,000	\$5,000,000	\$0
Hurricane Sandy Mitigation	\$3,500,000	\$0	\$0	\$0	\$0	\$0
Wildlife Management - Sage Grouse	\$100,000	\$400,000	\$2,200,000	\$3,000,000	\$2,400,000	\$0
Threatened & Endangered Species	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
TOTAL	\$11,450,000	\$8,250,000	\$10,050,000	\$15,850,000	\$12,250,000	\$4,250,000

**Note: In 2019, the BLM proposes to consolidate the Wildlife Management and Threatened & Endangered (T&E) Species Management programs into a new Wildlife Habitat Management subactivity. The Wildlife Management subactivity includes the Wildlife Program, the Sagebrush Wildlife Habitat Conservation Program, and the Plant Conservation Program. This consolidation will allow for better management and more flexibility of these activities, which directly affect the quality of life for communities near and on BLM-administered public lands.*

Calvert Q41: Overall, how much funding does BLM anticipate allocating to the Plant Conservation Program in FY 2019?

Answer: The President's budget request would allocate the following funds to the Plant Conservation Program in FY 2019:

Subactivity	FY 2019 President's Budget*
Wildlife Management base funding	\$4,000,000
Threatened & Endangered Species	\$250,000
TOTAL	\$4,250,000

**Note: In 2019, the BLM proposes to consolidate the Wildlife Management and Threatened & Endangered (T&E) Species Management programs into a new Wildlife Habitat Management subactivity. The Wildlife Management subactivity includes the Wildlife Program, the Sagebrush Wildlife Habitat Conservation Program, and the Plant Conservation Program. This consolidation will allow for better management and more flexibility of these activities, which directly affect the quality of life for communities near and on BLM-administered public lands.*

State Staffing Levels

Calvert Q42: Please provide a table showing the number of staff by category for each Bureau office in the States of California, Oregon, and Nevada for fiscal years 2007, 2012, and 2018.

Answer: The attached table depicts onboard strength for each Bureau office in the States of California, Oregon/Washington, and Nevada. The first two data columns for 2007 and 2012, indicate onboard personnel levels when Fire and Aviation personnel, which are seasonal and fluctuate, are at peak strength. The final data column indicates onboard personnel as of April 28, 2018, when field season is still ramping up towards full strength.

The BLM underwent a restructuring after 2007. During this period, some Bureau offices were closed or consolidated, and new offices were opened. For instance, some changes in the level of California Fire and Aviation personnel correlate with a move of some positions from Field Offices to District Offices after 2007.

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
California				
Bakersfield Field Office	Fire & Aviation	43	24	
	General Administrative	12	13	9
	Program Management	3	3	2
	Biological Science	9	14	8
	Lands & Realty	3	4	4
	Physical Science	8	8	4
	Law Enforcement	1	4	3
	Archeology	2	2	3
	Engineering	5	10	10
	Recreation & Environmental	5	6	5
	Inspection & Compliance	5		
	Information Technology	3		
	Procurement & Contracting	2		
	Public Affairs	1		
	Wage System	7	8	3
Total, Bakersfield Field Office		109	96	51
Bishop Field Office	Fire & Aviation	16	17	10
	General Administrative	6	3	2
	Program Management	1	1	1
	Biological Science	6	7	6
	Lands & Realty	1	1	1
	Physical Science	1	1	1
	Law Enforcement	2	2	1
	Archeology	3	3	2
	Engineering	1	1	1
	Recreation & Environmental	4	4	2
	Inspection & Compliance	1	1	1
	Information Technology	1	1	
Total, Bishop Field Office		43	42	28
Folsom Field Office	Fire & Aviation	3		
Merged with Hollister Field Office in 2008; relocated to El Dorado Hills, CA and renamed Mother Lode Field Office	General Administrative	2		
	Program Management	2		
	Biological Science	7		
	Lands & Realty	1		
	Physical Science	1		
	Law Enforcement	3		
	Archeology	2		
	Engineering	1		
	Recreation & Environmental	5		
	Inspection & Compliance	1		
	Information Technology	1		
	Budget & Finance			

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Procurement & Contracting			
	Public Affairs			
	Wage System	3		
Total, Folsom Field Office		32	0	0
Hollister Field Office	Fire & Aviation	9		
Merged with Folsom Field Office in 2008; relocated to El Dorado Hills, CA and renamed Mother Lode Field Office	General Administrative	4		
	Program Management	1		
	Biological Science	9		
	Lands & Realty	1		
	Physical Science	1		
	Law Enforcement	3		
	Archeology	1		
	Engineering	1		
	Recreation & Environmental	6		
	Information Technology	1		
	Wage System	5		
Total, Hollister Field Office		42	0	0
NorCal Support (Susanville)	Fire & Aviation	24		
Renamed NorCal District Office in 2008	Budget & Finance	1		
	Procurement & Contracting	2		
	Public Affairs	1		
	Wage System	1		
Total, NorCal Support (Susanville)		29	0	0
Alturas Field Office	Fire & Aviation	20	21	
Merged with Surprise Field Office in 2015 to create Applegate Field Office	General Administrative	2	3	
	Program Management	1	2	
	Biological Science	8	8	
	Lands & Realty		1	
	Law Enforcement	1	2	
	Archeology	2	3	
	Engineering	1	1	
	Recreation & Environmental	1	1	
Total, Alturas Field Office		36	42	
Applegate Field Office	General Administrative			3
Created in 2015 in merger of Alturas and Surprise Field Offices	Program Management			2
	Biological Science			12
	Lands & Realty			
	Law Enforcement			2
	Archeology			2
	Engineering			
	Recreation & Environmental			1
Total, Applegate Field Office		0	0	22

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Arcata Field Office	Fire & Aviation	6	6	
	General Administrative	7	7	6
	Program Management	3	2	2
	Biological Science	12	9	10
	Physical Science	1	1	1
	Lands & Realty		1	1
	Law Enforcement	3	3	2
	Archeology	1	1	1
	Engineering	1	1	
	Recreation & Environmental	10	9	7
	Information Technology	1		
	Wage System	3	2	2
Total, Arcata Field Office		48	42	32
Ukiah Field Office	Fire & Aviation	2	1	
	General Administrative	5	5	5
	Program Management	1	1	2
	Biological Science	3	3	1
	Lands & Realty	2	1	1
	Physical Science	1		
	Law Enforcement	2	3	1
	Archeology	1	1	1
	Engineering	1	1	1
	Recreation & Environmental	1	4	2
	Information Technology	1	1	
	Wage System	2	3	2
Total, Ukiah Field Office		22	24	16
Eagle Lake Field Office	Fire & Aviation	31	32	
	General Administrative	6	5	7
	Budget & Finance	1		
	Program Management	1	2	2
	Biological Science	8	10	9
	Lands & Realty	1		
	Physical Science		1	
	Law Enforcement	1	1	1
	Archeology	1	3	1
	Engineering	2	1	
	Recreation & Environmental	2	2	2
	Budget & Finance		1	1
	Information Technology	1		
	Wage System	9	7	6
Total, Eagle Lake Field Office		64	65	29

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Redding Field Office	Fire & Aviation	2	10	
	General Administrative	5	4	4
	Program Management	1	1	1
	Biological Science	5	6	4
	Lands & Realty	4	4	3
	Physical Science	1	1	1
	Law Enforcement	2	2	3
	Archeology	2	1	2
	Engineering		1	1
	Recreation & Environmental	4	5	3
	Information Technology	1		
	Wage System	3	2	3
	Total, Redding Field Office	30	37	25
Surprise Field Office	Fire & Aviation	29	21	
Merged with Alturas Field Office in 2015 to create Applegate Field Office	General Administrative	3	3	
	Program Management	1		
	Biological Science	9	8	
	Lands & Realty		1	
	Physical Science	1		
	Law Enforcement		1	
	Archeology	3	2	
	Engineering	1	1	
Total, Surprise Field Office		47	37	0
California Desert District Office	Fire & Aviation	8	10	39
	General Administrative	9	22	25
	Program Management	3	3	3
	Biological Science	2	2	3
	Recreation & Environmental		3	1
	Lands & Realty	2	2	1
	Archeology		2	1
	Physical Science	2	2	
	Law Enforcement		1	1
	Engineering	2	1	1
	Information Technology	5	5	
	Budget & Finance	2	2	4
	Procurement & Contracting	3	3	
	Public Affairs	1	2	1
	Wage System	1	1	
Total, California Desert District Office		40	61	80

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Ridgecrest Field Office	Fire & Aviation	15	12	
	General Administrative	6	4	2
	Program Management	1	1	1
	Biological Science	6	6	3
	Lands & Realty	2	2	2
	Physical Science	3	2	1
	Law Enforcement	7	6	5
	Archeology	2	2	2
	Engineering	1	1	1
	Recreation & Environmental	4	5	4
	Inspection & Compliance	1		
	Information Technology	1		
	Budget & Finance	1	1	
	Wage System	4	4	4
Total, Ridgecrest Field Office		54	46	25
Palm Springs Field Office	Fire & Aviation	15	14	
	General Administrative	6	5	5
	Program Management	1	3	2
	Biological Science	6	7	6
	Lands & Realty	5	4	4
	Physical Science	1	2	2
	Law Enforcement	7	8	9
	Archeology	2	2	2
	Recreation & Environmental	5	5	3
	Budget & Finance	1	1	
	Wage System	2	5	4
Total, Palm Springs Field Office		51	56	37
El Centro Field Office	Fire & Aviation	21		
	General Administrative	11	8	1
	Program Management	2	2	1
	Biological Science	1	2	1
	Lands & Realty	4		1
	Physical Science	2	1	1
	Law Enforcement	14	12	7
	Archeology	2	2	1
	Engineering	1		
	Recreation & Environmental	18	9	14
	Information Technology	2	1	
	Budget & Finance	3	1	
	Wage System	10	3	7
Total, El Centro Field Office		91	41	34

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Needles Field Office	Fire & Aviation	4	4	
	General Administrative	4	6	2
	Program Management	1	1	2
	Biological Science	2		
	Lands & Realty	1		1
	Archeology			1
	Physical Science	1	1	
	Law Enforcement	3	4	4
	Recreation & Environmental	3	4	2
	Information Technology	1		
	Budget & Finance	1	1	
	Wage System	2	1	1
Total, Needles Field Office		23	22	13
California State Office	Fire & Aviation	5	8	8
	General Administrative	33	48	37
	Human Resources/EEO	19	21	18
	Program Management	3	5	3
	Biological Science	11	12	7
	Lands & Realty	21	28	22
	Physical Science	51	42	33
	Archeology	2	2	2
	Engineering	16	13	5
	Recreation & Environmental	4	5	4
	Public Affairs	6	8	10
	Information Technology	12	19	12
	Budget & Finance	5	7	7
	Procurement & Contracting	5	7	11
	Wage System	1	1	1
Total, California State Office		194	226	180
Central California District Office	Fire & Aviation		35	32
	General Administrative		1	1
	Program Management		1	2
	Budget & Finance		1	1
	Public Affairs		1	1
	Information Technology		2	
	Wage System			2
Total, Central California District Office		0	41	39

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Mother Lode Field Office	Fire & Aviation		2	1
Created in 2008 in merger of Folsom and Hollister Field Offices	General Administrative		4	6
	Program Management		1	
	Biological Science		12	9
	Lands & Realty		5	2
	Physical Science		2	2
	Law Enforcement		3	3
	Archeology		2	2
	Engineering		2	2
	Recreation & Environmental		5	2
	Inspection & Compliance		1	
	Wage System		3	3
Total, Mother Lode Field Office		0	42	32
Central Coast Field Office	Fire & Aviation		3	
Field Office created in 2008	General Administrative		3	4
	Program Management		3	3
	Biological Science		11	10
	Lands & Realty		1	1
	Physical Science			1
	Law Enforcement		3	3
	Archeology		1	
	Engineering		1	
	Recreation & Environmental		5	4
	Wage System		5	5
Total, Central Coast Field Office		0	36	31
Barstow Field Office	Fire & Aviation	21	23	
	General Administrative	7	7	4
	Program Management	1		1
	Biological Science	3	5	4
	Lands & Realty	2	3	2
	Physical Science	1	1	1
	Law Enforcement	7	13	13
	Archeology	1	2	1
	Engineering	1	1	
	Recreation & Environmental	8	6	5
	Budget & Finance	1	1	
	Information Technology	1	1	
	Wage System	6	3	3
Total, Barstow Field Office		60	66	34

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Northern California District Office	Fire & Aviation		22	39
	General Administrative			1
District Office created in 2008	Program Management		1	2
	Biological Science		1	1
	Lands & Realty		1	2
	Budget & Finance		1	1
	Procurement & Contracting		1	
	Public Affairs		1	1
	Wage System		1	
Total, Northern California District Office		0	29	47
Total, California		1,015	1,051	755
Nevada				
Elko District Office	Fire & Aviation	63	78	39
	General Administrative	10	9	5
	Program Management	3	2	2
	Biological Science	27	8	1
	Lands & Realty	2		
	Law Enforcement	2	1	2
	Information Technology	1	1	
	Archeology	7		
	Recreation & Environmental	6	5	3
	Physical Science	5	1	
	Engineering	3	2	2
	Procurement & Contracting			
	Budget & Finance			2
	Public Affairs	1	1	1
	Wage System	5	5	3
Total, Elko District Office		135	113	60
Tuscarora Field Office	General Administrative		5	6
Field Office created in 2008	Program Management		1	1
	Biological Science		7	4
	Lands & Realty		3	
	Archeology		3	2
	Recreation & Environmental		2	2
	Physical Science		3	4
Total, Tuscarora Field Office		0	24	19
Wells Field Office	General Administrative		5	2
Field Office created in 2008	Program Management		1	1
	Biological Science		7	6
	Lands & Realty		2	3
	Archeology		1	2
	Physical Science		2	3
Total, Wells Field Office		0	18	17

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Winnemucca District Office	Fire & Aviation	41	60	39
	General Administrative	14	11	10
	Program Management	3	2	
	Biological Science	19		
	Lands & Realty	3		
	Law Enforcement	1	3	
	Information Technology	1	1	
	Archeology	4		
	Recreation & Environmental	4		
	Physical Science	7		
	Compliance	2		
	Procurement & Contracting		1	
	Budget & Finance	1	1	1
	Public Affairs	1		
	Wage System	4	3	1
Total, Winnemucca District Office		105	82	51
Humboldt River Field Office	General Administrative		4	3
Field Office created in 2008	Program Management			1
	Biological Science		9	10
	Lands & Realty		2	1
	Archeology		5	2
	Recreation & Environmental		3	3
	Physical Science		7	4
Total, Humboldt River Field Office		0	30	24
Black Rock Field Office	General Administrative		1	
Field Office created in 2008	Program Management		1	1
	Biological Science		3	5
	Lands & Realty		1	1
	Recreation & Environmental		4	3
	Physical Science			1
Total, Black Rock Field Office		0	10	11
Carson City District Office	Fire & Aviation	63	78	48
	General Administrative	1	9	7
	Program Management	2	2	1
	Biological Science	14	1	
	Lands & Realty	5		
	Law Enforcement	2	3	6
	Information Technology		1	
	Archeology	3		
	Recreation & Environmental	2		
	Physical Science	5		
	Engineering	1	1	1
	Procurement & Contracting	1		

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Budget & Finance			1
	Public Affairs	1	1	1
	Wage System	6	2	2
Total, Carson City District Office		106	98	67
Stillwater Field Office	General Administrative		2	2
Field Office created in 2008	Program Management		1	1
	Biological Science		6	4
	Lands & Realty		1	2
	Archeology		2	2
	Recreation & Environmental		2	3
	Physical Science		4	4
	Procurement & Contracting		1	
Total, Stillwater Field Office		0	19	18
Sierra Front Field Office	General Administrative		3	3
Field Office created in 2008	Program Management		1	1
	Biological Science		9	5
	Lands & Realty		2	3
	Archeology		3	2
	Recreation & Environmental		2	2
	Physical Science		2	2
	Wage System		1	
Total, Sierra Front Field Office		0	23	18
Ely District Office	Fire & Aviation	41	50	39
	General Administrative	32	17	9
	Program Management	3	3	2
	Biological Science	23	1	1
	Lands & Realty	4		1
	Law Enforcement	1	2	1
	Information Technology	1	2	
	Archeology	5		1
	Recreation & Environmental	5	1	1
	Physical Science	2		1
	Engineering	1	2	1
	Budget & Finance	1	1	
	Procurement & Contracting		1	
	Public Affairs	1	1	1
	Wage System	5	4	4
Total, Ely District Office		125	85	62

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Egan Field Office	General Administrative		1	
Field Office created in 2008; in 2016 merged with Schell to create Bristlecone Field Office	Biological Science		5	
	Lands & Realty		2	
	Archeology		2	
	Engineering		1	
	Recreation & Environmental		1	
	Physical Science		1	
Total, Egan Field Office		0	13	0
Schell Field Office	General Administrative		3	
Field Office created in 2008; in 2016 merged with Egan to create Bristlecone Field Office	Program Management		2	
	Biological Science		8	
	Lands & Realty		4	
	Recreation & Environmental		2	
	Physical Science		1	
Total, Schell Field Office		0	20	0
Caliente Field Office	General Administrative		4	5
Field Office created in 2008	Program Management		1	2
	Biological Science		4	4
	Lands & Realty		1	1
	Archeology		2	2
	Recreation & Environmental		2	3
	Physical Science		1	1
Total, Caliente Field Office		0	15	18
Bristlecone Field Office	General Administrative			4
Field Office created in 2016 in merger of Egan and Schell Field Offices	Program Management			1
	Biological Science			11
	Lands & Realty			3
	Archeology			2
	Recreation & Environmental			2
	Physical Science			1
Total, Bristlecone Field Office		0	0	24
Southern Nevada District Office	Fire & Aviation	26	51	34
	General Administrative	14	22	15
	Program Management	5	2	1
	Biological Science	10		
	Lands & Realty	17	2	1
	Law Enforcement	14	13	10
	Information Technology		1	
	Archeology	2		
	Recreation & Environmental	17		1
	Physical Science	6		
	Engineering	1	2	1
	Procurement & Contracting	1		

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Budget & Finance	2	1	3
	Public Affairs	2	2	3
	Wage System	6	4	4
Total, Southern Nevada District Office		123	100	73
Las Vegas Field Office	General Administrative		3	3
Field Office created in 2008	Program Management		4	3
	Biological Science		10	4
	Lands & Realty		13	18
	Archeology		1	1
	Recreation & Environmental		4	3
	Physical Science		4	5
Total, Las Vegas Field Office		0	39	37
Red Rock/Sloan Field Office	General Administrative		3	3
Field Office created in 2008	Program Management		2	2
	Recreation & Environmental		10	11
	Lands & Realty		13	18
	Archeology		2	1
	Wage System		1	
Total, Red Rock/Sloan Field Office		0	31	35
Pahrump Field Office	General Administrative		4	
Field Office created in 2008	Program Management		1	1
	Biological Science		1	2
	Lands & Realty		4	
	Archeology		2	1
	Recreation & Environmental		1	1
	Physical Science		1	1
Total, Pahrump Field Office		0	14	6
Battle Mountain District Office	Fire & Aviation	26	20	18
	General Administrative	11	10	6
	Program Management	3	2	2
	Biological Science	18		1
	Lands & Realty	5		
	Law Enforcement	1		
	Information Technology	2	2	
	Archeology	6		
	Recreation & Environmental	4		
	Physical Science	4		
	Compliance			
	Engineering	2		1
	Procurement & Contracting	1		
	Budget & Finance			2
	Human Resources			

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Public Affairs			1
	Wage System	5	2	1
Total, Battle Mountain District Office		88	36	32
Mount Lewis Field Office	General Administrative		7	6
Field Office created in 2008	Program Management		1	1
	Biological Science		6	5
	Lands & Realty		4	2
	Law Enforcement			
	Information Technology			
	Archeology		2	1
	Recreation & Environmental		5	4
	Physical Science		1	2
	Compliance			
	Engineering		1	
Total, Mount Lewis Field Office		0	27	21
Tonopah Field Office	General Administrative		2	2
Field Office created in 2008	Program Management		1	1
	Biological Science		2	4
	Lands & Realty		1	2
	Archeology		2	2
	Recreation & Environmental		3	3
	Physical Science		2	1
	Engineering		1	1
Total, Tonopah Field Office		0	14	16
Nevada State Office	Fire & Aviation	17	12	12
	General Administrative	33	41	34
	Program Management	8	11	6
	Biological Science	9	8	15
	Lands & Realty	16	15	14
	Law Enforcement			
	Information Technology	9	14	6
	Archeology	1	3	2
	Recreation & Environmental	5	4	4
	Physical Science	17	19	18
	Compliance			
	Engineering	13	14	9
	Procurement & Contracting	8	11	9
	Budget & Finance	4	4	4
	Human Resources	11	18	16
	Public Affairs	3	5	6
	Wage System			
Total, Nevada State Office		154	179	155
Total, Nevada		836	990	764

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Oregon/Washington				
Lakeview District Office	Fire & Aviation	58	51	36
	General Administrative	5	10	7
	Program Management	2	2	2
	Biological Science	1	6	1
	Lands & Realty			1
	Law Enforcement	2	2	1
	Information Technology	3		
	Procurement & Contracting	1	1	1
	Budget & Finance	3	2	2
	Human Resources	1		
	Public Affairs	1	1	1
	Wage System	3	7	5
Total, Lakeview District Office		80	82	57
Klamath Falls Field Office	Fire & Aviation	1	2	1
	General Administrative	3	2	5
	Program Management	1	1	1
	Biological Science	30	28	13
	Lands & Realty	1	1	
	Physical Science	1	8	1
	Archeology	2	5	2
	Engineering	3	1	1
	Recreation & Environmental	3	4	
	Public Affairs	1		
	Wage System		1	
Total, Klamath Falls Field Office		46	53	24
Lakeview Field Office	General Administrative		1	3
	Program Management	2	1	
	Biological Science	24	21	14
	Lands & Realty	1		
	Physical Science		1	1
	Archeology	2	4	2
	Engineering	5		1
	Recreation & Environmental	5	9	3
	Public Affairs			
	Wage System		1	1
Total, Klamath Falls Field Office		39	38	25
Burns District Office	Fire & Aviation	44	51	23
	General Administrative	12	13	13
	Program Management	2	2	2
	Law Enforcement	1	1	1
	Biological Science	4	4	4
	Engineering	3	1	1
	Recreation & Environmental	1		
	Budget & Finance	1	1	2
	Procurement & Contracting	1	1	1

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Information Technology	3		
	Public Affairs	1	1	1
	Wage System	3	10	8
Total, Burns District Office		76	85	56
Three Rivers Field Office	General Administrative	1	1	2
	Program Management	1	1	1
	Lands & Realty	1	1	
	Biological Science	15	19	13
	Physical Science	1	1	
	Archeology	7	10	2
	Recreation & Environmental	1		
Total, Three Rivers Field Office		27	33	18
Andrews Field Office	Program Management	1	1	1
	General Administrative		2	2
	Lands & Realty	1	1	1
	Biological Science	10	10	7
	Recreation & Environmental	3	5	3
	Wage System		3	3
Total, Andrews Field Office		15	22	17
Vale District Office	Fire & Aviation	99	83	44
	General Administrative	10	16	14
	Program Management	2	2	2
	Biological Science	4		2
	Archeology			1
	Engineering	5	5	3
	Recreation & Environmental		2	1
	Budget & Finance	2	3	1
	Procurement & Contracting	2	2	1
	Human Resources	1		
	Information Technology	2		
	Public Affairs	1	1	
	Wage System	11	15	12
Total, Vale District Office		139	129	81
Malheur Field Office	General Administrative		2	1
	Biological Science	14	10	16
	Program Management	1	1	1
	Physical Science	1	1	1
	Archeology	1	1	
	Lands & Realty			1
	Recreation & Environmental			2
Total, Malheur Field Office		17	15	22
Baker Field Office	General Administrative	1	3	1
	Program Management	1	1	2
	Law Enforcement	1	1	1
	Lands & Realty	1	1	2
	Biological Science	15	17	12

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Physical Science	1	1	2
	Archeology	2	1	2
	Recreation & Environmental	3	4	2
Total, Baker Field Office		25	29	24
Jordan Field Office	General Administrative	1	3	1
	Program Management	2	1	
	Law Enforcement	1	1	
	Lands & Realty	1	1	
	Biological Science	12	11	
	Physical Science	1		
	Recreation & Environmental	10	8	3
	Wage System		2	2
Total, Jordan Field Office		28	27	6
Prineville District Office	Fire & Aviation	55	44	27
	General Administrative	13	10	10
	Program Management	2	2	2
	Law Enforcement	4	5	4
	Lands & Realty			
	Biological Science	4	2	
	Physical Science	4		
	Archeology	1		
	Engineering	2	3	2
	Recreation & Environmental	1		
	Budget & Finance	1	2	2
	Procurement & Contracting	1	1	
	Human Resources			
	Information Technology	2		
	Public Affairs		1	1
	Wage System	1	2	2
Prineville District Office		91	72	50
Central Oregon Field Office	General Administrative	2	2	2
	Program Management	1	1	1
	Biological Science	18	11	13
	Physical Science	2	5	3
	Archeology	2		3
	Recreation & Environmental	6		1
	Public Affairs	1		
Total, Central Oregon Field Office		32	19	23
Deschutes Field Office	General Administrative	1	3	3
	Program Management	1	1	1
	Lands & Realty	2	3	2
	Biological Science	15	11	
	Physical Science	1	1	1

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Archeology	1	6	
	Recreation & Environmental	11	17	5
	Public Affairs	1		
	Wage System		2	1
Total, Deschutes Field Office		33	44	13
Salem District Office	General Administrative	8	4	
Merged with Eugene District Office in 2016 to create Northwest Oregon District Office	Program Management	2	2	
	Law Enforcement	1	1	
	Lands & Realty	2		
	Biological Science	14	30	
	Physical Science	3	3	
	Archeology	2	2	
	Engineering	4	2	
	Recreation & Environmental	2	1	
	Budget & Finance	3	1	
	Procurement & Contracting	3		
	Human Resources	1		
	Information Technology	3		
	Public Affairs	5	1	
	Wage System	6		
Total, Salem District Office		59	47	0
Cascades Field Office	General Administrative	2	4	7
	Program Management	1		1
	Law Enforcement	1	1	
	Biological Science	24	24	15
	Physical Science	1	1	
	Engineering	1	3	2
	Recreation & Environmental	1	11	
Total, Cascades Field Office		31	44	25
Mary's Peak Field Office	General Administrative	3	5	1
	Program Management	1	1	1
	Lands & Realty		4	
	Biological Science	18		14
	Physical Science	1		1
	Engineering	3	3	3
	Budget & Finance		3	
	Public Affairs		2	
	Procurement & Contracting		3	
	Recreation & Environmental	1	3	
	Wage System		10	
Total, Mary's Peak Field Office		27	34	20

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Tillamook Field Office	General Administrative	5	5	3
	Program Management	2		1
	Law Enforcement	1		
	Biological Science	28	20	15
	Physical Science			1
	Engineering	2	3	1
	Recreation & Environmental	5	3	
	Information Technology	1		
	Wage System	1		
Total, Tillamook Field Office		45	31	21
Eugene District Office	General Administrative	12	14	
Merged with Salem District Office in 2016 to create Northwest Oregon District Office	Program Management	2	2	
	Law Enforcement	2	2	
	Lands & Realty	3	2	
	Biological Science	9	8	
	Physical Science	1	1	
	Engineering	1	2	
	Budget & Finance	3	3	
	Procurement & Contracting	1	1	
	Human Resources	1	1	
	Information Technology	5	1	
	Public Affairs	2	1	
	Wage System	1	8	
Total, Eugene District Office		43	46	0
Siuslaw Field Office	General Administrative	4	3	9
	Program Management	1	1	2
	Recreation & Environmental	4	6	
	Biological Science	35	30	25
	Archeology		3	
	Physical Science	1	2	1
	Engineering	4	5	5
Total, Siuslaw Field Office		49	54	42
Upper Willamette Field Office	General Administrative	4	3	4
	Program Management	1	1	1
	Recreation & Environmental	6	1	
	Biological Science	30	31	26
	Physical Science	2	1	1
	Engineering	3	5	3
	Lands	1		
Total, Upper Willamette Field Office		49	42	35

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Roseburg District Office	Fire & Aviation			1
	General Administrative	10	16	12
	Program Management	3	2	2
	Law Enforcement		2	2
	Lands & Realty	7	4	3
	Biological Science	14	8	8
	Archeology		3	2
	Physical Science		1	
	Engineering	10	3	4
	Budget & Finance	2	1	2
	Procurement & Contracting	2	2	1
	Human Resources	2		
	Information Technology	4		
	Public Affairs	1	1	1
	Wage System	1	11	9
Total, Roseburg District Office		56	54	47
Swiftwater Field Office	General Administrative	2	1	1
	Program Management	1	1	1
	Law Enforcement	1		
	Engineering		3	3
	Biological Science	33	20	19
	Recreation & Environmental	3	7	4
	Archeology	2		
	Physical Science	2	2	1
	Wage System		4	3
Total, Swiftwater Field Office		44	38	32
South River Field Office	General Administrative	2		
	Program Management	1		
	Biological Science	40		
	Engineering	1		
	Physical Science	2		
Total, South River Field Office		46	0	0
Medford District Office	Fire & Aviation		16	4
	General Administrative	23	26	23
	Program Management	2	2	3
	Law Enforcement	2	3	2
	Lands & Realty	8	9	5
	Biological Science	21	13	4
	Physical Science	3	6	4
	Recreation & Environmental		4	1
	Archeology	1	4	
	Engineering	6	5	3
	Budget & Finance	2	2	
	Procurement & Contracting	2	2	

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
	Information Technology	7		
	Public Affairs	1	1	
	Wage System		9	7
Total, Medford District Office		78	102	56
Butte Falls Field Office	General Administrative	3	3	4
	Program Management	1	1	1
	Biological Science	29	26	25
	Archeology			1
	Physical Science	3	1	2
	Recreation & Environmental	6	11	3
	Engineering	3	3	2
	Wage System			1
Total, Butte Falls Field Office		45	45	39
Ashland Field Office	General Administrative	7	4	6
	Program Management	1	1	1
	Biological Science	44	37	24
	Physical Science	5	2	1
	Archeology		2	2
	Recreation & Environmental	3	8	3
	Engineering	3	3	1
Total, Ashland Field Office		63	57	38
Grants Pass Field Office	General Administrative	6	5	9
	Program Management	1	1	1
Merged with Glendale Field Office in 2011	Law Enforcement			1
	Biological Science	37	36	31
	Physical Science	5	1	1
	Archeology	1	1	2
	Engineering	4	4	2
	Recreation & Environmental	12	20	5
	Wage System		1	
Total, Grants Pass Field Office		66	69	52
Glendale Field Office	General Administrative	5		
	Program Management	1		
Merged with Grants Pass Field Office in 2011	Biological Science	33		
	Physical Science	2		
	Archeology	1		
	Engineering	2		
	Recreation & Environmental	1		
	Wage System	4		
Total, Glendale Field Office		49	0	0

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Coos Bay District Office	General Administrative	10	9	10
	Fire & Aviation		1	
	Program Management	2	2	2
	Law Enforcement			1
	Biological Science	2	2	
	Archeology		1	1
	Physical Science			1
	Budget & Finance	1	2	1
	Procurement & Contracting	1	2	2
	Engineering	8	5	3
	Recreation & Environmental	1		1
	Information Technology	4		
	Public Affairs	3	2	1
	Wage System	3	16	20
Total, Coos Bay District Office		35	42	43
NW Oregon District Office	General Administrative			19
Created in 2016 in merger of Salem and Eugene District Offices	Fire & Aviation			2
	Program Management			3
	Law Enforcement			3
	Biological Science			13
	Archeology			5
	Physical Science			2
	Lands & Realty			6
	Budget & Finance			4
	Procurement & Contracting			2
	Engineering			5
	Recreation & Environmental			14
	Information Technology			
	Public Affairs			1
	Wage System			16
Total, Northwest Oregon District Office		0	0	95
Umpqua Field Office	General Administrative	3	3	3
	Program Management		1	1
	Law Enforcement	1	1	
	Lands & Realty	2	2	
	Biological Science	28	21	18
	Engineering		2	1
	Physical Science	2	1	
	Recreation & Environmental	7	7	5
	Wage System		4	
Total, Umpqua Field Office		43	42	28

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Myrtlewood Field Office	General Administrative	4	3	6
	Program Management	1	1	1
	Law Enforcement	1	1	
	Lands & Realty	2	2	2
	Biological Science	29	23	19
	Engineering		2	1
	Physical Science	2	2	1
	Archeology	1		
	Recreation & Environmental	4	1	
Total, Myrtlewood Field Office		44	35	30
Spokane District Office	General Administrative	5	5	7
	Program Management	2	2	2
	Law Enforcement	1	1	2
	Biological Science	7	17	5
	Physical Science			1
	Engineering	2	2	1
	Archeology	2	2	1
	Recreation & Environmental	2		
	Procurement & Contracting	1	2	2
	Public Affairs			1
Total, Spokane District Office		22	31	22
Wenatchee Field Office	General Administrative	1	2	1
	Program Management	1	1	1
	Law Enforcement		1	
	Lands & Realty	1	1	1
	Biological Science	15	11	10
	Physical Science	1	1	1
	Archeology	1	1	1
	Engineering	1		
	Recreation & Environmental	3		
	Wage System		1	
Total, Wenatchee Field Office		24	19	15
Border Field Office	General Administrative	1	1	1
	Program Management	1	1	1
	Archeology		1	3
	Lands & Realty	2	2	1
	Biological Science	14	8	7
	Physical Science	1	2	1
	Recreation & Environmental	2	1	1
Total, Border Field Office	Wage System		1	
		21	17	15

Location	Category	As of 9/30/2007	As of 9/30/2012	As of 4/28/2018
Yaquina Head ONA	General Administrative	1		7
	Program Management	1	1	1
	Lands & Realty			
	Facilities		1	
	Wage System		1	
	Education & Training		6	
	Recreation & Environmental	4	7	4
Total, Yaquina Head ONA		6	16	12
San Islands NM	Recreation & Environmental			1
	Program Management			1
Total, San Islands NM		0	0	2
Oregon/Washington State Office	Fire & Aviation	8	15	12
	General Administrative	71	81	66
	Program Management	9	6	6
	Lands & Realty	14	30	24
	Biological Science	56	84	62
	Physical Science	50	57	40
	Archeology	2	2	3
	Engineering	28	34	23
	Recreation & Environmental	36	4	4
	Budget & Finance	5	3	4
	Procurement & Contracting	16	18	10
	Human Resources	23	25	22
	Information Technology	17	103	37
	Public Affairs	9	9	9
	Wage System	121	5	2
Total, Oregon/Washington State Office		465	476	324
Total, Oregon/Washington		2,114	2,043	1,456

Oil & Gas Development Offshore

The request for the Bureau of Ocean Energy Management includes additional amounts for the development and vetting of a new 5-year plan for offshore leasing to replace the previous plan for 2017-2022. I trust the requested resources will allow this review to move forward expeditiously and with the appropriate level of engagement with stakeholders – especially those from coastal States. It's my understanding that you received over 1.8 million comments on the draft Plan that was proposed in January.

Calvert Q43: What criteria will you prioritize when you consider whether or not areas proposed in the draft Plan will remain in the next iteration of the Proposed Plan?

Answer: Section 18 of the OCS Lands Act details the decision-making process governing development of a National OCS Program. The Secretary must consider eight factors when determining the size, timing, and location of oil and gas activities among the different areas of the OCS but has the discretion to reach a reasonable determination under the existing circumstances. The eight factors are:

- Geographical, Geological, and Ecological Characteristics,
- Equitable Sharing of Developmental Benefits and Environmental Risks,
- Location with Respect to Regional and National Energy Markets and Needs
- Other Uses of the Sea and Seabed
- Laws, Goals, and Policies of Affected States Identified by Governors
- Interest of Potential Oil and Gas Producers
- Environmental Sensitivity and Marine Productivity
- Environmental and Predictive Information

The public comments from the Draft Proposed Program (DPP) and information from the Proposed Program analysis and the draft Programmatic EIS will further inform the Secretary's consideration of OCS areas for potential leasing. Inclusion of an area at the DPP or Proposed Program phase is not a final indication it will be included in the final approved Program or offered in a lease sale. Many decision points remain in the process.

Calvert Q44: When do you expect to announce the next iteration of the Plan?

Answer: BOEM expects to publish the Proposed Program in late calendar year 2018 or early 2019, followed by a 90-day comment period and additional public meetings.

Calvert Q45: Does the Bureau intend to hold coastal meetings, as opposed to, or in addition to, meetings held in State capitals, to engage local constituencies about the proposed plan? If so, when?

Answer: Public meetings will occur after publication of the Secretary's Proposed Program and Draft Programmatic Environmental Impact Statement in areas included for potential lease sale consideration in the Proposed Program. The locations and dates of these public meetings will be posted on the BOEM website shortly after the announcement of the Proposed Program: <https://www.boem.gov/National-Program-Participate/>. BOEM anticipates holding

public meetings in additional cities of potentially affected areas. BOEM will also use an online virtual meeting room to provide the public with the same materials presented at public meetings and on BOEM's website. BOEM wants to hear from all voices as part of its public involvement process.

Calvert Q46: Just a few years ago the Department put policies in place to encourage the return of unused offshore leases. This was an effort to turn over those parcels to new tenants and encourage production. While a laudable concept, in practice, leases have been returned, but the Department has been unable to find new tenants. This has resulted in a significant decline in offshore rental receipts. In fiscal year 2018, rental income declined by about \$40 million which the Committee needed to backfill with appropriated funds.

What is the projected trend for offshore rental receipts and is the Department working on strategies that will support the needs for offshore operations without putting further pressure on discretionary spending?

Answer: Using the current Office of Management and Budget assumptions for oil and gas prices, rental receipt revenue offsetting Interior's offshore energy programs would continue to decline. The Administration is committed to a policy of energy dominance, of which expanded offshore energy development is a key element. BOEM plays an important role in advancing the Administration's comprehensive approach to expand responsible development of domestic energy resources to help move the United States toward energy dominance, and the associated economic and employment benefits.

The 2019-2024 National OCS Oil and Gas Leasing Program is an important component of the Administration's efforts to restore the Nation's energy dominance and economic security. The Program, as detailed in the Draft Proposed Program, could potentially have long term, positive impacts on leasing and revenues in future years, though until the Program is finalized by the Secretary, it is too early to quantify those impacts.

The President's FY 2019 Budget reflects the importance of Interior's offshore energy programs, proposing to maintain a strong program by offsetting anticipated declines in rental receipt revenue with appropriated funds, within Interior's total funding allocation. In the absence of greater than projected lease demand that translates into increased offsetting collections from OCS rental revenue, there are no clear funding solutions which would not impact the Treasury in the same way that a general increase in direct appropriations would.

USGS National Geospatial Program U.S Topographic Program

Nationwide topographic maps and geospatial data produced by the USGS support business processes and applications across the Country, particularly for hunting and outdoor recreation; wildfire management and suppression; aerial navigation and safety; and natural hazards mitigation and recovery.

Calvert Q47: How are USGS' digital topographic map products including US Topo being used by response agencies during hurricanes?

Answer: The USGS National Geospatial Program supports emergency response to disaster events by providing access to a standard set of geospatial products through The National Map (a Web-based map service application), including accurate, high-resolution 3D Elevation Program (commonly referred to as 3DEP) data and USGS topographic maps (US Topos). Response agencies use these USGS products and internet-based services for flood inundation and coastal hazards assessments; storm surge prediction and planning; and planning to support post-event reconstruction activities.

Response agencies that rely on USGS elevation and hydrographic data include the U.S. Department of the Interior, the U.S. Department of Agriculture, U.S. Department of Commerce, and U.S. Department of Defense (DOD); the Federal Emergency Management Agency; the National Guard; and State, Tribal, and local governments. Emergency support activities are coordinated through the USGS Geospatial Information Response Team, established to facilitate the effective coordination, communication, collection, storage, and dissemination of geospatial data information and products among these response agencies during an emergency.

Calvert Q48: What strides has the USGS made toward expanding this digital map production capability as part of a national mapping system to ensure that government-wide defense, domestic emergencies, and missions can be responded to in a more effective and efficient manner?

Answer: The USGS has implemented an internet-based visualization and delivery system capable of topographic map production and distribution substantially improving user access to current US Topo information. The USGS is adding enhanced tools to allow users to create and download custom map products called Product-on-Demand (POD).

The USGS implemented POD in 2017 to allow maps with different levels of detail (map scale) to be created more quickly. Since the early 2000s, the evolution of USGS map delivery has decreased delivery time from months to days, while improving the overall quality of the product.

The implementation of this new system, coupled with the USGS partnership with the Defense Logistics Agency and the National Geospatial Intelligence Agency to print and distribute maps in bulk to emergency responders, allowed the USGS to provide requested maps quickly during the Hurricane events (Harvey, Irma, Maria) in August, 2017.

Prior to implementation of this POD capability, the USGS would have been able to create its standard US Topo product in digital form, but, would not have been able to provide a map with a customized level of detail (scale) and would not have been able to systematically print and deliver large quantities of paper maps to customers in support of emergency response.

In FY 2019, the USGS will implement enhanced tools that will allow maps to be customized based on user requests, as well as focus map production on areas where the most change has occurred. We will continue to produce products for 1/3 of the country annually as well as working toward completion of new US Topo products for Alaska.

Since implementing POD, the USGS has continued production of 18,000 topographic maps annually and created custom special edition hazard response planning maps for emergency response. We have also produced and deployed new designs of our topographic web base map, web map service overlays, and updated how the public can view and download data.

Office of Inspector General

Calvert Q49: Please provide a table showing the Office of Inspector General's (IG) appropriations for the past 10 fiscal years, broken out by Audit, Investigations, and Evaluations; Investigations; and Mission Support.

Answer:

S in Thousands	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
AIE	20,083	21,333	21,185	21,398	17,530	18,129	18,640	18,640	18,640	17,806
OI	16,690	17,533	17,615	17,742	16,815	18,754	18,898	18,898	18,898	20,732
MS	9,180	9,724	9,693	10,252	12,463	13,948	12,509	12,509	12,509	12,485
OIG	45,953	48,590	48,493	49,392	46,808	50,831	50,047	50,047	50,047	51,023

Calvert Q50: Provide a table showing the average salary of IG staff by ES and GS positions and include the average grade by GS position.

Answer:

Average ES and GS Salary/Grade by Position				
Group	Description	ES	GS	GS
		Average Salary	Average Salary	Average Grade
0200	Human Resources		\$118,782	13
0300	General Administrative, Clerical, and Office Services	\$189,600	\$114,818	13
0500	Accounting and Budget		\$117,730	13
0900	Legal	\$184,650	\$139,261	14
1000	Accounting and Budget	\$189,600	\$112,410	13
1100	Business and Industry		\$110,923	13
1800	Inspection, Investigations, Enforcement, Compliance	\$180,703	\$146,502	14
2200	Information Technology		\$112,421	13

Calvert Q51: Provide information on the size, composition, and annual operating cost of the IG's motor fleet.

Answer: In FY 2017, the OIG, Office of Investigations (OI) leased 29 vehicles at an annual operating cost of approximately \$129,500 (lease, maintenance, and repairs).

Since FY 2012, OIG reduced annual fleet costs by more 50 percent through establishing motor pools at various locations, retiring more than 30 vehicles, and achieving yearly cost savings of over \$150,000. The vehicle-to-agent ratio is below other OIGs.

In FY 2018, OI decreased its fleet by three vehicles leading to a projected annual operating cost of approximately \$119,480 for 26 vehicles.

Current number of vehicles in our fleet

FY 2017 – 29

FY 2018 – 26

Annual Operating Lease Cost

FY 2017 - \$124,000

FY 2018 - \$115,000 (Projected)

Maintenance/Repairs

FY 2017 - \$5,500

FY 2018 - \$4,480 (One accident is pending repair)

Vehicles up for renewal or replacement

4

Current Vehicles in Inventory

FORD	TAURUS	2017	ATLANTA
CHEVROLET	IMPALA	2016	ATLANTA
FORD	EXPLORER	2016	ATLANTA
RAM	1500	2016	ALBUQUERQUE
CHEVROLET	IMPALA	2016	LAKEWOOD
CHEVROLET	IMPALA	2014	LAKEWOOD
TOYOTA	TACOMA	2014	LAKEWOOD
FORD	EXPLORER	2017	LAKEWOOD
FORD	EXPLORER	2013	LAKEWOOD
FORD	EXPLORER	2015	LAKEWOOD
FORD	EXPLORER	2010	LAKEWOOD
FORD	EXPLORER	2010	RAPID CITY
FORD	EXPLORER	2015	RAPID CITY
FORD	EXPLORER	2016	BILLINGS
DODGE	DURANGO SV	2015	BILLINGS
CHEVROLET	MALIBU	2012	SACRAMENTO
HYUNDAI	SONATA	2018	SACRAMENTO
FORD	FOCUS	2012	SACRAMENTO
FORD	EXPLORER	2016	SACRAMENTO
FORD	EXPLORER	2016	ANCHORAGE
FORD	EXPEDITION	2017	WASHINGTON
DODGE	CHARGER	2016	HERNDON
CHEVROLET	IMPALA	2013	HERNDON
FORD	EXPLORER	2016	HERNDON
CHEVROLET	IMPALA	2011	WASHINGTON
CHEVROLET	IMPALA	2016	WASHINGTON

Calvert Q52: Provide a statement of the proposed retirement and purchase of passenger motor vehicles for fiscal years 2018 and 2019.

Answer: The overall quantity and type of leased vehicles have varied slightly from FY 2017 to FY 2018, resulting in an estimated cost savings of \$10,020. The cost reduction is attributable in part to the decision to lease smaller, less expensive vehicles. Based on anticipated attrition and office realignments, OI may further reduce its number of vehicles by two in FY 2019.

Calvert Q53: Please describe the IG's policy on the use of firearms by its employees and include the number of firearms owned by the Office.

Answer: OIG employs 65 criminal investigators with full law enforcement authority granted to them under the IG Act as amended.

Each criminal investigator is issued a semi-automatic pistol, which they are authorized to carry and use in accordance with OIG policy and Department of Justice use of force standards.

OIG policy requires all criminal investigators to qualify with their firearms on a quarterly basis, and qualified criminal investigators may carry their issued firearms on and off-duty.

The OIG currently owns and maintains 35 Remington model 870 Shotguns, of which 27 are deployed to field offices for use during law enforcement activities, and 8 are in the OIG firearms armory. We also own 122 functional Glock pistols, of which 65 are assigned to criminal investigators, 51 are in the OIG firearms armory, and 6 are converted electronic simulator training weapons.

Calvert Q54: Describe the IG's work with and support for the Council of the Inspectors General on Integrity and Efficiency.

Answer: The Deputy IG serves on the CIGIE Professional Development Committee (monthly meetings) and the CIGIE Budget Committee (as needed during budget season). She also serves as a speaker and panelist at CIGIE-sponsored training events.

The Assistant Inspector for Investigations (AIGI) routinely attends quarterly and annual meetings of the AIGI Subcommittee of the CIGIE Investigations Committee. The subcommittee meetings include presentations on a variety of investigative topics, discussions about investigative issues or trends, and updates on working group activities. The AIGI also represents the Deputy IG at CIGIE Investigations Committee meetings if she is unable to attend.

OIG has one criminal investigator detailed full-time to the CIGIE Criminal Investigator Academy located at the Federal Law Enforcement Training Center in Glynco, GA. The criminal investigator occupies a full-time Program Manager position and CIGIE fully reimburses OIG for the salary for the detailed employee.

This fiscal year, the OIG has also allowed two additional criminal investigators to act as adjunct instructors for CIGIE courses offered by the Criminal Investigator Academy. Additionally,

OIG's Director of Whistleblower Protection and a special agent assisted CIGIE in developing and presenting two offerings at the Whistleblower Reprisal Investigations Learning Forum. Finally, a senior examiner in OI's Computer Crimes Unit assisted CIGIE in curriculum development and training related to the field of digital forensics.

Our Office of General Counsel (OGC) supports CIGIE by providing training to newer members of the IG community at CIGIE's *IG Authorities* training course. Regularly, OGC provides valuable input and assistance to other trainers. Our OGC also serves as a resource to the CIGIE General Counsel when that individual seeks input on a variety of legal and ethics issues.

Our legal office assists CIGIE committee efforts in explaining newly enacted legislation to the IG community, by commenting on proposed legislation, and in addressing legal issues that arise and affect several IG offices.

DOI OIG hosted a quarterly meeting of CIGIE's Public Affairs Working Group. Beyond providing physical logistics, our External Affairs staff coordinated speakers and guests, as well as presenting at the meeting.

The OIG Communications and Reports Unit (CRU) Director supports CIGIE Training Institute in several ways, including serving on a team of editors, auditors, and investigators from several IG organizations requested by the Training Institute to develop and deliver a new CIGIE class - Planning, Organizing, and Writing Effective Reports (POWER). This team developed the class in Spring 2017 and has delivered the training to students from various Federal IG organizations.

The CRU Director served as an adjunct instructor for the report writing component of CIGIE's Introductory Auditor training course, attended by staff from various Federal IG organizations, and participated by invitation in a Spring 2017 course at the IG Academy at the Federal Law Enforcement Training Center on training and education best practices and techniques.

In the previous 3 years, the CRU Director has served as an adjunct facility instructor, facilitated monthly CIGIE board meetings, Executive Council meetings, co-facilitated a CIGIE Annual Meeting, assisted in the selection of CIGIE's staff writer-editor, and delivered special training sponsored by CIGIE on report review best practices.

As required by the Inspector General Reform Act of 2008 (P.L. 110-409), the annual budget request for the Office of the Inspector General specifies funding required to support the CIGIE. Our FY 2019 budget request included approximately \$115,000 for CIGIE support.

Below lists additional IG work and support of CIGIE activities:

- 1) Federal Audit Executive Council (FAEC) Member
- 2) CIGIE/FAEC DATA Act Working Group
- 3) DATA Act CIGIE/FAEC subcommittee on Common Methodology
- 4) CIGIE/FAEC Contract Committee
- 5) Presentations by staff at the FAEC Executive Council Conference
- 6) Presentations by staff at the CIGIE IT Audit Forum
- 7) CIGIE Cloud Computing Initiative

- 8) CIGIE Web Application Security Initiative
- 9) CIGIE Disaster Assistance Initiative Planning Workgroup - Hurricanes Harvey, Irma, Maria
- 10) CIGIE Disaster Relief Initiative
- 11) CIGIE Purchase Card Initiative
- 12) CIGIE Evaluations Workgroup – Development of Introductory to Evaluations Course
- 13) CIGIE Evaluations Committee – Peer Review Guide and Pilot Project
- 14) CIGIE Enterprise Risk Initiative
- 15) CIGIE Award Review Committee

Office of the Solicitor

Calvert Q55: Please provide a table showing the appropriations received by the Office of the Solicitor for each of the past 10 fiscal years.

Answer:

Fiscal Year	SOL Enacted (in thousands)
2009	62,050
2010	65,076
2011	64,946
2012	66,190
2013	62,728
2014	65,800
2015	65,800
2016	65,800
2017	65,769
2018	66,675

Calvert Q56: Please provide a table showing FTE levels for each of the past 10 fiscal years. Show the information by direct, reimbursable and allocation FTEs.

Answer:

Fiscal Year	Direct FTE	Reimbursable FTE	Allocated FTE	Total FTE
2009	354	39	13	406
2010	358	46	14	418
2011	364	58	21	443
2012	350	68	19	437
2013	327	71	20	418
2014	314	68	19	401
2015	309	68	19	396
2016	319	80	22	421
2017	307	89	23	419
2018	311	86	28	425

Calvert Q57: Please expand upon the table showing the Office's Employee Count by Grade to include the average salary of ES and GS positions and the average grade by GS position.

Answer:

Average Salary of ES and GS Positions

Pay Plan	Grade	Position	2017 Count	2017 Ave. Salary	2018 Count	2018 Ave. Salary
ES		Attorney	18	172,750	18	172,477
SL		Attorney	2	168,138	2	168,138
GS	15	Attorney	80	153,904	80	153,821
		Management and Program Analysis	1	161,900	1	161,900
		Misc Administration and Program	4	158,913	3	157,918
	14	Attorney	226	126,727	227	126,898
		Budget Analysis	1	123,223	1	123,223
		Financial Administration and Program	1	130,692	1	130,692
		Information Technology Management	2	138,228	2	138,228
		Management and Program Analysis	1	126,958	1	126,958
		Misc Administration and Program	1	130,692	1	130,692
	13	Administrative Officer	3	110,595	3	111,648
		Attorney	15	95,423	16	97,518
		Financial Administration and Program	2	104,276	2	104,276
		Information Technology Management	2	115,335	2	115,335
		Misc Administration and Program	2	109,015	2	109,015
	12	Attorney	5	79,884	4	77,684
		Information Technology Management	2	89,022	2	89,022
		Misc Administration and Program	4	87,028	4	87,028
		Paralegal	3	87,405	4	92,128
	11	Administrative Officer	1	84,793	1	84,793
		Attorney	1	66,510	1	66,510
		Misc Administration and Program	7	71,601	7	71,601
		Paralegal	5	72,149	5	72,149

Pay Plan	Grade	Position	2017 Count	2017 Ave. Salary	2018 Count	2018 Ave. Salary
	9	Attorney	1	54,972	1	54,972
		Misc Administration and Program	1	54,972	1	54,972
		Paralegal	2	59,534	4	56,273
		Misc Clerk and Assistant				
	8	Series	12	56,901	12	57,037
		Secretary	1	64,699	1	64,699
	7	Legal Assistance	3	54,738	2	52,893
		Misc Clerk and Assistant Series	1	52,434	1	52,434
		Secretary	5	57,958	5	57,958
		Misc Administration and Program	1	40,003	1	40,003
		Secretary	1	52,760	1	52,760
	4	Student Trainee			1	29,356
Total/Average			417	125,135	420	124,766

Average Grade by GS Position

Position	2017	2018
Administrative Officer	12.5	12.5
Attorney	14.1	14.1
Budget Analysis	14.0	14.0
Financial Administration and Program	13.3	13.3
Information Technology Management	13.0	13.0
Legal Assistance	7.0	7.0
Management and Program Analysis	14.5	14.5
Misc Administration and Program	12.0	11.8
Misc Clerk and Assistant Series	7.9	7.9
Paralegal	10.9	10.7
Secretary	7.0	7.0
Student Trainee	n/a	4.0

Calvert Q58: Please provide a geographic breakdown of obligations and staff years by headquarters, divisions within headquarters, regional offices, and field offices for the past three fiscal years.

Answer: See table below.

SOL Office	2015 FTE	2015 Obligations	2016 FTE	2016 Obligations	2017 FTE	2017 Obligations
<u>Headquarters</u>						
Division of Administration	23	4,762,070	23	4,596,840	24	4,950,202
Division of General Law	25	5,003,754	28	5,686,365	33	6,875,284
Division of Indian Affairs	31	6,352,523	31	6,189,038	29	5,905,247
Division of Land Resources	25	5,076,543	22	4,428,843	20	4,070,116
Division of Mineral Resources	29	5,957,310	32	6,412,858	33	6,904,248
Division of Parks and Wildlife	32	6,502,137	34	6,816,554	33	6,771,386
Division of Water Resources	0	0	8	1,601,658	15	3,192,814
Ethics	9	1,886,594	9	1,820,808	8	1,557,150
Immediate Office	14	2,891,254	12	2,383,520	9	1,866,333
Indian Trust Litigation Office	10	2,030,520	10	2,007,820	10	2,064,532
Subtotal HQ	199	40,462,706	209	41,944,303	213	44,157,311
<u>Region and Field</u>						
AKR - Anchorage	8	1,595,704	10	2,006,982	10	2,066,919
IMR - Phoenix	9	1,765,181	9	1,787,353	9	1,845,747
IMR - Salt Lake	11	2,231,822	12	2,399,517	14	2,943,748
NER - Boston	8	1,597,843	9	1,859,054	8	1,711,692
NER - Pittsburgh	7	1,454,890	8	1,599,239	7	1,447,385
NER - Twin Cities	9	1,812,006	12	2,334,067	12	2,453,968
PNW - Boise	9	1,897,146	10	1,984,015	10	2,072,885
PNW - Portland	22	4,566,628	24	4,885,057	23	4,671,973
PSW - Sacramento	22	4,383,001	21	4,161,604	19	3,949,411
PSW - San Francisco	8	1,685,390	8	1,703,342	8	1,551,382
RMR - Billings	8	1,625,072	7	1,500,070	8	1,574,454
RMR - Denver	32	6,591,046	36	7,218,142	31	6,512,598
SER - Atlanta	13	2,739,938	12	2,444,540	13	2,688,963
SER - Knoxville	6	1,207,907	7	1,504,524	8	1,734,366
SWR - Albuquerque	12	2,521,618	15	2,977,771	16	3,241,668
SWR - Tulsa	11	2,206,197	11	2,126,340	9	1,940,421
Subtotal Region and Field	196	39,881,387	212	42,491,616	205	42,407,581
Total FTE	396	80,344,093	421	84,435,920	419	86,564,892

Calvert Q59: How much funding and staff years would be needed to ensure the Department responds to Freedom of Information Act requests in a timely manner?

Answer: SOL required 10 FTE at a cost of about \$2,000,000 in FY 2017 for FOIA requests and litigation. SOL estimates the same level of FTE and funding will be dedicated to FOIA in FY 2018. The number of FOIA requests increased in 2017. Interior received 6,428 FOIA requests in 2016 and 8,005 in 2017, an increase of 1,577 requests.

Calvert Q60: How much funding was required in fiscal year 2017 and estimated for fiscal year 2018 to manage Freedom of Information Act requests and litigation?

Answer: SOL required 10 FTE at a cost of about \$2,000,000 in FY 2017 for FOIA requests and litigation. SOL estimates the same level of FTE and funding will be dedicated to FOIA in FY 2018. The number of FOIA requests increased in 2017. Interior received 6,428 FOIA requests in 2016 and 8,005 in 2017, an increase of 1,577 requests.

Questions from Mr. Simpson

Several grazing permits in Owyhee County, Idaho (known as the “Owyhee 68”) could be faced with 35-60% cuts due to the Bureau of Land Management's interpretation of the grazing regulations in the permit renewal process. This impacts over 70 ranching families, and consequently, the entire economy of the county, along with the risks to the landscape due to reduced grazing management. The permits are currently under litigation right now, but there is likely a better solution to be found through clarification of those regulations.

Simpson Q1: Will you look into this issue and work with all the stakeholders to find a path forward for immediate resolution to this important and pressing issue?

Answer: We have met with a variety of stakeholders about these issues and are committed to finding common-sense solutions that lead to improved range conditions. Where range improvements are appropriate for managing fuel loads and wildlife habitat, and meeting land health standards, they are often considered along with adjusting livestock numbers and management.

Questions from Ms. McCollum**Climate Change and Science**

McCollum Q1: I would like to understand why the Department of the Interior is attempting to roll back BLM regulations on methane venting and flaring, the emissions of which cause harmful air pollution, impact public health and degrade the environment we leave for future generations.

Answer: On April 4, 2018, the U.S. District Court for the District of Wyoming issued an Order that stayed the litigation of the Waste Prevention Rule pending finalization or withdrawal of the BLM's proposed "Revision Rule" and stayed implementation of certain provisions of the Waste Prevention Rule. *Wyoming v. U.S. Department of the Interior*, 2:16-CV-0285-SWS (D. Wyo.) (April 4, 2018). As a result, the Waste Prevention Rule is in effect, except for the following stayed provisions:

- 43 CFR 3179.7 (gas capture percentage requirement)
- 43 CFR 3179.9 (measuring and reporting volumes of gas vented or flared)
- 43 CFR 3179.201 (equipment requirements for pneumatic controllers)
- 43 CFR 3179.202 (requirements for pneumatic diaphragm pumps)
- 43 CFR 3179.203 (storage vessels)
- 43 CFR 3179.301 - 3179.305 (leak detection and repair)

In addition, on March 28, 2017, President Trump issued Executive Order (E.O.) 13783, "Promoting Energy Independence and Economic Growth," directing the BLM to review the "Waste Prevention, Production Subject to Royalties, and Resource Conservation" Rule ("2016 final rule") and to publish proposed rules suspending, revising, or rescinding it, if appropriate.

The BLM reviewed the 2016 final rule and found some impacts were underestimated and many provisions of the rule would add regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. The BLM published a proposed rule on February 22, 2018, that would revise the 2016 final rule so the remaining requirements would be consistent with the policies set forth in section one of E.O. 13783. Section one of E.O. 13783 states "it is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation."

The BLM acknowledges the 2016 final rule contains requirements that overlap with other Federal and State requirements and regulations. The BLM found the 2016 final rule would affect a substantial number of existing wells that are likely to be marginal or low-producing. These marginal or low-producing wells would be at increased economic and operational risk if subjected to additional compliance costs. The 2016 final rule also contains numerous administrative and reporting burdens that are unnecessary and likely to constrain development. Finally, as explained in the Regulatory Impact Analysis prepared for this rule, the BLM reviewed the 2016 final rule and determined the costs the rule is expected to impose would exceed the benefits it is expected to generate. For these reasons, the BLM has proposed to revise the 2016

final rule in a manner that reduces unnecessary compliance burdens and, in large part, re-establishes the long-standing requirements the 2016 final rule replaced. The BLM is in the process of reviewing public comments on the proposed revisions rule and will take into account stakeholder feedback and new information as it works to finalize the rule.

McCollum Q2: The concentration of carbon dioxide in the atmosphere is at a level not seen since the Pliocene era, more than 3 million years ago, what steps is the Department taking to curb emissions in its daily operations and are emissions a major consideration in any permits issued by the Department for operations on federal and Indian lands?

Answer: The Department addresses CO2 emissions reduction through compliance with the Energy Policy Act of 2005, Energy Independence and Security Act of 2007, and Executive Order 13834 Efficient Federal Operations. In FY 2017, Interior reduced its greenhouse gas emissions from agency owned or controlled facilities and assets by 24.3 percent. These emissions have been reduced by:

- Conserving facility energy use and utilizing renewable energy where it is economically and environmentally feasible.
- Reducing the use of fossil fuels in vehicles by right sizing the fleet and utilizing alternative fuels where available.

In addition, DOI generally makes efforts to educate and encourage its employees to seek alternative commuting opportunities, such as use of mass transit and carpooling.

With regard to permitting, in general, the BLM is required to consider air quality in the land use planning and use authorization process. The *Federal Land Policy and Management Act* (FLPMA) directs the BLM to manage public lands on the basis of multiple use, and in a manner that protects the quality of air and atmospheric values (among other considerations). The *National Environmental Policy Act* (NEPA) requires the BLM to analyze the potential environmental impacts of actions it initiates or authorizes, articulate a means of mitigating adverse environmental impacts, and offer a process for identifying air resources that should be considered during the environmental review process.

Specifically, below are examples of steps taken to curb emissions from BLM-administered permits.

Modeling: For any large programmatic EIS, air quality modeling emissions inventory results are generated to maintain compliance with National Ambient Air Quality Standards (NAAQS).

Training: In the spring of 2017, the BLM issued training via a four part series specifically focused on NEPA analysis for oil and gas equipment and mitigation.
<https://www.ntc.blm.gov/krc/resource.php?type=byProgramArea&programAreaId=227>

Mitigation: Encouraging Applicant Commitment Environmental Protection Measures (ACEPMs) and mitigation techniques are a core component of permitting. Examples include using natural gas rigs instead of diesel rigs, dust abatement controls, fleet management controls, and infra-red cameras for detecting leaks.

McCollum Q3: The FY 2019 budget clearly states your goal is to promote energy dominance. How much of the funding requested is focused on oil and gas development and how much is requested for promoting renewable energy?

Answer: The 2019 request includes \$679.7 million in discretionary appropriations for oil, gas and coal related activities and \$73.2 million for renewable energy activities. The request is based on anticipated market conditions.

McCollum Q4: What are you doing to ensure we do not leave a biologically diminished environment to future generations?

Answer: The conservation, management, and increased understanding of America's natural resources are key elements of the Department's Government Performance and Results Act Strategic Plan. The Plan provides a framework for resource and performance priorities across the Department. As indicated in the Plan, Interior is and will continue to use the best available science, modern natural resource management techniques, technology and engineering, efficient decision-making processes, robust partnerships, and improved land use planning to ensure balanced stewardship and use of the public lands and its resources, including wildlife and fish species.

Science

The evidence on the effects of climate change is stronger now than ever before, we are experiencing more severe weather events, we are witnessing changes in temperature and precipitation which result in record droughts and severe wildfires, yet your FY 2019 budget proposes major reductions to science funding.

McCollum Q5: In light of your statements about the importance of science in your decision making, why do you propose to reduce the funding for the Climate Science Centers by 49% and completely eliminate the funding for the Landscape Conservation Cooperatives and Science Support in the Fish and Wildlife Service?

Answer: Strong science is an integral part of Interior's resource management missions and informs on the ground operations on a daily basis. The budget includes approximately \$760 million across the Department for research and development activities. Consistent with other areas of the budget, funding proposed for science is focused on activities that inform Interior's core operations and missions.

McCollum Q6: What is the status of the Advisory Committee on Climate Change and Natural Resource Science? The website refers to this Committee in the past tense as being composed of 25 members that included federal scientists, and state entities, American Indian tribes and other Native American entities, academia, and business representatives whose charter was allowed to expire in June, 2017.

Answer: The charter of the Advisory Committee on Climate Change and Natural Resource Science expired in June 2017. The DOI continues to partner and work with federal scientists, state entities, American Indian tribes and other Native American entities, academia, and business representatives.

Review of climate information

McCollum Q7: What efforts were taken, and continue to be taken, to review climate policy within the Department?

Answer: The DOI has and will continue to review a variety of policies Department-wide.

McCollum Q8: What selection process and criteria were used to choose the staff person tasked with this responsibility?

- Are you aware that the individual selected has published work stating, “there is little empirical evidence that the warming that has occurred—or any changes it may have caused—since the end of the last ice age or since the putative start of manmade global warming around 1950 is actually causing net harm or diminishing human or environmental wellbeing.”
- They have also stated, “the benefits of increasing carbon dioxide have been underestimated, that the risks of carbon dioxide have been overestimated,” is this your belief and the message you want the Department of the Interior to be conveying about climate change?

Answer: The Department engages numerous offices and specialists in conducting a review of its policies.

McCollum Q9: What documents and websites have been changed as a result of this process?

- Was the USGS memorandum on Earth Climate History changed as a result of this review?
- What about the U.S. Global Change Research Program’s draft Climate Science Special Report?

Answer: There were no changes made to USGS websites outside of those made internally to align the names with the Congressional approved changes in this year’s budget from the Climate and Land Use Mission Area to the Land Resources Mission Area.

The USGS believes that the memorandum in question was an internal memo from the Director of USGS to the Department of the Interior on basic understanding of earth’s climate history. That memorandum was not available for public consumption, because it was not peer reviewed. DOI and USGS comments on the Climate Science Special Report followed the normal U.S. Global Change Research Program’s (USGCRP) process for inclusion on the final report.

Fundamental Science Practices

The Fundamental Science Practices of the U.S. Geological Survey are in place to safeguard unpublished USGS data, information and associated scientific materials and ensure they remain unbiased and that there is no perceived advantage or benefit to any interest or particular group, corporation, individual or other entity.

On December 15, 2017, Deputy Secretary Bernhardt requested an advance copy for you of an energy assessment of the National Petroleum Reserve Alaska which contained sensitive information on oil deposits, prior to its publication on December 22, 2017. USGS staff that developed this report cited their objection to its early release citing the Fundamental Science Practices. They were overruled and as a result tendered their resignation in protest.

McCollum Q10: Why did you feel it necessary to defy these longstanding practices?

Answer: The Secretary and the Deputy Secretary have legal authority to see any scientific data produced by the Department. As stated by USGS Deputy Director William Werkheiser on the subject:

“Loss of scientific integrity occurs when there is a significant departure from the accepted standards, professional values, and practices of the relevant scientific community, including (for DOI employees and covered outside parties) the DOI Code of Scientific and Scholarly Conduct and Departmental standards for the performance of scientific or scholarly activities.

As the Department’s Scientific Integrity Officer, I do not believe that current or proposed practices for the notification of DOI leadership constitutes a loss of scientific integrity. I do not see the issue outlined as one of Scientific Integrity. In fact, at no time was USGS asked to change or alter any of the findings for the assessment. A major factor in reaching that conclusion is that there is a range of practices for notifying DOI leadership of the results of energy assessments, with current and any proposed USGS practices falling within that range. In addition, USGS fundamental science practices provide some flexibility in the timing of notification to DOI.”

DOI has and will continue to follow proper scientific procedures and practices.

McCollum Q11: Why do you feel your actions do not raise questions about whether the data remains unbiased and objective?

Answer: The Secretary and the Deputy Secretary have legal authority to see any scientific data produced by the Department. As stated by USGS Deputy Director William Werkheiser on the subject:

“Loss of scientific integrity occurs when there is a significant departure from the accepted standards, professional values, and practices of the relevant scientific community, including (for DOI employees and covered outside parties) the DOI Code of Scientific and Scholarly Conduct and Departmental standards for the performance of scientific or scholarly activities.

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DOI has and will continue to follow proper scientific procedures and practices.

McCollum Q12: Why do you feel your actions do not jeopardize the scientific integrity of the Department?

Answer: The Secretary and the Deputy Secretary have legal authority to see any scientific data produced by the Department. As stated by USGS Deputy Director William Werkheiser on the subject:

"Loss of scientific integrity occurs when there is a significant departure from the accepted standards, professional values, and practices of the relevant scientific community, including (for DOI employees and covered outside parties) the DOI Code of Scientific and Scholarly Conduct and Departmental standards for the performance of scientific or scholarly activities.

As the Department's Scientific Integrity Officer, I do not believe that current or proposed practices for the notification of DOI leadership constitutes a loss of scientific integrity. I do not see the issue outlined as one of Scientific Integrity. In fact, at no time was USGS asked to change or alter any of the findings for the assessment. A major factor in reaching that conclusion is that there is a range of practices for notifying DOI leadership of the results of energy assessments, with current and any proposed USGS practices falling within that range. In addition, USGS fundamental science practices provide some flexibility in the timing of notification to DOI."

DOI has and will continue to follow proper scientific procedures and practices.

African Elephant Sport Trophy-Hunting

On November 17, 2017 the Fish and Wildlife Service published a notice in the Federal Register that killing African elephant trophy animals in Zimbabwe, between January 2016 and December 2018, will enhance the survival of the African elephant and permit import of body parts. The Obama Administration banned elephant trophy hunting imports from Zimbabwe arguing the agency did not have strong enough reason to believe that the country was properly regulating trophy hunting.

The Service made this policy change at the time Zimbabwe was in the middle of a military coup.

McCollum Q13: Why was reviewing the trophy import policy a priority?

Answer: The Service is obligated under the ESA and its implementing regulations to process permit applications, including for the import of sport-hunted trophies. The Service's review of available information led to a negative enhancement finding under the ESA for elephants taken in Zimbabwe during 2014 and 2015. More recently, the available information led to a positive enhancement finding for elephants taken in 2016 (on or after January 21), 2017, and 2018. As a result of the political coup, we subsequently issued a supplemental finding that suspended the positive finding until such time that we have more clarity and certainty about governance with regard to elephant management in Zimbabwe. In response to the D.C. Circuit Court's opinion in *Safari Club International, et al. v. Zinke, et al.*, No. 16-5358 (D.C. Cir., Dec. 22, 2017) the Service has since rescinded all of these country-wide findings and will process permit applications on a case-by-case basis.

McCollum Q14: What new analysis and evidence did the Service use as the basis for its withdrawal?

Answer: When the Service issued a positive enhancement finding for 2016 (on or after January 21), 2017, and 2018, it did not withdraw the previous negative enhancement finding under the ESA for elephants taken in Zimbabwe during 2014 and 2015. Rather, the Service issued a new finding covering a different time period. The Service received substantial new and additional information regarding elephant status and management in Zimbabwe, including the adoption and implementation of a National Elephant Management Plan. This information was detailed in the negative finding that was later supplemented to suspend the positive finding as a result of the political situation in Zimbabwe. As noted above, the findings have since been rescinded.

McCollum Q15: Were any outside groups consulted before the Service made this decision?

Answer: The Service receives and considers information from a variety of sources. The Service did not formally seek public comment via the *Federal Register* or go through a formal rule-making process, which was the basis for the D.C. Circuit Court's opinion that the negative 2014 and 2015 findings for Zimbabwe were invalid. In response to the D.C. Circuit Court's opinion, the Service has since rescinded all of these country-wide findings and will process permit applications on a case-by-case basis.

McCollum Q16: President Trump in a television interview with Piers Morgan criticized resuming trophy imports from Zimbabwe and said he turned that order around, why wasn't the Administration informed about this withdrawal before it happened?

Answer: The Service did not withdraw a finding; rather, it issued a new finding covering a different time period. All of these findings have since been rescinded in response to the D.C. Circuit Court's opinion in *Safari Club Int'l, et al. v. Zinke, et al.*, No. 16-5358 (D.C. Cir., Dec. 22, 2017).

McCollum Q17: Why was the turmoil within Zimbabwe not considered as a factor in favor of keeping the ban in place? Who approved moving forward on the release of the withdrawal at that time?

Answer: Enhancement findings under the ESA are made by the Fish and Wildlife Service's Division of Management Authority. The actions within Zimbabwe during November 2017 were taken into consideration, and the Division of Management Authority issued a supplemental finding on November 24, 2017 suspending its positive enhancement finding for elephants taken on or after November 14, 2017, until clarity and certainty regarding governance in Zimbabwe could be verified. As noted above, all of these findings have since been rescinded in response to the D.C. Circuit Court's opinion in *Safari Club Int'l, et al. v. Zinke, et al.*, No. 16-5358 (D.C. Cir., Dec. 22, 2017).

McCollum Q18: On March 1, 2018 the Principal Deputy Director of the Fish and Wildlife Service issued a memorandum withdrawing, effective immediately, the 2014 and 2015 Endangered Species Act (ESA) enhancement findings for the head, tusks, and other body parts of hunted African elephants from Zimbabwe, and additionally withdrew ESA enhancement and CITES non-detriment findings for lions, elephants and bontetok in a number of other countries. Interior will now review requests on a case-by-case basis.

Discuss the basis for this decision when data on declining elephant populations carried on the Service website states, "Across Africa, an estimated 100,000 elephants were killed for their ivory between 2010 and 2012, and the continent-wide estimate for all elephants has now been revised downward to 420,000. Despite some progress in halting and stabilizing the resurgence of elephant poaching since 2011, in some areas, Africa's elephants are still being poached at higher rates than they can naturally reproduce."

Answer: The Service's positive enhancement finding for Zimbabwe for 2016 (on or after January 21), 2017, and 2018, was based on substantial new and additional information regarding elephant status and management in Zimbabwe, including the adoption and implementation of a National Elephant Management Plan. This information addressed concerns raised in the previous negative finding for 2014 and 2015. However, as noted above, these findings have now been rescinded. The Service's decision to withdraw these and all other country-wide ESA enhancement findings was solely in response to the D.C. Circuit Court's opinion in *Safari Club Int'l, et al. v. Zinke, et al.*, No. 16-5358 (D.C. Cir., Dec. 22, 2017).

McCollum Q19: Discuss the process in place to review these requests, what office/personnel are responsible for making these determinations and what criteria are they using? How are conservation efforts being analyzed and considered? What are your estimates of the additional cost and time that will be spent examining and processing requests for the import of animal parts as trophies under the new policy of case-by-case review? Will the Service be tracking how many applications are filed and authorized that would have previously been denied under the ESA enhancement or CITES non-detriment findings withdrawn in the March 1 memorandum?

Answer: The Service's Division of Management Authority processes thousands of permit applications each year, and most of these applications are reviewed on a case-by-case basis. With regard to those applications previously covered by a country-wide enhancement finding, the Service intends to use the information cited in these findings and contained in its files as appropriate, in addition to the information it receives and has available when it receives each application, to evaluate individual permit applications.

The Service is continuing to monitor the status and management of these species in their range countries. When the Service processes these permit applications, the Service will do so on an individual basis, including making ESA enhancement determinations and CITES non-detriment determinations when required, for each application. The Service will grant or deny permits to import a sport-hunted trophy on a case-by-case basis pursuant to its authorities under the ESA and CITES. As part of the permitting process, the Service reviews each application received for import of such trophies and evaluates the information provided in the application as well as other information available to the Service as to the status of and management program for the species or population to ensure that the program is promoting the conservation of the species. Each application must also meet all other applicable permitting requirements before it may be authorized.

The Service does not have an estimate of the additional cost or time required to process these applications on a case-by-case basis, at least in part because the Service is not able to determine the number of applications it will receive in the future or the circumstances relevant to the required findings that will be included in those applications. The number of applications and the specific facts associated with them drive the time required to process permit applications. The primary costs associated with application processing involve the time it takes the Service employees to review relevant information and write findings. However, as noted above, this is not a major change in practice. Most of the applications that the Service processes involve findings made on a case-by-case basis; going forward, trophy applications will be added to those case-by-case findings. We will maintain records of each application, including each permit issued or application denied.

McCollum Q20: How are you ensuring there is a clear connection between money that will be spent for these hunting trips and the conservation and protection of these iconic animals?

Answer: Revenue generation is just one aspect the Service may consider in determining whether the import of a sport-hunted trophy enhances the survival of the species in the wild. In evaluating whether financial resources are being used for conservation, including protected area management, anti-poaching patrols, support to local communities, etc., we seek information from the governments directly about their wildlife management regimes and how financial resources generated from hunting support those conservation programs. We also consider published research and reports and relevant information from organizations and individuals.

Advisory Board: International Wildlife Conservation Council

On November 8, 2017 Secretary Zinke announced the creation of a 16 member International Wildlife Conservation Council to provide advice and recommendations on the benefits that international recreational hunting has on foreign wildlife and habitat conservation, anti-poaching and illegal wildlife trafficking programs.

McCollum Q21: You have outlined that one of their duties will be to recommend removal of barriers to the importation of legally hunted wildlife. Does this include African elephants, lions and rhinos?

Answer: Yes, the Council may consider importation barriers to legally hunted wildlife. In order to allow importation of legally hunted wildlife the Service must first make a finding that doing so enhances the survival of the species.

McCollum Q22: How have you ensured diverse perspectives are represented on this board?

Answer: IWCC membership was selected to ensure it is fairly balanced in terms of the points of view represented and the functions to be performed as outlined in its charter.

McCollum Q23: Please outline the qualifications of these members:

- Of the 16 members, how many are sport hunters?
- How many members have scientific expertise in conservation?
- How many members have direct experience with the management of successful conservation programs?
- How many members do not have any financial or commercial stake in international trophy hunting?

Answer: Membership qualifications are outlined in the IWCC Charter. Specifically, IWCC members are senior-level representatives of their organizations and/or have the ability to represent their designated constituency group: wildlife and habitat conservation/management organizations; U.S. hunters actively engaged in international and/or domestic hunting conservation; the firearms or ammunition manufacturing industry; archery and/or hunting sports industry; and tourism, outfitter, and/or guide industries related to international hunting.

Membership of the Council can be found at

<https://www.facadatabase.gov/committee/members.aspx?cid=2636>

McCollum Q24: Do you see any conflict with having members from Safari Club International when they contributed funds to your campaign for Congress?

Answer: No, the Department of the Interior considers the opinions of many stakeholders as well as the best scientific information in developing policy and regulations. While the IWCC provides advice and recommendations, the authority to create the policy and regulations rests with the Secretary of the Interior and/or the Director of the Fish and Wildlife Service. Under CITES, an import permit for an endangered species may only be issued if the import will be for purposes which are not detrimental to the survival of the species involved and the recipient of a living specimen is suitably equipped to house and care for it. Additionally, the Fish and Wildlife Service must be satisfied that the specimen is not to be used for primarily commercial purposes. Under the Endangered Species Act, the Fish and Wildlife Service is only allowed to grant import permits for otherwise prohibited imports and exports if it finds the import will “enhance the propagation or survival” of the affected species.

McCollum Q25: In 2014, the Safari Club International and the National Rifle Association filed suit to challenge the Zimbabwe sport trophy-hunting ban despite statistics showing that in 2013 the Zimbabwe elephant population was 47,366 down from 84,416 in 2007? Does that give you

any pause about their ability to objectively view facts and help make decisions? Are there any connections between these members and the Trump family?

Answer: The Council was created and its members selected in order to advise the Secretary on a range of foreign wildlife and habitat conservation topics including developing recommendations to enhance anti-poaching and illegal wildlife trafficking programs. While the IWCC provides advice and recommendations, the authority to create the policy and regulations rests with the Secretary of the Interior and/or the Director of the Fish and Wildlife Service.

McCollum Q26: What is the status of lion trophy hunting imports from Zimbabwe and Zambia?

Answer: On March 1, 2018, the Fish and Wildlife Service issued a memo in response to the D.C. Circuit Court's opinion in *Safari Club Int'l, et al. v. Zinke, et al.*, No. 16-5358 (D.C. Cir., Dec. 22, 2017). In that memo, the Service withdrew, effective immediately, all country-wide findings, including those for lions in Zimbabwe and Zambia. These findings are no longer effective for making individual permit determinations for imports of sport-hunted lions. However, the Service intends to use the information cited in these findings and contained in its files as appropriate, in addition to the information it receives and has available when it receives each application, to evaluate individual permit applications. The Service intends to process permit applications on an individual basis, including making ESA enhancement determinations, and CITES non-detriment determinations when required, for each application. The Service intends to grant or deny permits to import a sport-hunted trophy on a case-by-case basis pursuant to its authorities under the ESA and CITES. As part of the permitting process, the Service reviews each application received for import of such trophies and evaluates the information provided in the application as well as other information available to the Service as to the status of and management program for the species or population to ensure that the program is promoting the conservation of the species. Each application must also meet all other applicable permitting requirements before it may be authorized.

McCollum Q27: What current litigation exists on these rulings?

Answer: In addition to the SCI/NRA litigation noted above, there are two other cases that relate to these rulings (*Center for Biological Diversity, et al. v. Zinke, et al.*, No. 17-2504 (D.D.C.) and *Friends of Animals, et al. v. Zinke, et al.*, No. 17-2530 (D.D.C.)). The first case challenges the 2017 enhancement findings for elephants and lions from Zimbabwe and, through an amended complaint, the March 1, 2018, memo. The second case challenges the 2017 enhancement finding for elephants from Zimbabwe, while its second amended complaint proposes to also challenge the March 1, 2018, memo.

Reorganization

You have stated you would like to reorganize the Department of the Interior for the next 100 years and are proposing to significantly reorganize the Department of the Interior into 13 new regions. The FY 2019 budget proposes \$18 million to shift resources and establish these new boundaries.

McCollum Q28: What analysis can you share with the Committee on the costs and benefits of this reorganization and why, if the goal is to increase collaboration and efficiency, you have ruled out creating more opportunities for collaboration and coordination, co-locating bureaus together, and other approaches to creating efficiencies that do not require such a massive restructuring for bureaus and personnel?

Answer: The Department of the Interior is a widespread organization with over 2,400 offices. DOI bureaus have adopted various regional configurations, none of which are commonly aligned. Currently, we attempt to coordinate over 60 bureau “regions”.

The goal of the adopting unified regions is to improve overall operations, internal communication, customer service, and stakeholder engagement. Aligning geographic areas across the Department will enhance coordination of resource decisions and policies and will simplify the way the public engages with the Department. We are currently receiving input from members of Congress, governors, and other stakeholders. At this stage, we have not conducted a cost-benefit analysis. Largely, if DOI adopts a common regional structure, the DOI staff will remain in the same offices, carrying out the same missions, and utilizing the same budgets. The most significant change would be to clarify the DOI team working within each geographic area, so that we can address common issues comprehensively rather than through a bureau-centric approach.

McCollum Q29: Do you have a complete blueprint, detailed organizational charts, or fully fleshed out plan for this reorganization that you can share with the Committee?

Answer: We continue to seek feedback from employees, tribes and States, on the unified boundary concept and the potential for improved services and opportunities for modernization. As more detailed materials are developed we will share them with the Committee.

- If not, why would you begin something of this magnitude without knowing all the details?

Answer: Adopting common regions will simplify DOI’s organizational structure. We have spent months working with our career employees, Congress, governors, and other stakeholders to determine the best approach to configuring DOI common regions. For example, in January we held a two day workshop in Washington DC with about 200 of our career Senior Executive Service staff in order to get input on how to improve the efficiency, effectiveness, and accountability of the Department. Many of these career executives generally supported the idea of unified regions.

- Have you devised how you will communicate with employees, stakeholders, partners and Congress each step of the way to educate, inform, define roles and responsibilities, and establish goals and the timeline for achieving them?

Answer: We have already been working with the groups mentioned to address the points being raised about the possible adoption of common regions. These discussions will continue.

Moving from the current bureau-level regions to common department-level regions will present change management tasks and related communication efforts. The first step in the process will be to realign the existing bureau-level regions into common department-level regions. Afterwards, we will organize the senior management for each region to work together, as a team, to address DOI mission requirements, back-office administrative functions, jurisdictional conflicts, and infrastructure needs.

McCollum Q30: To date, how many staff and staff hours per bureau have been devoted to developing this plan and what do you estimate the cost of that work to be? Can you quantify what work has not been accomplished because of this focus?

Answer: In an effort to be careful stewards of our funding, so far limited bureau resources have been devoted to developing the reorganization plan. The USGS has spent minimal time producing maps of the proposed boundaries of the new common regions and career SES Regional Directors from all of our bureaus, as well as a number of their colleagues from bureau headquarters attended a two-day workshop. There has been virtually no impact on the field activities of any bureaus, although the Secretary has encouraged all of our employees to email any ideas on this topic to <https://www.doi.gov/employees/reorg/reorg-feedback>.

McCollum Q31: Please list any and all instances of consultation with Indian Tribes about this proposed reorganization, including dates and participants. What input from Tribes has been considered in your decision-making to date?

Answer: We have had informal discussions with tribal leaders on this topic, and have started a formal tribal consultation process. We plan to adhere to the preferences expressed by the tribes.

McCollum Q32: You mentioned in the hearing that you are beginning consultation with tribal nations about “whether or not they adopt this model” and “whether or not BIA...will be incorporated”. Given that tribal nations regularly interact with all the sub-agencies at the Department and that your responsibility for consultation extends beyond just decisions about the Bureau of Indian Affairs, what efforts did you make to consult with tribal leaders on the boundaries of the proposed regions or any other features of the reorganization?

Answer: We have had informal discussions with tribal leaders on this topic, and have started a formal tribal consultation process.

McCollum Q33: Are you modeling your reorganization on another reorganization?

Answer: No.

McCollum Q34: What organizational theory or organizational analysis are you using as the basis for this reorganization?

Answer: Moving to an organizational structure with common regions will help streamline operations and in doing so, provide better service to the American people. Bureaus within a region will focus on common issues, taking a comprehensive approach versus a bureau-centric

approach. This culture shift will help us work better together to accomplish one vision. Note that John Wesley Powell, explorer and the second Director of the U.S. Geological Survey (1881-94), pioneered the use of geographic science to inform policy decisions. Although not implemented, in 1879 Powell proposed a map of new states to be admitted to the Union, generally conforming to hydrographic basins, as a way to reduce water conflicts. The Secretary's vision for a reorganized Department is inspired by Powell's rationalistic, scientific approach.

- Please list any and all experts in this field that you consulted with to help you develop this plan.

Answer: At this stage we have not consulted with experts in the field of organizational theory or organizational analysis. However, we have held discussions with DOI employees and external partners and stakeholders to help us refine our ideas about the possible coordinating role of an Interior Regional Director and the relationship of that person to existing bureau regional directors and BLM state directors.

- Is your goal to increase efficiency and maximize performance? If so, how does this reorganization help you achieve that goal?

Answer: Yes. Moving decision-making authority to the regions and away from Washington DC, to empower our managers to make better-informed decisions in the field, allowing us to be more responsive to the needs of state and local governments and stakeholders more generally.

McCollum Q35: Of the \$17.5 million you have set aside for this effort, how much is slated to relocate 50 employees out West? What interest has been expressed from employees and what benefits do you hope to achieve from these relocations?

Answer: The funding requests included in the FY 2019 Budget DOI budget starts the process to relocate one or more Bureau headquarters in the West nearer to the DOI lands being managed.

McCollum Q36: Successful workplaces focus on interrelationships between coworkers, good communication, and create a sense of belonging and identification. With this proposed reorganization, how are you incorporating the needs of Interior personnel and seeking to improve their work environment?

Answer: In January 2017, we conducted a two day workshop involving career SES Regional Directors from all of our bureaus, as well as a number of their colleagues from bureau headquarters. During this workshop we engaged in a conversation about how to best structure and pursue the adoption of common regions. Many of the suggestions coming out of that event were incorporated into the draft map of our proposed department level regions. In addition, the Secretary, in his visits to DOI field installations around the country, routinely talks to employees about our reorganization proposals.

- The Inspector General released a report on the reassignment of Senior Executives since you became Secretary and it states 27 senior executives were reassigned without a written

plan or clear criteria, without consulting their leadership, and without documentation on the rationale for these moves, nor in adherence to OPM guidance. That sends up a lot of red flags about how you are approaching decisions that impact the lives of Interior employees and your philosophy on how employees should be treated.

- What did Interior learn from the first major shifting of SES personnel about communication, trust, and achieving shared objectives that you are incorporating on this larger scale effort?

Answer: Since the first major shift, the Department's Executive Resources Board has adopted a number of best practices from the Office of Personnel Management's guidelines that were promulgated during the Obama Administration but never before implemented at Interior.

McCollum Q37: The director of Interior's Office of Intergovernmental and External Affairs sent out a list of 39 most frequently asked questions to state and local stakeholders.

- In response to how the new regional boundaries will affect relationships with States, Counties, and Indian Tribes, you state, "We expect these relationships will be improved since more decisions will be made at the regional level." What is the basis for this response when you already have regional directors, working groups, and collaborative entities such as landscape conservation cooperatives and regional science centers, already established?

Answer: The proposed common regions will establish a shared geographic perspective for our bureau regional directors, which currently does not exist. That shared frame of geographic reference will improve communication and coordination.

- Has the Department conducted any analysis for how these existing positions and entities would change under the proposed plan and what effect that would have on existing relationships and collaborations? If so, please provide those details.

Answer: We have not conducted any formal analysis. At this stage we have held discussions with DOI employees and external partners and stakeholders to help us refine our ideas about the possible coordinating role of an Interior Regional Director and the relationship of that person to existing bureau regional directors and BLM state directors. No decisions have been made on this option to date and, if the idea appears attractive, it may be explored as a pilot concept to further delineate the potential roles and responsibilities of the position.

- Explain in detail why establishing a new "regional leader" will improve relationships and decision making when employees are already coordinating with sister bureaus and other federal agencies.

Answer: An added benefit to this existing process is that this person can serve, when necessary, as an arbitrator between the various bureaus in his or her region. The Interior Regional Director will facilitate coordination between bureaus, allowing for a more integrated and better coordinated decision making process.

McCollum Q38: What other approaches to improve coordination and collaboration were considered aside from imposing a new organizational layer and leader on a region?

Answer: The establishment of common regional boundaries for Interior's bureaus is our current proposal for the best way to improve overall operations, internal communication, customer service, and stakeholder engagement.

Park Entrance Fees

The Department has recently pulled back from a plan to increase entrance fees at 17 parks after receiving more than 100,000 public comments that were opposed to the idea.

McCollum Q39: What analysis are you undertaking to provide the data you need to make a decision on whether or not to increase entrance fees?

Answer: The NPS conducted a thorough review of existing research, modeled impacts using price, and demand data over the past decade, and researched comparable park systems. This analysis, along with in-depth visitor surveys, suggested that entrance fees have a low impact on visitors' decision making. Although comparable pricing systems are difficult to find, annual pass pricing in other large park systems is more expensive than that of the NPS. For instance, the California State Parks annual pass is currently \$195; the Florida State Parks annual pass is \$120; and a Parks Canada annual pass is CAD\$136.40 (Currently \$105 USD).

McCollum Q40: How are you incorporating income and diversity information into your equation so you ensure you are not creating a disadvantage for any group or dis-incentivizing visitation to our parks?

Answer: The NPS does not collect data on customer demographics through pass sales. Collecting such data would introduce additional requirements under the Paperwork Reduction Act. Moreover, the NPS does not currently have equipment and systems at all park entrance stations that would allow for such data collection. Finally, gathering additional information from pass purchasers at entrance stations could slow down queues, thus detracting from the visitor experience. The NPS has started to issue electronic passes for some senior pass sales as well as at ten park units. Through those sales, the NPS can track customer origin by billing address, but does not collect any additional demographic information.

McCollum Q41: Have you developed price models to explore the relationship between price and visitation?

- If so, what have you determined about how responsive visitation (or demand) is to price?

Answer: The NPS modeled the relationship between pass price and quantity of passes sold, which is correlated with overall visitation. Our models suggest entrance fees have a low impact on visitor decision-making. The NPS does not charge all visitors (e.g., children aged 15 or younger) an entrance fee.

Office Expenses

McCollum Q42: Section 710 of Division E of the Consolidated Appropriations Act, 2017 and the Consolidated Appropriations Act, 2018 states that the head of any department or agency appointed by the President may not obligate or expend funds in excess of \$5,000 to furnish or redecorate the office or to purchase furniture or make improvements unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations. (Office includes the entire suite of offices as well as any other space used or directed primarily by the individual.)

- You recently replaced doors in your office suite which have been reported to cost \$139,000. Is that estimation correct?

Answer: The three sets of double doors have not been replaced or repaired. The original total estimated cost was \$138,670. The procurement has now been canceled and the Department is considering other options for dealing with the maintenance issue.

- Why didn't you advise the Committee prior to making this purchase?

Answer: The Committee was not advised of the cancelled acquisition of three sets of double doors to be installed in the Secretary's office because the activity did not trigger the operative provisions of Section 710 of Division E of the Consolidated Appropriations Act.

For the reporting provision of the statute to apply, a Presidential appointee must make an expenditure that exceeds \$5,000 and is considered either furniture, redecoration, purchasing furniture, or improvement.

In this instance, the Director of the Office of Facilities and Administrative Services, a career senior executive, was responsible for this potential maintenance purchase which was part of the Main Interior Building modernization effort that started in 2000, was scheduled for completion in 2016, and has concluded this year. Door maintenance was part of this long term modernization effort and was not set in motion by this, or even by the previous Administration. Moreover, activity related to the doors is considered maintenance, repair, or both – not a purchase of furniture or redecoration – because work was required to prevent the existing doors from leaking rain water that would otherwise damage wood floors that are protected under the National Historic Preservation Act.

For the foregoing reasons, the operative provisions of the statute were not triggered and the Department did not report its activities to the Committee. The Department remains committed to fulfilling its reporting obligation under Section 710 of the Consolidated Appropriations Act when its actions are contemplated by the statute.

- The Committee understands that historic preservation costs were involved in these improvements, but the purchase is still an improvement to the office that exceeds the amount that requires advance notification. Whose decision was it to go ahead with this purchase despite the bill language?

Answer: The Director of the Office of Facilities and Administrative Services made the decision to move forward with the required door maintenance, which the Department does not consider to be an improvement.

Hurricane Emergency Supplemental

Two weeks ago, I visited the San Juan National Historic Site and the Vieques National Wildlife Refuge. The staff I met with were truly inspiring. In the aftermath of the storms they went well beyond their professional duties to help their communities. I believe they embody what it means to be a public servant.

The emergency supplemental appropriation that Congress passed in February provided \$516 million to the Department of the Interior. Congress provided the total amount that the Administration requested for repair and replacement of Departmental facilities and I expect that the park and refuge units will receive the full amount.

McCollum Q43: Can you give us an update on the status of the supplemental funds?

Answer: The Department is moving forward to responsibly plan for and execute the Hurricane Supplemental funding.

McCollum Q44: When will the Department approve the spend plans and get the money out to the field so that they can repair the damage to their facilities before the next hurricane season?

Answer: The Department has approved the plans and the bureaus have begun allocating funds out to the field.

McCollum Q45: If estimates have been revised, will you provide that information to the Committee?

Answer: We expect project estimates will change throughout the execution process as the bureaus proceed with detailed project planning and procurement. As required, the Department will provide monthly status reports on the status of the Supplemental funds.

Update on new Grant Review process and timeliness of getting the funding out.

On December 28, 2017, Principal Deputy Assistant Secretary for Policy, Management and Budget Exercising the Authority of the Assistant Secretary for Policy, Management and Budget issued guidance for financial assistance actions effective in Fiscal Year 2018. This guidance states that discretionary grants and cooperative agreements with an award of \$50,000 need to be approved by a Senior Advisor to the Secretary before they will be issued. There were already concerns with timeliness of getting these awards out at the previous threshold of \$100,000.

McCollum Q46: Please provide for the record a comparison of the number of grants and cooperative agreements awarded in FY 2017 as compared to FY 2018.

- If like grants were awarded in FY 2017, please provide the date the grant was awarded in FY 2017 and when the grant was or is projected to be awarded in FY 2018.

Answer: In FY 2017, the Department awarded more than \$5 billion in grants and cooperative agreements through 35,861 transactions. The delay in enactment of the FY 2018 Appropriations bill until March 23, makes it difficult to provide a meaningful comparison, however, as of the end of April, 2018, the Department had completed 16,148 transactions totaling almost \$2 billion.

The timing as well as the number and composition of grants and cooperative agreements vary from year to year, depending on the date of enactment and Congressional direction provided. The 2018 review process is also streamlined compared to 2017. The revised guidance now in place waives review of grants that have a statutorily mandated distribution formula and puts in place an expedited review process for recurring awards.

Solicitor's Opinion on Migratory Bird Treaty Act

On December 22, 2017, the Principal Deputy Solicitor Exercising the Authority of the Solicitor Pursuant to Secretary's Order 3345, issued a memorandum stating the Migratory Bird Treaty Act does not prohibit incidental take. Shortly after this opinion was issued, seventeen former top Interior Department officials, both Republicans and Democrats, protested this "ill-conceived" new legal opinion that states the Migratory Bird Treaty Act protections only cover intentional acts.

McCollum Q47: What guidance have you given to the Fish and Wildlife Service on how to enforce this new legal opinion?

- Has instruction been given to the Fish and Wildlife Service about changing the Service manual?

Answer: In February 2018, as a result of the new interpretation of the Migratory Bird Treaty Act (MBTA), the U.S. Fish and Wildlife Service (Service) removed the manual chapter relating to incidental take of migratory birds, "Incidental Take Prohibited Under the Migratory Bird Treaty Act" (720 FW3). On April 11, 2018, the Service issued general guidance to its Program and Regional Directors on implementation of the December 2017 Department of the Interior Solicitor's Office Opinion, M-37050. The guidance states that we will continue to fully implement the prohibitions on incidental take as defined under the Endangered Species Act and the Bald and Golden Eagle Protection Act. It also states that we will continue to work with any partner who is interested in voluntarily reducing impacts to migratory birds and their habitats and provide recommendations for reducing these impacts through reviews under other authorities, such as NEPA and the Fish and Wildlife Coordination Act. It directs that the Service will not withhold permits or requests or require mitigation based on incidental impacts under the MBTA. We will ensure any comments, recommendations or requirements we make are not based on -- and do not imply -- authority under the MBTA to regulate incidental take. Further policy and instruction may follow, as appropriate.

McCollum Q48: What will you do in the event of another Deepwater Horizon spill? Would you consider that to be “intentional” take or “accidental” take?

- In the Deepwater Horizon spill 1 million migratory birds were injured or killed. If the Department will no longer seek compensation for spills like Deepwater Horizon, how will you mitigate for such devastating impacts on migratory birds?
- Why don't you feel this new legal opinion favors the oil industry over the protection of migratory birds?

Answer: The new M-Opinion concludes that the MBTA does not apply when the intent and underlying purpose is not to take birds. This means that if an oil or hazardous chemical release occurs, protections of publicly held natural resources, including migratory birds, under other authorities (such as the Comprehensive Environmental Response Compensation and Liability Act, Oil Pollution Act, and Clean Water Act) will still apply in these situations. Parties responsible for these incidents will still be held accountable under the incidental take prohibitions in the Endangered Species Act and Bald and Golden Eagle Protection Act, as well as any applicable state laws. The M-Opinion applies to all industries equally, and the Department will continue to work with our industry partners to minimize impacts on migratory birds, whenever proponents or operators are willing to work with us toward this goal.

McCollum Q49: This legal opinion is contrary to the long-standing interpretation that has been in place since the 1970's.

- What standards have changed to justify reversing the long-standing interpretation?
- What analysis has been done on the impact of this opinion on bird populations?
- Why did the Department think the previous approach which enforced the Migratory Bird Treaty Act fairly in balancing the goals of economic progress with the impact of that progress on bird populations was not reasonable?

Answer: U.S. courts are split on the question of whether or not the MBTA prohibits incidental take. The most recent Departmental review and analysis of case law, conducted by the Principal Deputy Solicitor and included in M-37050, describes the rationale used to determine that the MBTA does not prohibit incidental take.

McCollum Q50: On January 10, 2018, conservation professionals who all served in the Department of the Interior from 1971 to 2017, under Republican and Democratic administrations, wrote to Secretary Zinke to express concern about what they determined was “an ill-conceived opinion” and asked for its suspension.

- Why has the Department chosen to ignore this request to not prohibit the unregulated killing of birds?

Answer: While some may disagree with M-37050, and how the MBTA was implemented and enforced in the past, the fact remains that U.S. courts are split on the question, of whether or not the MBTA prohibits incidental take.

McCollum Q51: What incentive will industry now have to cover crude oil waste pits with nets to keep birds from landing in them if this opinion says there will be no action taken against them since they did not “intend” to kill birds?

Answer: Under the Department of the Interior’s current interpretation of the MBTA, the mortality of birds caused by an activity that is not intended to kill birds would not be considered criminal conduct. However, the MBTA is only one law that addresses migratory birds. Depending on the bird species at issue, other laws may apply, including, but not limited to, the Bald and Golden Eagle Protection Act and the Endangered Species Act. In addition, there may be State and local laws and regulations that govern oil pit operations. The FWS will continue to work with industry and other partners who wish to minimize the impact on migratory birds from development and activities that may result in unintended or incidental migratory bird capture or mortality.

African American Civil Rights Network Act

The African American Civil Rights Network Act was enacted into law in January. The law directs the Secretary of the Interior to create a national network of historic sites, stories, research facilities, and educational programs connected to the African American Civil Rights Movement.

McCollum Q52: What steps is the Department taking to implement this law and how much funding does it expect will be necessary in fiscal year 2019?

Answer: Since its establishment in January, the Secretary has added two sites to the African American Civil Rights Network. On February 1, 2018, Secretary Zinke designated the Mitchell Jamieson mural “An Incident in Contemporary American Life,” which depicts Marian Anderson’s 1939 performance at the Lincoln Memorial, as the first site within the Network. And, on March 1, 2018, Secretary Zinke designated the Lorraine Motel, the site of Dr. Martin Luther King, Jr.’s assassination, in Memphis, TN to the Network. A third site, the Kennedy-King Park, commemorating Robert F. Kennedy’s speech after the assassination of Dr. Martin Luther King Jr., was added to the Network on April 4, 2018, when the President signed the Kennedy-King National Commemorative Site Act of 2018 (PL 115-163).

The National Park Service’s Cultural Resources Partnership and Science (CRPS) directorate has been working on implementation of the Act, including assessing resources necessary to support the effort.

NPS Acting Director Smith

In January, the Trump Administration named P. Daniel Smith as the Acting Director of the National Park Service. Mr. Smith already has a blemished professional record. The Interior Department’s Inspector General found that he “inappropriately used his position to apply pressure and circumvent NPS procedures” to permit Dan Snyder, the owner of the Washington NFL team, to have trees up to 6 inches wide at breast height on the easement cut down to improve the Potomac River view from his mansion.

The Secretary was quoted as saying, “I can think of no one better equipped to help lead our efforts to ensure that the National Park Service is on firm footing to preserve and protect the most spectacular places in the United States for future generations.”

Smith is now under internal investigation for making a gesture involving his genitalia in the hallways of the department’s headquarters.

McCollum Q53: Secretary Zinke has affirmed that, “All employees have the right to work in a safe and harassment-free environment,” and pledged that under his leadership there will be, “zero tolerance for any type of workplace harassment, and I have directed leadership across the entire Department to move rapidly to improve accountability and transparency with regard to this absolutely intolerable behavior.”

McCollum Q54: Has Acting Director Smith been temporarily removed of any of his duties while the investigation is ongoing?

Answer: The Department has been following appropriate personnel management procedures during the course of the investigation.

McCollum Q55: Does Smith have line authority over subordinates who are currently involved in harassment claims, either as the perpetrator or victim?

Answer: The Department is not aware of any harassment claims within Mr. Smith’s direct line authority.

McCollum Q56: During the investigation into his own behavior, what involvement will Smith have regarding drafting, reviewing, editing, approving, or implementing any policies related to harassment?

Answer: The NPS published its policy on harassment last year in coordination with the Department so there is no need for Mr. Smith to be engaged on harassment policy at this time.

National Park Service Predator Control Rule

McCollum Q57: On October 23, 2015, the National Park Service (NPS) finalized a rule amending its regulations for sport hunting and trapping on National Preserves in Alaska (80 Fed. Reg. 64,325). These rules rightly prohibited controversial and scientifically unjustified killing methods. Is DOI reviewing this rule and considering initiating a new rulemaking?

- If so, what is the proposed timeline?

Answer: The NPS consulted with the State of Alaska and Alaska Natives between November 15, 2017, and March 31, 2018. The NPS published a proposed rule on May 22, 2018, with a 60-day public comment period. Comments must be received by July 23, 2018.

- How will DOI incorporate economic impacts, including revenue and expenditures associated with wildlife watching into your analysis?

Answer: The NPS completed a cost-benefit and regulatory flexibility analysis in accordance with the Regulatory Flexibility Act and Executive Order 12866. The potential to impact wildlife viewing opportunities in national parks in Alaska was considered as part of this analysis.

Royalty Policy Committee

The Department's Royalty Policy Committee is composed of representatives from the energy industry and states with mining and drilling interests. In a February, 2018 Planning, Analysis & Competitiveness Subcommittee meeting, the recommendation was presented to set all future OCS sales at no more than 12.5 percent to bring the royalty rate into parity with the new Gulf of Mexico shallow water rate. This would mean the Department of Interior would lower the royalty rate on new deepwater wells from 18.75 to 12.5 percent, the lowest possible rate permitted for federal leases.

McCollum Q58: How will you balance the recommendation of this committee with your responsibility to provide a fair rate of return to the American taxpayer?

Answer: The Department has the statutory authority to adjust royalty rates for upcoming sales in accordance with federal law. Last fall, the Department announced the current fiscal terms used for upcoming offshore lease sales, taking into account market conditions and the need to ensure taxpayers receive fair market value for use of the OCS. These terms include a 12.5 percent royalty rate for leases in less than 200 meters of water depth, and a royalty rate of 18.75 percent for all other leases issued, beginning with the August 2017 lease sale.

On April 17, 2017, the Department announced the royalty rate in 200 meters of water and deeper would remain at 18.75 percent. An improving economy, federal tax reforms, higher energy prices, and greater regulatory certainty have led to positive market conditions, further supporting the decision to maintain royalty rates. The stronger energy economy can sustain the current royalty rates without compromising the record production and exports the U.S. is experiencing.

Arctic National Wildlife Refuge drilling

Opening the Coastal Plain of the Arctic National Wildlife Refuge to drilling was included in the recent tax reform legislation.

McCollum Q59: Were you involved in the negotiations with the White House or Members of Congress that led to the inclusion of these provisions within the tax bill?

- What analysis or input, if any, did the Department of the Interior provide to Congress on the expected revenue from oil leases in the Coastal Plain?
- Did you endorse the plan to open up the Coastal Plain in meetings with Members of Congress or the White House, and if so what was the basis for your support?

Answer: As a part of this Administration's goal under Executive Order 13783, Promoting Energy Independence and Economic Growth, the Department's Fiscal Year 2018 budget request

proposed legislation to Congress allowing oil and gas leasing in the coastal plain of the ANWR also known as the “1002 area.” Under this proposal, lease sales in the ANWR were estimated to generate \$3.5 billion in bonus bids to be split evenly between the U.S. Treasury and the State of Alaska.

McCollum Q60: What is the Department doing to ensure that none of the environmental laws or reviews are being waived?

Answer: The Department is committed to following all environmental laws. The Tax Cuts and Jobs Act of 2017 requires the Secretary of the Interior, acting through the Bureau of Land Management (BLM), to establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain area within the ANWR. The Department has initiated the development of an Environmental Impact Statement (EIS) for the Coastal plain as required by the National Environmental Policy Act of 1969, by issuing a Notice of Intent (NOI) on April 20, 2018, announcing a 60-day public scoping period in order to develop an Environmental Impact Statement. The NOI provided public notification that the BLM was soliciting comments on the proposed action to create an oil and gas leasing program for the Coastal Plain. The Leasing EIS will serve to inform BLM’s implementation of the ANWR provisions of the Tax Act, including the requirement to hold not fewer than two lease sales area-wide. Specifically, the Leasing EIS will consider and analyze the potential environmental impacts of various leasing alternatives, including the areas to offer for sale. It will also address the terms and conditions (i.e., lease stipulations and best management practices) to be applied to leases and associated oil and gas activities to properly balance oil and gas development with existing uses and conservation of surface resources, and to limit the footprint of production and support facilities on Federal lands to no more than 2,000 surface acres.

McCollum Q61: What opportunities have you provided, and plan to provide, for public participation and consultation?

Answer: The Notice of Intent began a 60-day public scoping period. During this time, we held public meetings in communities on the North Slope and in other relevant communities. The BLM conducted public scoping meetings in Anchorage, Arctic Village, Fairbanks, Kaktovik, Venetie, Utqiagvik, and Washington D.C. during the 60 day scoping period.

Additionally, government-to-government consultations with the federally Recognized Tribes near the proposed project area have been conducted and will continue throughout the EIS process. Additionally, in accordance with the Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations, we have consulted and will continue to consult with affected ANCSA Corporations (e.g., Arctic Slope Regional Corporation, Doyon, Limited, and Kaktovik Inupiat Corporation) during the EIS process.

Finally, there will be other opportunities for public comment (i.e., upon release of the Draft EIS), in which meeting dates and times will be announced when BLM reaches that stage in the process.

McCollum Q62: Provide a list of the activities the Department will conduct in FY 2019 in preparation for offering leases in ANWR, the funding associated with these activities, and the responsible agency.

Answer: The Bureau of Land Management will lead an interagency team to prepare a Draft Environmental Impact Statement. A Notice of Availability of the Draft EIS will be published in the Federal Register announcing a public comment period and public meetings to be held in conjunction with the comment period. Concurrently with the Draft EIS, the BLM intends to solicit interest in lease sale areas with another Federal Register notice. After all comments and nominations have been received and assessed, a Final EIS will be prepared and noticed in the Federal Register before the Department will issue a Decision and hold a lease sale.

Wild Horses: Comprehensive Plan to Congress

McCollum Q63: What is the status of the comprehensive plan for managing wild horses and burros that was directed by Congress?

- The report accompanying the Consolidated Appropriations Act, 2018 (Public Law No: 115-141) directs the Department to provide a report on this issue within 30 days of enactment of the Act. When should the Committee expect to see the plan?

Answer: The Report was submitted to Congress on April 26, 2018.

- Will the plan layout a comprehensive management program that the Department believes can be realistically implemented?

Answer: The report identifies various possible management options for achieving a sustainable Wild Horse and Burro Management program.

Bureau of Indian Affairs Tiwahe Initiative

The Department's FY 2019 budget once again proposes to eliminate the Tiwahe Initiative's investment in family and community supports. This elimination would devastate tribes like the Red Lake Nation in Minnesota, who have used the funding to open their Children's Healing Center and stop an epidemic of youth suicide on their reservation.

During the Indian Health Service hearing, the Committee heard from the Acting Director that factors in the community, including safety and social supports, greatly impact the health and wellbeing of the patients that the IHS serves. The Tiwahe Initiative invests in improving those social determinants of health in the community.

McCollum Q64: Did the Department consult with the Indian Health Service on whether cutting the Tiwahe Initiative would put a greater burden on the health care system? What will be the impacts of cutting the Tiwahe Initiative on the health of tribal members?

Answer: The Tiwahe Initiative was primarily developed by tribes and enacted as a pilot program by Congress. It is an integrated approach to deliver social services to Indian children, youth, and families, and is not principally a health program. Services include: child welfare, social services, housing, job placement and training, law enforcement, and tribal courts, however, the focus of specific efforts varies across the six pilot sites and is driven by tribal priorities.

Mineral Withdrawal: Superior National Forest

The Forest Service is currently in the process of conducting an environmental study of a proposed 20 year withdrawal of mineral leasing in the Superior National Forest, within the watershed of the Boundary Waters Canoe Area Wilderness and Voyageur's National Park. The Service has collected extensive public input, and recently announced that they will be conducting an Environmental Assessment, as they expect to report to the Bureau of Land Management that there is no significant adverse impact of a 20-year withdrawal of leasing.

McCollum Q65: In his testimony before the Subcommittee, Secretary Zinke affirmed that some places are too precious to mine. If the Forest Service finds that there is no significant impact of the withdrawal in the Superior National Forest, will that be enough for the Department to move forward on a 20-year ban on mining in this unique, precious, and vulnerable watershed? If not, what are the factors that the Bureau of Land Management will consider when making their decision?

Answer: The Secretary will review all relevant facts including the USFS environmental assessment, when determining whether to withdraw areas within the Superior National Forest. The Department will evaluate the environmental analysis being prepared by the Forest Service prior to the Secretary making a decision on whether to approve or deny the withdrawal application.

McCollum Q66: What factors make a place inappropriate for mining? What information would the Department need to conclude that sulfide-ore mining is not appropriate in this watershed?

Answer: The Federal Land Policy and Management Act (43 U.S.C.A. § 1732), requires the Secretary to prevent unnecessary or undue environmental degradation when managing public lands. NEPA documentation as well as other pertinent facts provide the necessary input to determine whether unnecessary or undue degradation will occur and how it can be prevented.

McCollum Q67: Is the Secretary aware that 92 percent of sulfide-ore copper mines operating in the United States have experienced failures that impact water quality? Does the Secretary agree that with this record of failure, sulfide-ore mining is particularly risky in a vast, interconnected watershed like the one that flows north through the Boundary Waters, into Voyageurs National Park, and across the border into a Canadian Provincial Park?

Answer: The Department welcomes all relevant facts and encourages the Ranking Member to provide this reference to the Department. The Secretary agrees that the Boundary Waters area is extremely important and that all due care must be taken when evaluating projects in this area.

The Secretary also believes in the efficacy of the environmental analysis process set forth by the National Environmental Policy Act. Such analyses will guide the Department's decision on any proposed projects.

McCollum Q68: Prior to making a decision on the withdrawal, will the Secretary and the BLM assess the potential economic consequences to the region if acid mine drainage causes significant damage to the waterways, aquatic life, and forests within the watershed?

Answer: The United States Forest Service is currently preparing a case file to accompany its application to withdraw portions of the Superior National Forest from disposition under the mineral and geothermal leasing laws, subject to valid existing rights. As required by 43 C.F.R. § 2310.3-2, that case file will include an analysis of the economic impact of the proposed uses, and environmental analysis, prepared in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA regulations, 40 C.F.R. § 1500 et seq., and the Department of the Interior's NEPA regulations, 43 C.F.R. Part 46, which evaluates the environmental impacts, including the socioeconomic impacts, of the proposed withdrawal. The Department will evaluate the environmental analysis being prepared by the Forest Service prior to the Secretary making a decision on whether to approve or deny the withdrawal application. Moreover, before the BLM can authorize any mineral development in the Superior National Forest, the bureau must prepare additional site-specific NEPA reviews that consider the environmental impacts associated with mineral development, including reasonably foreseeable socioeconomic impacts.

McCollum Q69: Prior to making a decision on the withdrawal, will the Secretary and the BLM consider the costs to the taxpayer that would come from having to clean-up public lands after a discharge, leakage or spill from a sulfide mine—all of which are common events for this industry?

Answer: The United States Forest Service is currently preparing a case file to accompany its application to withdraw portions of the Superior National Forest from disposition under the mineral and geothermal leasing laws, subject to valid existing rights. As required by 43 C.F.R. § 2310.3-2, that case file will include an environmental analysis, prepared in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA regulations, 40 C.F.R. § 1500 et seq., and the Department of the Interior's NEPA regulations, 43 C.F.R. Part 46, which evaluates the environmental impacts, including the socioeconomic impacts, of the proposed withdrawal. The Department will evaluate the environmental analysis being prepared by the Forest Service prior to the Secretary making a decision on whether to approve or deny the withdrawal application. Moreover, before the BLM can authorize any mineral development in the Superior National Forest, the bureau must prepare additional site-specific NEPA reviews that consider the environmental impacts associated with mineral development, including reasonably foreseeable socioeconomic impacts.

Questions from Ms. Pingree**Veteran Photography on National Mall**

At a hearing on September 13, 2017, the Veterans of Foreign Wars alerted the House Veterans Affairs Committee of problems encountered by veterans while taking photos in front of memorials on the National Mall. They testified that veterans, such as World War II veterans brought to the Mall by the Honor Flights group, were being asked for permits by Park Service personnel. Veterans advocates in my district have raised concerns with me about this treatment by Park Service personnel. I am informed that the Park Service has yet to respond to a February 13, 2018, letter from Representatives Bost and Esty, Chairman and Ranking Member of the relevant Veterans Affairs Subcommittee, seeking clarification on its policy to ensure that veterans groups visiting the Mall are aware of permitting requirements and to prevent such incidents from occurring in the first place.

Pingree Q1: Will you encourage the Park Service to provide an expedited response to the Bost/Esty letter and use your office to ensure that our veterans can feel respected and able to visit and participate appropriately in events to honor their service at memorial on the National Mall?

Answer: Yes, responses to Representative Bost, Representative Esty, Representative Torres, and Representative Young were sent on June 15, 2018. To be clear, veterans groups visiting the National Mall are not required to obtain a permit for either their visit or to take a group photograph at the memorials. However, a permit is required for certain group activities such as wreath presentations, erecting static displays, or ceremonial elements in order for the NPS to protect the memorial sites and maintain an atmosphere of solemnity and contemplation for all visitors. NPS welcomes our nation's veterans to the parks, and, as such, customarily waives the application fees for veterans groups for these permits.

Land and Water Conservation Fund

One of the strongest compliments that we can give to the Land and Water Conservation Fund is calling attention to the fact that the support for this program has been bipartisan, strong and consistent for over 50 years.

The Trump Administration's FY 2019 Budget proposal would hit LWCF with a 98% overall cut to the program from FY 18 enacted level. Individual federal agencies' budgets for conservation at our National Parks, National Forests, National Wildlife Refuges and other public lands would be eliminated outright or in other cases it is cut so drastically that they will truly not be able to protect America's lands and waters. In Maine, LWCF has invested in places like Camden Hills State Park, the Portland Skate Park, the Town of Topsham Head of Tide Park, and the Haley Athletic Fields in Kittery to name a few...but there are so many more. In FY18, the Chairman and Ranking Member of this subcommittee was able to maintain a strong commitment to LWCF and I thank them both for that.

Pingree Q2: Looking ahead to FY19, can you explain for us your understanding of the LWCF program, its value and how we can expect to keep the success of the program with the dismal budget that is proposed for FY19?

Answer: The President's 2019 Budget focuses available funds on the protection and management of existing lands and assets. DOI manages more than 480 million acres of Federal land. Acquiring new lands is a lower priority than funding ongoing operations and maintenance and there is no request for major land acquisition projects in the President's 2019 budget request.

I have been a long-time supporter of the LWCF program. It is particularly important for public access to recreational activities and increasing administrative efficiencies. The checkerboard system has made it difficult sometimes to transit between Forest Service and BLM lands, and you need a bridge to go between the two, and the LWCF has been important in doing that.

THURSDAY, APRIL 12, 2018.

SMITHSONIAN INSTITUTION

WITNESS

**DAVID SKORTON, M.D., SECRETARY, SMITHSONIAN INSTITUTION,
WASHINGTON, DC**

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. [presiding]. The committee will come to order. Dr. Skorton, I would like to welcome you to today's hearing. We appreciate you joining us to share your vision of the future of Smithsonian and to discuss your budget priorities for fiscal year 2019. The members and staff are also grateful you brought some interesting historical items for show and tell. It is always one of the highlights of the hearing season. I said this before and it bears repeating, you clearly have one of the most interesting jobs in town.

As the Secretary of the Smithsonian, you are entrusted with the challenging responsibility of operating and managing one of the country's most revered institutions. The Smithsonian is often referred to as "America's attic" because you are the steward of more than 155 million objects, and the national collection reflects America's artistic, cultural, and scientific heritage.

The Smithsonian provides education, outreach programs in science, history, art, culture for visitors and scholars worldwide. It is governed by a board of regents consisting of the Chief Justice of the United States, the Vice President, nine private citizens, six Members of Congress, including our good friend here, Tom Cole, who serves on the subcommittee. I understand you guys had a meeting yesterday.

Mr. COLE. We did.

Mr. CALVERT. Overall, the proposed funding level in the Smithsonian fiscal year 2019 budget is \$957 million. The budget request supports salaries, expenses, essentials of facilities maintenance. It also continues the National Air and Space Museum's renovation project and supports other critical priority construction and deferred maintenance projects. Like most large organizations, the Smithsonian faces some enormous challenges which we will be discussing at some length today. At the top of the list, of course, is the multiyear renovation of the National Air and Space Museum, the most visited museum in the world.

As a result of the budget agreement earlier this year, the Interior Subcommittee was provided additional funding in its fiscal year 2018 allocation that enabled us to provide more than double the amount requested for this critical revitalization project. We look forward to hearing the detail on how the \$198 million provided in the omnibus will be invested, and what additional funds in fiscal

year 2019 and future years will be required to complete this revitalization project.

The recent construction of the Museum of African-American History and Culture and the proposed renovation of the National Air and Space Museum illustrate the very real challenges this subcommittee faces. There continues to be increasing demand for Federal dollars to address many important and legitimate priorities. For this reason, it is essential that the Smithsonian clearly outline and communicate its highest and greatest priorities throughout the appropriations process.

Secretary Skorton, I pledged to you the last time we met this subcommittee will do its very best to address this subcommittee's most urgent priorities. We support your outstanding efforts, and we look forward to your testimony and continuing our work together.

Now, I am happy to yield to my good friend on our subcommittee the Ranking Member, Mrs. McCollum, for any opening remarks she would like to make.

OPENING REMARKS OF MS. MCCOLLUM

Ms. MCCOLLUM. Thank you, Mr. Chair, and good morning. Good morning, Secretary. Welcome to the subcommittee. It has been 2 years since you last testified before us, and I am pleased to see you here. I am very excited to hear about the treasures that you brought, and to also hear about the progress you have made and your accomplishments at the Smithsonian. I think from the chair's statement, and you will hear from my statement, there is something that we 100 percent agree on, and that is the Smithsonian has a special place on the Mall and in our Nation.

So, 2 months ago, Congress passed a bipartisan budget agreement to increase non-defense discretionary spending for 2 years, and 3 weeks ago in an admirable show of bipartisanship, the fiscal year 2018 omnibus was enacted into law. Within that omnibus, Congress made significant adjustments in the Smithsonian by providing, as the chair pointed out, \$198 million for the restoration of the Air and Space Museum, which fully funded your 2018 request for the museum's restoration and most of what you are requesting for the fiscal year 2019 budget.

But as we all know, more work remains to be done, and the total Federal share of the National Air and Space Museum is going to reach \$650 million, and to date, \$250 million of that has been appropriated. Furthermore, the Smithsonian's overall facilities condition index rating from the National Research Council is considered poor, and the Smithsonian's backlog of deferred maintenance and repair is estimated at \$890 million. The Smithsonian must continue to address this backlog in order to improve the facilities' indication index score to ensure a healthy, safe environment for visitors, staff, and one special place where you even care for animals. We have to be working with you constantly to make sure that there is responsible stewardship for your vast collections.

In addition to the cost of maintaining bricks and mortar, you have a responsibility to the Federal staff inside of these buildings. Mr. Chair, there was a report. I am going to see if we can get a full copy of it because we do oversee salaries of how far behind Fed-

eral employees have become in salaries and wages here for many of our institutions.

The fiscal year 2019 budget for salaries and expenses is \$738 million, which is \$7 million above the enacted level, and I want to see how we are fitting in, especially in the Smithsonian, addressing what the reports were about employees' wages.

The Smithsonian was created for the increase and diffusion of knowledge. It has the ability to capture the imagination and curiosity of both children and adults, and it has something for everyone. I want to commend you, specifically, for your recent launch of the American Women's History Initiative. I am pleased that Congress has provided \$2 million in the recent omnibus towards that effort. While the focus is on the history of American women, I believe this is far reaching, beyond what it even will accomplish in the United States. I believe you will inspire women and girls with this initiative all over the world.

The Smithsonian Institution is beloved by millions and is one of the most visited museums in the world. You have had over 3 million—3 million—visitors to your newest museum, the National Museum of African-American History and Culture. What a wonderful resource for people to learn about the rich cultural experience and history, and the vibrant African-American community here. And those of African-American descent can take great pride in their history as we also tell the history with great accuracy and sadness at times.

I am pleased that you completed a \$1.5 billion fundraising campaign last year. That success is an indication of the value you place in communicating its importance to the public. The public support for your mission shows your attempts to explore new and innovative activities is one that is supported not only by Congress, but by the American people.

So, Mr. Secretary, I appreciate the work that you do, the work that all the employees at the Smithsonian do to advance the civic, educational, scientific, and artistic life of this Nation. Thank you, Mr. Chair.

Mr. CALVERT. OK. With that, Dr. Skorton, I am happy to yield to you time for an opening statement.

OPENING REMARKS OF SECRETARY SKORTON

Dr. SKORTON. Mr. Chairman, and Ranking Member McCollum, and members of the subcommittee, thank you very much for this opportunity. And on behalf of the entire Smithsonian Institution, our 6,700 employees and our 17,000 volunteers, we appreciate the continued and very generous support of Congress which allows us to make important contributions to the American people through history, art, culture, science, and education.

And today with our numerous museums, and distinguished scholars and in-depth research, iconic treasures, excellent education programs, and a vast array of information made accessible through digital media, the Smithsonian remains a trusted source of information and inspiration for the people of America and the world. The Smithsonian will continue to strive to be an effective steward of our past and prove to be a wise investment in the future.

Since I last testified before this subcommittee, we have unveiled a new strategic plan that will guide us through the year 2022. My written statement goes into more detail about the plan, but I would like to briefly focus on a few key points that illustrate how it will make us a stronger and more responsive Institution.

One of the goals of the strategic plan is to reach new audiences both beyond the National Mall and here in the Nation's capital. From the National Air and Space Museum's two-week STEM Camp for Girls to the National Museum of Natural History's intensive Youth Engagement Through Science Internship Program, Smithsonian education programs make a difference in and around the District of Columbia. We plan to increase our local impact by reaching all DC Public School students with our rich educational content.

We are currently in discussion with the DC Public School System about providing them material that aligns with their curricula, helps support students' needs, and improves equity and access to educational material. Doing so would allow us to forge stronger bonds with the local community and provide a template to take more of our scholarly content to schools nationwide.

Much of what we do already reaches Americans in their own homes and classrooms. For instance, our Smithsonian Science Education Center has developed a tested STEM curriculum for K through 8 students, and this curriculum is currently used in 1,500 school districts in every State and more than 20 other countries. The Museum on Main Street Program from our Smithsonian Traveling Exhibition Service allows us to reach rural America through museum exhibitions, research, educational resources, and programming.

And thank you for bringing up the American Women's History Initiative. It will take to the road with stories of pioneers like Harriet Tubman, Amelia Earhart, and Sandra Day O'Connor. It will leverage existing museum collections and expertise with new programmatic funds. The initiative will help the Smithsonian show young women and men alike that we only reach our full economic and moral potential as a Nation when we include everyone.

We are also expanding our international footprint, and one big step forward in that respect is our work with the Victoria and Albert Museum to open a combined exhibition space in London and a separate space for Smithsonian self-curated exhibitions. This will be the first international exhibition spaces in our history. We look forward to the expected opening in 2023 and the tremendous capacity to help us reach new audiences.

One fascinating and futuristic project underway is at the Smithsonian Astrophysical observatory in Cambridge, Massachusetts where we are working with American and international partners to build one of the world's most powerful telescopes. The Giant Magellan Telescope, or GMT, will use an array of seven huge mirrors working in tandem to produce images 10 times sharper than those from the Hubble Telescope. The GMT will help our scientists explore the distant reaches of the universe in our search for life beyond this planet.

And more on the down-to-earth side, the National Museum of African Art recently hosted its first Morning at the Museum. This program, hosted by many of our museums, allows those with cog-

nitive and sensory processing disabilities to take part in creative workshops in a supportive environment in a quieter setting before crowds enter the museum.

As always, and as was mentioned, the safety of visitors, and staff, and volunteers is my first priority. I have spoken to this committee about the urgent need to renovate the National Air and Space Museum due to the risks posed by its crumbling marble facade. The project's share of our budget request underscores the importance and priority for the Smithsonian. Our focus today is also on another type of safety. Our staff must be free to work without harassment and a safe environment in which all may succeed. The quality of our training and policies to address workplace harassment is impressive. However, I am committed to self-reflection and refining all we do by reemphasizing training compliance and examining all of our harassment policies. Ultimately, better policies will make us a better institution.

For fiscal year 2019, the Smithsonian budget request is \$957 million. Within this amount is \$738 million for salaries and expenses. Following guidance from the Office of Management and Budget, we have included an increase of \$13.4 million for facilities maintenance needs, for fixed cost increases, and for restoration of a rescission in the fiscal year 2018 continuing resolution. We are also requesting \$219 for facilities capital, and most of that, or \$127 million, will be used to continue work on the National Air and Space Museum project.

We greatly appreciate the investment in this critical project in the recently-enacted fiscal year 2018 omnibus bill and look forward to updating the committee as the project progresses. I am also pleased to report that just last week, I named Dr. Ellen Stofan as the new John and Adrienne Mars director of the National Air and Space Museum. Ellen is so excited. She is going to begin her tenure at the museum April 30.

The future is brighter than ever for this beloved institution that I am privileged to serve. I am confident that the Smithsonian is primed to take advantage of our opportunities in the years and decades ahead and to serve the American people even more effectively. Thank you.

INTRODUCTION OF SMITHSONIAN CURATORS AND OBJECTS

And I want to just very quickly tell you about our experts and some of these terrific objects you see in front of you. As was mentioned, our total collection is 155 million objects and specimens, and we have some of these treasures here today. I want to introduce Lisa Kathleen Graddy, curator at the National Museum of American History. She has brought the rosewood and ivory gavel used by Susan B. Anthony to chair women's suffrage conventions. You will notice the white gloves. Those are meant to remind me that I cannot touch the gavel. [Laughter.]

Peter Jakab, chief curator at the—there he is—at the National Air and Space Museum, brought two things: the stopwatch used by Wilbur Wright to time the historic flight by his brother, Orville, in the Wright Flyer on December 17, 1903, and a sample of the wood and fabric from the Wright Flyer that the Apollo 11 crew carried to the moon in 1969. And Ryan Lintelman and Theo Gonsalves—

there is Ryan in the second, Theo Gonsalves—curators at the American History Museum have brought the custom-made silver-flared trumpet of jazz great Dizzy Gillespie. And I must comment that we named our male dog “Dizzy” after that gentleman. [Laughter.]

Thank you.

[The statement of Secretary Skorton follows:]

Statement of Dr. David J. Skorton, Secretary of the Smithsonian Institution

On the Fiscal Year 2019 Request

Subcommittee on Interior, Environment and Related Agencies

Committee on Appropriations, U.S. House of Representatives

April 12, 2018

The Smithsonian greatly appreciates the continued support of the Congress and the American people in allowing us to fulfill our crucial role of advancing the civic, educational, scientific, and cultural life of the nation. As a public trust, the Smithsonian addresses some of the world's most complex challenges and broadens access to information for citizens, students, and policy makers.

Thanks to the generous bequest of English scientist James Smithson, Congress established the Smithsonian Institution in 1846 as an independent trust instrumentality, a unique public-private partnership that has proven our value as a cultural and scientific resource for 172 years. Federal funding provides an indispensable foundation for all we do, not only directly, but also through the confidence it shows in us, allowing us to attract greater private support.

In pursuit of our mission to advance "the increase and diffusion of knowledge," the Smithsonian is a world leader in research and discovery, addressing today's relevant issues and helping the American people understand our role in the world through the arts, humanities, and sciences. Our expert and nimble staff create unprecedented access to our treasures and inspire educators, students, and learners of all ages.

The Smithsonian is large and diverse, encompassing art, history, science, education, and culture. We operate 19 museums, 21 libraries, 9 research centers, the National Zoo, and have 216 Affiliates in 46 states, Puerto Rico, and Panama. We open every day of the year, except Christmas Day. We have research and education facilities in eight states and the District of Columbia, and are involved in research in more than 145 countries. For the last full fiscal year, our museums received more than 30 million visits, and another 4.5 million people visited our traveling exhibitions. In addition, the magazines Smithsonian and Air and Space have a combined readership of nearly eight million people. The Smithsonian Channel is distributed by all of the top television cable service providers and is available in more than 30 million households nationwide. Our K-8 STEM curriculum is used in 1,500 school districts, in all 50 states, and more than 20 other countries.

Our collections total approximately 155 million objects, which includes more than 145 million scientific specimens, more than 340,000 works of art, and more than two million library volumes. We also care for 156,000 cubic feet of archival material, 16,000 musical instruments, and more than 2,000 live animals. Our natural history collection represents the largest, most comprehensive collection in the world. Our responsibilities also include preserving and maintaining Samuel Morse's telegraph; Thomas Edison's light bulb; the Hope Diamond; the Wright Flyer; Amelia Earhart's plane; Louis Armstrong's trumpet; labor leader Cesar Chavez's jacket; the Lansdowne portrait of George Washington; the Congressional Gold Medal awarded to Japanese American World War II veterans; Harriet Tubman's silk and lace shawl; the world's largest collection of whale skeletons; Susan B. Anthony's rosewood and ivory gavel used to convene conventions for women's suffrage; a wide array of Asian, African, and American art; the spectrograph that enabled astronomer Vera Rubin to posit the existence of dark matter; the space shuttle Discovery; and Julia Child's kitchen. We hold all our objects in trust for the American people and preserve these priceless national treasures for future generations to enjoy.

In fiscal year (FY) 2017, our visitors enjoyed approximately 100 new exhibitions, including “Yayoi Kusama: Infinity Mirrors” at the Hirshhorn Museum and Sculpture Garden; “Narwhal: Revealing an Arctic Legend” at the National Museum of Natural History; “Cultivating America’s Gardens,” a collaboration of Smithsonian Gardens and Smithsonian Libraries, at the National Museum of American History; “The Virtue in Vice” at Cooper Hewitt, Smithsonian Design Museum; “Watch This! New Directions in the Art of the Moving Image” at the Smithsonian American Art Museum; “Parallax Gap” at the Renwick Gallery; “America’s Presidents” at the National Portrait Gallery; and “Your Community, Your Story: Celebrating Five Decades of the Anacostia Community Museum, 1967–2017” at the Anacostia Community Museum. The National Museum of African American History and Culture installed 11 thought-provoking permanent galleries within three principal areas of History, Culture, and Community. Renewal of major exhibition halls include “Religion in Early America” and “American Democracy: A Great Leap of Faith” located in the renovated West Wing of the National Museum of American History and the recently modernized and reopened Freer and Sackler Galleries of Asian Art.

This year we are implementing our new Strategic Plan. Our vision for the Strategic Plan is that, by 2022, the Smithsonian Institution will build on our unique strengths to engage and inspire more people, where they are, with greater impact, while catalyzing critical conversations on important issues affecting our nation and the world. The plan sets forth a number of goals: to spark new conversations and address complex challenges; to reach one billion people a year with a “digital-first” strategy; to better understand and impact 21st-century audiences; to drive large, visionary, interdisciplinary research and scholarly projects; to preserve natural and cultural heritage while optimizing our assets; and to provide a cost-effective and responsive infrastructure that will enable us to accomplish all of those goals. At the heart of the plan is our number one goal: to work more effectively as “One Smithsonian” to achieve greater reach, greater relevance, and more profound impact, in order to more fully serve the American people and others around the world.

We will catalyze new conversations and address complex challenges. Because of our combination of world-class museums, cutting-edge research, and accessible educational programs, the Smithsonian is uniquely qualified to address a range of relevant topics. That is why a goal of the strategic plan is to be known as a leading convener of dialogue on global and national issues. One of the ways we are implementing it is through a series of conversations with thought leaders on our website called Smithsonian Second Opinion at www.smithsoniansecondopinion.org. Thus far, we have examined two topics, immigration and earth optimism, both of which we have examined in other venues.

The National Museum of American History exhibition, “Many Voices, One Nation,” explores how a multiplicity of backgrounds, ethnicities, and religions combined to make the United States into what it is today. And last year’s Smithsonian Folklife Festival featured a series of programs called “On the Move,” which allowed visitors to learn about immigration and migration.

On Earth Day 2017, we convened the Earth Optimism Summit, a three-day event featuring more than 150 scientists, thought leaders, philanthropists, conservationists, and civic leaders from across the political spectrum. It explored solutions to global conservation problems and provided a platform to discuss ways to apply findings and replicate successes.

In December, we convened the Long Conversation, a continuous 7-hour discussion with a string of interesting and influential people from the arts, humanities, and sciences: the cellist Yo-Yo Ma, chef José Andrés, and comic book writer Gabby Rivera, among many others. They each discussed one idea about why they are optimistic about the future.

One of our biggest catalysts for conversation has been the National Museum of African American History and Culture. Not only is it a breathtaking building containing poignant stories of tragedy and triumph, it

has inspired a larger discussion about social inequities, the role of societal diversity, and the path forward if we hope to heal our racial divisions.

We will reach one billion people a year by transforming our organizational culture so that we view our work through a “Digital First” lens. It is something we have anticipated, so we have been laying the groundwork for many years. Increasingly we are devoting resources to make our content relevant and consumable on every mobile device.

Digital technology allows us to reach new and diverse audiences more than ever before. In FY 2017, Smithsonian websites attracted more than 150 million unique visitors, and 11 million people currently follow us on Facebook and Twitter, with tens of thousands more engaging with us on other Internet platforms. Our Sidedoor podcast debuted in October 2016, featuring behind-the-scenes stories from the Smithsonian’s museums, research centers, and world-renowned experts. The podcast has reached people in all 50 states and more than 146 countries, with more than 1.25 million downloads to date, and *The Atlantic* ranked it the 25th-best podcast of 2017. Last year, the Smithsonian Astrophysical Observatory developed a mobile app that allowed users to have a virtual view in real time of the solar eclipse as it crossed the continental United States on August 21, 2017. And our staff members are enlisting the public to create hundreds of new Wikipedia articles based on stories in our collections about groundbreaking artists and scientists from underrepresented populations. These stories will rise to the top of search engine results, maximizing their reach and helping history’s hidden figures get the recognition they deserve.

For years, we have been digitizing our objects, specimens, archival materials, books and journals to make them more accessible to the public. The goals of our digitization program are to reach a wider audience, change how audiences can engage with collections, change how researchers can better study and understand our collections, and expand our ability to store and archive collections for future generations. As of FY 2017, our museums and libraries have created digital images for approximately 3.4 million objects, specimens, and books, and digital records for more than 31 million artifacts and items in the national collections. Our archives have created 3.9 million digital images, and now have digital records and metadata for close to 120,000 cubic feet of archival material. As of the end of FY 2017, nearly 10,000 digital initiative volunteers had transcribed more than 300,000 pages of data for our Transcription Center since the launch of the platform in 2013. Furthermore, we have implemented rapid-capture digitization, an innovative conveyor-belt technology to accelerate the digitization of our collections. We reached another milestone when the Smithsonian’s Digitization Program Office (DPO) worked with the National Museum of Natural History’s Department of Botany to digitize and transcribe the Museum’s one-millionth botanical specimen.

Thanks to the work of our DPO, we are now leaders in the field of 3D scanning, allowing millions of people to see our treasures and specimens in a new light. Users can connect with our collection of 3D-digitized Smithsonian objects available online, creating replicas of Smithsonian objects via 3D printers for scientific research or use in the classroom. The digitization team’s new 3D collection website features updated content and functionality, with the most recent advance allowing viewers to interact with Smithsonian collection objects with Virtual Reality applications. The team is also automating the 3D scanning pipeline so that hundreds of objects can be scanned in just weeks.

We will better understand and impact 21st century audiences. A large aspect of our plan will be implemented through our educational offerings that serve millions of people annually from preschoolers to senior citizens. For instance, the Smithsonian Science Education Center (SSEC) publishes K–8 STEM curriculum materials that 1,500 school districts representing all 50 states and 25 countries have adopted. SSEC also offers related leadership and teacher professional development and an array of free,

downloadable STEM-oriented teacher and student resources. The Smithsonian Learning Lab website created by the Smithsonian Center for Learning and Digital Access offers teachers and students free digital access to more than a million resources from across the Smithsonian. Through these and other educational offerings, we will reach all Washington, D.C. metropolitan-area K–12 students. In FY 2017, the Smithsonian Institution Traveling Exhibition Service (SITES) took large and small exhibitions to regional museums and provided educational materials to schools and libraries. SITES brought 31 exhibitions to 142 communities in all 50 states, the District of Columbia, and Guam, reaching an audience of 4.5 million people. Last year alone, SITES sent eight poster exhibitions to 5,450 schools, museums, and libraries.

In our museums and research centers, we dedicate spaces to education, learning, and discovery. The Institution also serves the public appetite for education through the National Museum of American History's Object Project, a 4,000-square-foot space in the Museum's Innovation Wing; the National Museum of Natural History's Q?rius, our 10,000-square-foot science education center; and the National Air and Space Museum's various education spaces that are integrated into exhibits. In 2018, the National Museum of the American Indian's George Gustav Heye Center will open its imagiNATIONS Activity Center. In addition, we continue to connect with young learners through the Hirshhorn Museum and Sculpture Garden's ARTLAB+ program for teenagers and Cooper Hewitt's Smithsonian Design Center in New York City's Harlem neighborhood. Smithsonian Affiliates also hosts Spark!Lab to provide unique Smithsonian educational experiences through hands-on invention centers developed by the National Museum of American History.

Our work toward a groundbreaking collaboration with the Victoria and Albert (V&A) Museum in London, which we announced in 2016, continues to progress. This collaboration will consist of a combined exhibition space jointly curated by Smithsonian and V&A staff members as well as a separate space for Smithsonian self-curated exhibitions. We expect the new spaces to open in 2023 and that they will help the Smithsonian expand our scope to reach new audiences without the need for federal funding or new capital expenditures.

Understanding and engaging 21st-century audiences necessitates doing a better job reaching out to diverse and traditionally underserved audiences. The National Museum of African American History and Culture is certainly a large part of that effort, as are the National Museum of the American Indian and two pan-institutional efforts that celebrated their 20-year anniversaries in 2017: the Smithsonian Latino Center (SLC) and the Smithsonian Asian Pacific American Center (APAC).

The Smithsonian Tropical Research Institute in Panama and the National Portrait Gallery are both bilingual, a key part of reaching broader audiences. The SLC is helping us expand our Spanish-speaking programs, exhibitions, and workforce. For instance, their Young Ambassadors Program (YAP) has helped high school seniors gain first-hand experience working in museums through summer internships. Of the more than 240 YAP alumni, more than 96% have graduated from college. The SLC also recently drove around Baltimore, using a mobile ofrenda, or altar, to teach audiences about Día de los Muertos. And one of the more exciting plans the SLC is working on is the creation of a bilingual, interactive Latino Gallery in the National Museum of American History. The Latino Gallery will serve as the focal point and intellectual hub for Latino scholarship, connecting programs and exhibitions across the Institution's museums and research centers. It will expand national dialogue about, and the world's appreciation for, what it means to be an American.

APAC works to enrich the appreciation of America's Asian Pacific heritage and empower Asian Pacific American communities by fostering a sense of inclusion within the national culture. One of the newest APAC initiatives is a series of pop-up culture labs, experimental models of audience engagement. They

have brought together artists and scholars in Washington, D.C., New York City, and Hawaii to explore themes resonant with the Asian Pacific American community.

An exciting new project is the Smithsonian American Women's History Initiative, which will amplify women's voices. Curators and educators from across the Institution will work together to create new exhibitions, programs, and symposia centered on women's contributions to the nation. The Initiative also will support research, educational and public programs, collections research, and acquisitions.

We will drive large, visionary, interdisciplinary research and scholarly projects. One of our greatest resources is our capacity for exemplary research and scholarly projects. By 2022, the Smithsonian strives for people to know us as much for our contributions to the future as for preserving the past.

As an ambassador of goodwill and a research partner, we are involved in research in more than 145 countries by coordinating with strategic allies across the federal Government and working with foreign governments and the private sector. Through our Office of International Relations and our science, art, history, culture, and education units, we work with virtually every cabinet-level federal agency and numerous other organizations.

In addition, we leverage our strengths with our strategic national and international partners for a combined greater impact. For instance, we increasingly direct our international efforts toward cultural heritage protection. Last March, the Smithsonian and the U.S. Department of State announced a project to enable Iraq's State Board of Antiquities and Heritage and others to document and stabilize precious artifacts in the ancient city of Nimrud.

These and other Smithsonian projects foster international collaboration and bring together governments, foundations, and the world's leading thinkers. We bridge disciplines and borders, whether rescuing art from the rubble of damaged galleries and museums, helping to save endangered species, or inspiring tomorrow's artists, scientists, and leaders in all disciplines. Beyond the walls of our museums and laboratories, our teams are making discoveries, preserving the past, and sharing insights with audiences of all ages. By working with governments and organizations around the world, we amplify our impact. Cross-disciplinary collaboration gets results and produces a shared legacy of progress and discovery.

With our international partners and worldwide reach, the Institution is particularly well suited to study biodiversity issues. The Smithsonian's ForestGEO (Global Earth Observatories) network is a worldwide partnership of more than 95 institutions working to monitor the health of six million trees (including 10,000 different species) on 63 plots in 24 countries. Tennenbaum Marine Observatories, part of MarineGEO, replicates this success by assessing the health of coastal areas and the oceans at large, with the goal of determining how to manage these important resources. A generous gift from Suzanne and Michael Tennenbaum in 2012 allowed us to create the Tennenbaum Marine Observatories Network, the first worldwide network of coastal ecological field sites. It is now ahead of schedule and on track to have 15 active worldwide sites by the end of 2018.

Smithsonian scientists also work around the world to help save endangered, vulnerable, and threatened species, such as Asian elephants, Panamanian golden frogs, African kori bustards, Asian tigers, Przewalski's horse, the African scimitar-horned oryx, North American black-footed ferrets, Cuban crocodiles, Asian clouded leopards, and giant pandas. And to prevent coral from going extinct, the Smithsonian Conservation Biology Institute is creating a large repository of frozen coral tissue. It is critical to the more than 1 billion people worldwide who rely on coral for food, medicine, and their livelihoods.

The Smithsonian's staff scientists tackle other vital issues of the day, make important discoveries, and share them with the public. For example, scientists at the Harvard-based Smithsonian Astrophysical

Observatory continue to explore the universe's boundless mysteries, from carbon-based planets capable of supporting life to a planet currently forming that is orbiting Earth-like around a young star, light-years away from our own solar system.

The National Museum of Natural History continues its leadership of an international initiative devoted to developing DNA barcoding as a global standard for the identification of biological species. This technique can identify species by using a short DNA sequence taken from a standardized position in the genome as a molecular diagnostic marker. As a recognized leader in DNA barcoding, the Smithsonian seeks to increase its research and training capacity to better work with strategic partners in expanding the frontiers of knowledge in this exciting field.

We will provide a nimble, cost-effective, and responsive administrative infrastructure.

This strategic plan goal touches on what we can do as an institution to be more efficient and effective. It entails strengthening and developing our internal leadership and intellectual capital, and streamlining our organizational structure. It means developing a new multistep approach to long-term operational and financial planning, budgeting, and reporting. It involves integrating risk management and mitigation into all our operations and decision-making. This goal also lays out the need to upgrade our administrative technologies to become more responsive and comprehensive in all enabling functions. Finally, it necessitates allowing our business model to evolve in order to grow revenues from philanthropy and enterprises.

We will preserve natural and cultural heritage while optimizing our assets.

Collections stewardship remains a priority. Our collections are a vital national asset, and we are improving storage conditions to balance the preservation of and access to these collections. We maintain collections as valuable resources for scientists from federal agencies such as the Department of Agriculture, the Department of Defense and the United States Geological Survey. In many instances, the partnerships with other agencies are integral and complementary to Smithsonian's research. We are active in the interagency process, including that of the Office of Science and Technology Policy to coordinate our efforts with federal agencies and avoid duplication of activities.

Today, we still use scientific collections acquired a century or more ago to address the effects of global change, the spread of invasive species, and the loss of biological diversity and its impact on interconnected ecosystems. Federal, state, and local authorities use our collections to answer questions about flu epidemics, oil spills, volcanic eruptions, and aircraft downed by bird strikes. Our collections in history, art, and culture are no less significant to scholars. Our digitization team 3D scanned the Freer Gallery of Art's sixth-century Chinese "Cosmic Buddha" sculpture, allowing researchers to examine its highly detailed surface and revise the age of the sculpture. Our Center for Folklife and Cultural Heritage promotes greater understanding and sustainability of cultural heritage across the United States and around the world through research, education, and community engagement. Through the Recovering Voices initiative, scholars at the Center work with the National Museum of American Indian and National Museum of Natural History to save endangered languages and the knowledge preserved in them. Through our repatriation program, these two museums have also consulted with Native Americans and repatriated or made available for repatriation the remains of more than 6,000 individuals and more than 250,000 objects of cultural patrimony, totals that far exceed any other museum complex in the United States.

In addition to our collections, this strategic plan goal also focuses on the 605 facilities totaling more than 13 million square feet we own and lease. The broad range of ages, uses, and locations of the

Smithsonian's buildings present a unique preservation challenge, but we are committed to the safety of our visitors, employees, and volunteers, in addition to working in the most sustainable way we can.

Given the Institution's high profile and popularity, the Smithsonian's facilities require constant care and maintenance to enable us to serve our visitors. Our next major facilities capital project will be the renovation of the National Air and Space Museum building on the National Mall. The 750,000-square-foot building, which opened in 1976, hosts six to seven million visits each year and has welcomed more than 330 million visits in the past 40 years, far exceeding its original projections. Smithsonian Facilities staff teams have spent the past three years planning for and overseeing the design of this massive project, which will be the first major overhaul of the building's infrastructure. This work is necessary to ensure that the building can continue to handle its large number of visitors and provide a suitable environment for the priceless artifacts of aviation and space flight.

We greatly appreciate the additional investment in this critical project in the recently enacted Fiscal Year 2018 Omnibus Bill.

The Strategic Plan focuses on our main goal to work as One Smithsonian, which means more collaboratively, more efficiently, and more effectively to achieve greater reach, greater relevance, and more profound impact. As the world's largest museum, research, and education complex, we strive to maximize our strength for the good of all.

Fiscal Year 2019 Summary of Requested Funds

For fiscal year 2019, the Smithsonian requests \$957.4 million to fund operating expenses and revitalization of its physical infrastructure. The amount includes \$737.9 million for Salaries and Expenses (S&E) and \$219.5 million for Facilities Capital projects, which includes \$127 million for the revitalization of the National Air and Space Museum.

Within the total increase requested for S&E, \$3.5 million is for fixed costs to sustain base operations, including rent, utilities, and related costs; \$4.9 million to bring our base funding to the FY 2017 enacted level; and \$5 million for maintenance needs throughout the Institution.

Salaries and Expenses Program

Fixed-Cost Increases

The request for S&E includes a \$3.3 million increase for utilities, rent, communications and other fixed costs. The increase will address consumption and rate changes in the utilities account and inflationary and program needs in rent accounts. The increases for communications and other support will provide for higher software licensing and maintenance costs, inflationary increases for library subscriptions, and new requirements for Smithsonian activities taking place on the National Mall. An additional increase of \$0.2 million is included for a minor adjustment to the Workers' Compensation account for costs incurred in FY 2017.

The request also includes an adjustment of \$4.9 million to account for prior year fixed-cost increases for pay and utilities. These prior-year cost increases were funded in the recent FY 2018 Omnibus Appropriations Act.

Facilities Maintenance Increase

The FY 2019 request for Salaries and Expenses includes an increase of \$5 million to support maintenance of existing facilities and systems. The Smithsonian's facilities maintenance program is responsible for the

maintenance and repair of the infrastructure of more than 13 million square feet of owned and leased buildings and structures and 43,000 acres. The buildings and structures range from well-known museums to supporting structures such as guard booths, animal shelters, and hay barns. Much of this space houses the nation's collections of historical, scientific, and cultural significance. The facilities maintenance program focuses on facility preservation activities and encompasses the upkeep of property and equipment. Inadequate short-term funding for facilities maintenance can often lead to much larger long-term costs if facilities fall into disrepair and require more expensive interventions.

As new and renovated museum and research center spaces open, maintenance requirements also change due to technological advances and the growing reliance on infrastructure-supporting systems. These new assets added new functionality, technology, and a more complex level of maintenance.

The request includes funding for utility systems repair operators, engineering technicians, and a project supervisor. The new staff will improve the preventive maintenance program and slow the increase in deferred maintenance requirements.

The state of our buildings' roofs poses a risk to staff and visitor safety, as well as to the preservation of collections. Funding included in the request for Facilities Maintenance will allow the program to continue fixing those roofs in the greatest need of repair. The roofing repair program also advances the Institution's efforts to comply with federal initiatives on energy efficiency and sustainable buildings.

The request will also provide funds to replace security equipment, improve barrier and bollard and anti-terrorism mitigation systems, and make progress on other deferred maintenance activities.

Facilities Capital Program

The Facilities Capital Program underpins the Smithsonian's mission and represents an investment in the major assets of the nation. The program is intended to maintain modern facilities, often within the country's national historic and culturally iconic buildings, which satisfy public programming needs, facilitate world-renowned research efforts, and house the priceless national collections.

Within the Facilities Capital Program, revitalization involves making major repairs or replacing declining or failed infrastructure to address the problems of advanced deterioration. Once completed, these projects will enable the Smithsonian to avoid the failures in building systems and ensure increased safety of our staff, visitors, collections, and scientific data.

Facilities Capital Request

The Institution's FY 2019 request for the Facilities Capital Program is \$219.5 million. The request continues a multi-year strategy for the major renovation of the National Air and Space Museum (NASM) and ongoing revitalization efforts at other museums on the Mall and in New York as well as research centers in Maryland, Arizona, and the Republic of Panama. The request includes \$17 million for facilities planning and design of future revitalization projects.

NASM opened in 1976 to commemorate America's pioneering role in the development of aviation and space flight. The 750,000-gross-square-foot building (including approximately 161,145 square feet of exhibit galleries) preserves and displays artifacts, aeronautical and space flight equipment, significant historical data, and related technologies. The exhibit galleries hold the largest collection of historic air and spacecraft in the world.

The exterior marble façade of the NASM building is a feature of the original construction and forms the primary exterior weather seal for the envelope on all surfaces other than at the roofs, terraces, skylights, and window walls. The panels are porous, show signs of aging and, in some cases, damage in the form of visible warping and cracks. The entire envelope must now be replaced.

NASM's mechanical systems are original to the 1976 building and designed to support only two million visitors annually. Within six months of opening, five million visitors were recorded. Today, it remains the most visited museum in the United States (and second in the world), with between seven and eight million visitors annually. As a result, decades of strain on these systems have led to frequent breakdowns and failures, increasing repair costs. The systems have exceeded their useful lifespans.

The multi-year, multi-phase building systems and envelope renovation project will replace the building's marble façade, improve blast and earthquake resistance, upgrade the energy efficiency of the exterior envelope, replace the mechanical systems, and provide more secure access and egress. A primary goal for the planned heating, ventilation, and air-conditioning replacement portion of the project is to provide the exhibitions area and all occupied spaces with appropriate temperature and humidity controls.

Accordingly, the Smithsonian requests \$127.0 million in FY 2019 to fund construction activities and award contract(s) for continued design-assist work, constructability reviews, estimating, and for early procurement of long-lead items, such as marble cladding, artifact protection, and preparation of swing space for staff. With funding provided in prior years, design work began in June of 2014 with the award of the concept/schematic design contract. The design contract was awarded in March of 2016, and design was completed in January of 2018. The total cost of the revitalization project is \$650 million, with an estimated completion date of 2024. To date, we are appreciative of the \$250 million we have received toward the NASM revitalization project.

To protect against the possibility that the exterior stone panels may fail, the Smithsonian erected a temporary covered walkway around vulnerable portions of the building in January of 2015. The covered walkway will remain in place until the façade replacement work is complete.

In addition to the NASM revitalization project, the FY 2019 request for Facilities Capital includes \$92.5 million for other major revitalization efforts that include:

- NASM's Udvar-Hazy Center (\$10 million), to repair leaks in the roof and envelope
- National Zoological Park, (\$18.5 million), to renew the Migratory Bird Program and revitalize the Bird House and Great Flight Cage Aviary; upgrade permanent access control fencing and visitor screening checkpoints; and replace failed or failing life-safety infrastructure systems
- Cooper Hewitt, Smithsonian Design Museum (\$5.8 million), to replace chillers and the cooling system with new, energy-efficient equipment at the more than 100-year-old Carnegie Mansion in New York
- National Museum of American History (\$4 million), phase 2 of project to upgrade the museum's objects processing facility to meet collections care and security standards for storage and temperature and humidity control
- National Museum of Natural History (\$3.5 million), to upgrade obsolete electrical systems and components
- National Museum of the American Indian (\$4 million), to replace and modernize security systems and the fire-panel system at the George Gustav Heye Center in the U.S. Customs House in lower Manhattan
- Multiple projects at the Smithsonian Institution (Castle) Building and Whipple Observatory (\$2.4 million), including replacement and repairs of mechanical, electrical and plumbing systems, facades, and roads

- Smithsonian Tropical Research Institute (\$1.5 million), for installation of a fire-protection system and water reserve tank for potable water at the Galeta Marine Station
- Smithsonian Environmental Research Center (\$2 million), for infrastructure upgrades, including lighting, plumbing, and air-conditioning for the 18th century-era Homestead House
- Suitland Collections Center (\$4 million), to build a decontamination chamber within an existing building to begin the process of decontaminating the collections at the Garber Facility, complete the installation of emergency generators, and replace outdated switchgear
- Fire-alarm panel replacement and upgrades to mass-notification systems across multiple Smithsonian facilities (\$4 million), to continue replacing outdated fire-alarm panels with a new, more advanced fire-detection system

The FY 2019 request for Facilities Capital projects includes \$15.9 million for smaller individual projects of less than \$1 million each throughout the Institution. The projects usually involve capital repair or replacement of individual systems or components. The amount supports emergency repairs and services, and Supervision and Administration, including cost-estimating staff, construction managers, and contract specialists to supervise and administer construction contracts.

The Institution requests a total of \$17 million for planning and design of several major revitalization projects at Mall museums and the National Zoo as well as numerous smaller projects, including security upgrades, space utilization studies, and master planning.

Conclusion

The Smithsonian is composed of talented and dedicated people who work on our behalf, both in public and behind the scenes. They include more than 6,700 employees: scientists, scholars, curators, researchers, historians, and the people who maintain our facilities and protect our visitors. We also rely on more than 6,900 on-site volunteers, nearly 800 research Fellows, 1,300 research associates, more than 1,700 interns, and approximately 10,000 digital initiative volunteers. All of them benefit the Smithsonian and the world many times over.

Today, with our numerous museums, distinguished research and scholars, education programs, iconic treasures, and vast array of information made accessible through digital media, the Smithsonian remains a resource of extraordinary value for the American people and the world. The Smithsonian will continue to prove its worth as a steward of our past and a wise investment in the future. With the continued support of Congress and the guidance of our new Strategic Plan, we will continue to evolve to meet the needs of our visitors in person and online, working to achieve greater reach, greater relevance, and a more profound impact. Thank you for the opportunity to testify today.

David J. Skorton, Secretary, Smithsonian Institution

Dr. David J. Skorton is the 13th Secretary of the Smithsonian. He assumed his position July 1, 2015.

As Secretary, Skorton oversees 19 museums, 21 libraries, the National Zoo, numerous research centers, and several education units and centers.

Skorton, a cardiologist, is the first physician to serve as Secretary. He previously was the president of Cornell University, a position he held beginning July 2006. He was also a professor in the Departments of Medicine and Pediatrics at Weill Cornell Medical College in New York City and in Cornell's Department of Biomedical Engineering at the College of Engineering. His research focus is congenital heart disease and cardiac imaging and image processing.

Before becoming Cornell's president, Skorton was president of the University of Iowa from 2003 to 2006 and a member of its faculty for 26 years.

An ardent and nationally recognized supporter of the arts and humanities, Skorton has called for a national dialogue to emphasize the importance of funding for these disciplines. He asserts that supporting the arts and humanities is a wise investment in the future of the country.

Skorton is a strong proponent of business–university partnerships. He has been active in innovation and economic development at the state and national levels to bring business and universities together toward diversifying regional economies. He is past chair of the Business-Higher Education Forum, an independent, nonprofit organization of industry CEOs, leaders of colleges and universities, and foundation executives.

Skorton was a pioneer in applying computer analysis and processing techniques to cardiac imaging; he has published two major texts and numerous articles, reviews and book chapters on cardiac imaging and image processing.

Skorton was elected to the Institute of Medicine of the National Academies (now the National Academy of Medicine) and is a fellow of the American Academy of Arts and Sciences and an elected member of the American Philosophical Society. A national leader in research ethics, he was the charter president of the Association for the Accreditation of Human Research Protection Programs Inc., the first group organized specifically to accredit human research protection programs.

Skorton is an avid amateur musician who plays the flute and the saxophone. He cohosted “As Night Falls—Latin Jazz,” a weekly program on the University of Iowa’s public FM radio station.

He is currently a Distinguished Professor at Georgetown University. Skorton earned his bachelor’s degree in psychology and his M.D. both from Northwestern University. He completed his medical residency and fellowship in cardiology at the University of California, Los Angeles.

OPENING REMARKS OF MR. COLE

Mr. CALVERT. Thank you, and if there is no objection, Mr. Cole needs to go to a hearing on his own committee. He would like to make a brief statement.

Mr. COLE. I just, again, want to thank Dr. Skorton for the privilege of serving as one of the regents of the Smithsonian. I assure everybody here it is in good hands. The only important thing I have done since I have been there was be part of the group that interviewed and selected Mr. Skorton to be the head. And you have got his bio, so you know what a distinguished record he has as an academic leader and as president of one of our leading institutions, and having been president of another one before that.

It is just a genuine pleasure to have you here. It is a genuine pleasure. This committee does take this responsibility very seriously and, frankly, in a very bipartisan way and with a great deal of pride in what the men and women you lead at the Smithsonian have accomplished. So, again, I can just assure my colleagues the Institution has been well led throughout its tenure, but I really believe you have in front of you the most distinguished of the secretaries that we have had. And we are very fortunate to have him in charge of what is really a national treasure and a national jewel at a critical point in its development.

So, I am going to excuse myself, but, again, I just wanted to be here and say hi to you, and thank you again personally for all you do.

Dr. SKORTON. Thank you, Dr. Cole, for all you do and all the regents do. And thank you for getting down to candidate 27 or whatever it was when you hired me. I really appreciate it. [Laughter.]

NATIONAL AIR AND SPACE MUSEUM REVITALIZATION

Mr. CALVERT. Thank you. And thanks, Mr. Cole. Doctor Skorton, as you mentioned in your opening statement the revitalization of the National Air and Space Museum, which we all have worked on and we have visited the museum and seen for ourselves the problems that are there. As I mentioned in my opening statement, it is the most visited museum in the world, I guess, even more than the Louvre? Is that—

Dr. SKORTON. It is always neck and neck, Mr. Chairman, with the Louvre. And we squeaked by them last year, and so we are using those bragging rights.

Mr. CALVERT. So, we are number one.

Dr. SKORTON. Number one.

Mr. CALVERT. OK. On that subject, what is the present status of the work on the Air and Space Museum? What specific work will be done with \$198 million provided in the recent omnibus, and specifically what does the additional \$108 million above the fiscal year 2018 budget request allow you to do in terms of advancing the project schedule?

Dr. SKORTON. Well, in our all of our behalf, again, I want to thank you, Mr. Chairman, and Ranking Member McCollum, and the entire subcommittee, for the confidence you have shown in us. You have very materially changed the way we looked at this project with this additional funding.

This additional funding is allowing us in a very confident way to push ahead with the project. We are able to purchase materials—steel, glass, marble—and we are able to confidently begin to let subcontracts and to push ahead. We hope to do that in a way that will be efficient, that will minimize disruptions, and allow us to do this in as a quick a job as possible. The work is well under way on the project.

One of the very things we have to do is prepare the specimens. As I mentioned in our past discussions, we are going to do this in two phases starting with the west part of the building, and move the objects or protect the objects, work on the reconstruction there, and then swap over to the east part of the building. In order to do that, we have to remove some of the artifacts. They are precious, irreplaceable artifacts. Some will be moved out to the Udvar-Hazy area near Dulles. Others will be protected in place in the Institution. So, that is well under way.

And contractors are developing what we are calling a mock-up component to test performance of the exterior facade before it is put in place to last hopefully for a very, very, very long time. And it has also enabled contractors to begin to let subcontracts and lock in costs now against the possibility of inflation.

So, again, I thank you. You have allowed us to take a different approach to this project and do it confidently, and do everything we can to make sure it does not get out of bounds on either schedule or cost. So, thank you.

Mr. CALVERT. You might want to fix your costs on steel. It may be going up. [Laughter.]

Dr. SKORTON. I am just a student of what is going on in our world, but we have terrific people watching it, and we have confidence in the bid process to keep us on budget.

Mr. CALVERT. And just a point on this. As you know, the building was completed in 1976. The development and the construction of that project are probably no longer with us today. I am hoping 42 years from now, that there is a better outcome than what we had in 1976.

Dr. SKORTON. Well, first of all, Mr. Chairman, nothing would make me happier than if you and I were both here 42 years from now. [Laughter.]

I think that would be fabulous. You know, our terrific undersecretary, Mr. Al Horvath, who is sitting just behind me, he has guaranteed me that this will last a very long time and much, much longer than the original construction, and he is an enormously trustworthy man. And the reason that—

Mr. CALVERT. I will hold him accountable—

Dr. SKORTON. I will certainly hold him accountable, sir. [Laughter.]

And the reason that I believe this will go better is twofold. One, very important, and I know I have mentioned this before, so please bear with me if I mention it again. The original project was done with the expectation that in equilibrium we would have about 2 million visitors a year. Seven months into the first year, we had already 5 million visitors, and we have over 7 million visitors a year, so the systems themselves quickly got worn out.

And we have known for some years that we had to replace the systems, the HVAC, everything around them. But it got to the point now where since we are going to do the project in total, we would also replace the systems. So, we will do the work on the systems expecting and anticipating the very large visitorship that we now realize as part of our everyday life at that museum.

And secondly, we have learned our lesson in terms of the facade, the marble facade, the cladding, and we will avoid any ways that were thought of, with all good intentions in the past, to maintain the overall envelope of costs for the project. We will spend the extra funds with your support to make sure that it is done in a way that it will last a very, very long time. So, we are very cognizant of that, and, again, I hope we are here 42 years from now to confirm that.

Mr. CALVERT. Great, I would hope we are. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, I will be 105. I might be there, but I will not be serving in Congress, I can guarantee that.

PARKING

VOICE. The Senate. [Laughter.]

Ms. MCCOLLUM. No, I have turned that down a couple of times. I love the House.

I am going to ask you to get back to us on some questions that have come up about parking. Parking is at a premium, and you are having to do things down in the garage. In fact, Mr. Chair, we even toured the garage when we were there. So I'd like an update on how that is going or if there is anything we have to do working with Capitol Police or with the Architect of the Capitol to make sure that parking is working for everyone down there as you move forward.

But what I wanted to talk on are two things. One is the deferred maintenance backlog, and if you could tell us how the fiscal year 2018 funding has helped you or not helped you with your 2019 project list. Give me a little update on the Zoo, and how you are going about prioritizing all this work with such a huge project that you are undertaking at the National Air and Space Museum.

ARTS AND INDUSTRIES BUILDING

I wanted to go back to something else that had been deferred maintenance that is not totally open yet and find out where we are, and that is the Arts and Industries Building. The building was closed for renovations for almost a decade before it was reopened in 2016. Part of the announcement that the Smithsonian had was that it was going to be a building for short-term exhibitions, and Rachel Goslins is the director that has been working on that.

When you did the announcement and appointed her, you said that the building "would be a place for educating and inspiring Americans about the impact of creativity and the innovation in our society, and will become a laboratory to try new things, new technologies, new approaches to better engage the millions of Americans visiting the National Mall and Smithsonian each year." And that is what you said, and I know that you did something very innovative with the building when we had the FolkLife Festival on

the Circus Arts. Circus Juventas from St. Paul, Minnesota was performing in the space.

And I will tell you, when people walked into that space, including myself and other Minnesotans that we directed down there, they had lots of questions about the history of that building, and how it was going to be used. The circus added a lot of energy in the building. [Laughter.]

The energy in that building, the light and the colors and everything, is so different from anything else you experience on our Nation's Mall. But I am concerned because we have not heard about that much lately. You have got to your deferred maintenance backlog. You have got to the Air and Space Museum you are working on.

So, could you fill us in, because my constituents are asking, including Circus Juventas at times when I see them, what are the next steps for the Arts and Industries Building, and are you having fundraising campaigns? What can we do to lend our voice and support as you build enthusiasm for this very special museum to make sure it is not forgotten on the Mall?

Dr. SKORTON. Thank you very, very much, Ms. McCollum. First of all, on the parking issue, I must say in every organization I have worked in and had the privilege to lead, parking has been a main issue, and it is certainly a big issue for us. And the change in parking availability related to the National Air and Space Museum project is a huge challenge. I do not have a complete answer for you today on that. We are working on it. We are looking for availability of other parking. Very concerned about serving our employees, and I pledge to keep in touch with you personally about this.

DEFERRED MAINTENANCE

On the issue of deferred maintenance and the omnibus spending bill, first, I want to repeat, and I cannot say this enough times, we are endlessly grateful to what you have done for us by helping us with the Air and Space project. It is the most visited museum in the world, and it is sorely in need of revitalization, as we call it. And so, we are very, very grateful.

Having said that, there was the requirement, as you know, to reduce our facilities capital in other areas by a certain amount of money. I believe it was \$24 million. And so, that has definitely caused us to defer, or to delay, or even reduce planned projects, as you mentioned, at the National Zoological Park, at Suitland at our collection center, at the National Museum of the American Indian, and other areas. I do not envy the decisions that you have to make, and none of this in any way clouds the gratitude that I and my colleagues feel. But we do need to keep our eye on the ball on other maintenance projects.

Our amount of funding, which has been stable and for which I am very, very grateful, is about half of the amount that industry standards say we should be spending. We should be spending 2 percent or more of our installed base of buildings for maintenance. And we are asking in our request for fiscal year 2019 a \$5 million increase in that aspect of the budget toward hopefully an eventual increase in deferred maintenance. In the meantime, we are keeping ourselves busy by having a very careful prioritization of those de-

ferred maintenance projects using health and safety as our number one priority criterion, and then after that, thinking about the public interface and wanting to deal with the public in the best way possible.

ARTS AND INDUSTRIES BUILDING

In terms of the Arts and Industries Building, that building is the apple of our eye. It is a chance to do something different than we can do elsewhere on the Mall. Blame me for the long time it has taken to come to an announcement in public what we are doing. It is not Rachel Goslins. It is none of my colleagues behind me. I have been working to raise philanthropic money to kick us off, as you say, on a campaign. I have been spending a lot of time on it. I have high hopes that pretty soon I will be able to give some good news. I do not have that good news today. But should good fortune smile on us and we are able to move the philanthropy along, we will have in all likelihood four different types of activities in the building.

Number one, we will have an area of focus, and it will most likely be about the future. The Smithsonian is very much focusing, as you know, on the present and the glorious past of our country as these beautiful artifacts show you. But we also think that the scholarly capabilities of the Smithsonian and the ability to tell stories should allow us to engage the public spirit and imagination about the future. So, that would be one aspect.

Secondly, just as you mentioned, the idea of a place to try things as sort of an innovation lab for anything in the Smithsonian Institution. So, if a museum director, or a research director, or an education director wants to try another way of interacting with the public, this would be a great space to do that. Thirdly, we will continue to use that space for some special events as they come up. And then finally, so-called pop-up exhibits that other museums may want to do there, it is great to have that space.

Make no mistake, though. The building will eventually need a complete rehab, and the day may come that we approach this subcommittee and ask about changing the priority of possible funding of that. But the first thing that I am committed to do is to see what we can do with private funding. And I have hopes that we can bring you some good news, and all I can do today is tell you that I am working on it. And do not blame Goslins, blame Skorton why we have not told you yet.

Ms. MCCOLLUM. [Off audio.]

Dr. SKORTON. Thank you.

NATIONAL AIR AND SPACE MUSEUM FUNDING

Mr. CALVERT. Mr. Joyce.

Mr. JOYCE. Thank you, Mr. Chairman. Doctor, it is nice to see you today.

Dr. SKORTON. You, too. Thank you.

Mr. JOYCE. You are not unlike other people who come before this committee where you have many problems chasing limited dollars. Can you describe the consequences you face if you fail to receive the funding needed in fiscal year 2019 for the Air and Space Museum project?

Dr. SKORTON. Thank you, Mr. Joyce, and it is good to see you again as always. Two years ago, I was asked what would happen if the country, for good and understandable reasons, was not able to support the project. And we would have to close the museum at some point because of the health and safety issues related to the cladding.

You may notice that there already are some covered walkways in certain areas where we are concerned about a special vulnerability to the public should something actually move out of the cladding and fall, and so it is very, very, very important. However, I think you are asking me a tougher question, and that is what would happen, although you have already been generous with us and we are moving along, if you could not help us with the \$127 million or keep things going. We would have to slow down the project to some extent.

I think in the long run it would be our problem, but it would cost us more money to do that because of unavoidable cost increases. We do have fixed cost increases, of course, every year, and we are asking for some additional help with that in our appropriations request. But I think that the country would be served in the most cost-efficient way if somehow you could find in all the tough decisions you have to make a way to get to that \$650 as quickly as possible.

We believe that the more quickly we can get there, the more quickly not only can we give the American public essentially a new National Air and Space Museum, but we can avoid cost overruns which would put us in a situation that would force us to cut corners and go backwards on what the chairman asked me in terms of keeping this solid for a very, very long time. And then one other thing that I would mention is that other projects that we do need to do, as the ranking member mentioned, we view, I view, National Air and Space as so much by far our first priority that those other priorities would have to take a further backseat to this, which would be unfortunate because of the enormous visitorship in the other museums as well. Thank you for asking me that.

Mr. JOYCE. I understand that the physical plant, the HVAC, the other things in the facility, while in need of repair, that has all been held off to do the major redo, hopefully the major redo, and do all the upgrades at once, which is obviously wise. Do you have an expected life out of those systems? Are they near the end of their useful lives? Is the system about to break down?

Dr. SKORTON. Well, it varies with the particular system that you are talking about. We have known for some time that we would have to replace those systems. Some of them are getting closer to the point where it will be an urgent matter. And just as you said, sir, it is important, we thought, to try to do the whole project as one because that would be more cost efficient.

And we also had another idea, which was the idea of the fabulous immediate former director of the museum, General Jack Dailey. And that was in addition to the systems, and in addition to the envelope, if you will, the roof, the cladding, the glass, the steel, that we want to give America 23 new galleries. So, we are in the process, I am in the process, of raising \$250 million of phil-

anthropic money to pair with the \$650 million of public money. We are at about \$70 million, a bit over a quarter of the way there.

And I believe that the combination of your confidence in us and confidence in the importance of the museum has allowed me to raise money more vigorously on the philanthropic side because they say, well, we had a very difficult time in terms of Federal spending. The Federal government is investing in this. It must be a high priority. I, too, will want to invest in it. And I hope that it also shows you that we are taking seriously our responsibility to do everything we can to bring non-Federal dollars to the table as well.

So, at the end of the day, we would have new systems, a new envelope, and 23 new galleries for the American public, and, as I mentioned, we are about \$70 million toward that \$250 million. And the Board of the National Air and Space Museum, which is peopled by some of the great leaders in the American aerospace industry, they are just a house on fire. They are just doing a fabulous job of not only themselves contributing funds, but helping to open doors for me so that we can get more people to do it. I am very confident that we will break the tape on that.

Mr. JOYCE. Our chairman, who is himself a wise man who is very frugal, our only codel last year was to your air and space facility where we got the chance to walk around and see all that you are doing. It is sad, but it is true unfortunately in this day and age, the need for security and what you would have to do to move things outside and change some of the structural features for how people enter and leave the museum for the safety of all concerned. That was not lost on me.

NATIONAL ZOOLOGICAL PARK SECURITY

Let us step to the Zoo. Can you explain to me what your plans are for any security upgrades there where people can walk in and out freely? Again, a lot of visitors, and there is no metal detection and, from what I understand, not even a skeletal police force.

Dr. SKORTON. Thank you for asking another tough and very important question, Mr. Joyce. So, one of the things that keeps me up at night other than various orthopedic issues is trying to thread the needle and find that sweet spot between security for our visitors, for our staff, for our volunteers on the one hand, and openness and access. You will find that recently during spring break and during the crush of humanity to enjoy the Cherry Blossom Festival, that just before opening time the lines to our museums and the Mall were huge, sometimes around the corner going around the block.

And the reason those lines are long is two reasons. One is that a lot of people want to enjoy these museums, and it is very, very gratifying, 25 million visitors last year. But the other reasons is that Mr. Horvath and others, the head of our Office of Protection Services, a wonderful professional, Jeanne O'Toole, in trying to find a way to thread that needle have had to up our game in security. America expects us to give them a safe environment.

And our biggest challenge in that regard is the openness of the National Zoo. And Mr. Horvath, and I, and Officer O'Toole are spending a lot of time trying to find the optimal solution for that which would allow openness, allow people to enjoy the open envi-

ronment of the Zoo. Clearly, we have work to do to optimize that as we do everywhere throughout the Institution. So, I am very glad, if you wish, to bring more detailed and granular details to you. I would be honored to talk to you about it or to anybody on the subcommittee, as would Mr. Horvath, as would Officer O'Toole.

Mr. JOYCE. Great. Thank you very much. Thank you, Mr. Chair.

Dr. SKORTON. Thank you very much.

Mr. CALVERT. Ms. Pingree.

Ms. PINGREE. Thank you. Thank you, Mr. Chair. Thank you, Dr. Skorton, for being here today—

Dr. SKORTON. Thank you for having me.

Ms. PINGREE [continuing]. And for bringing these wonderful treasures and your team with you, and for the great work you do to protect this national treasure, and expand it, and keep it alive, and everything else. It is a big job.

EXPANDED OUTREACH

Dr. SKORTON. Thank you so much.

Ms. PINGREE. It is what makes Washington, D.C. a wonderful city to visit and a great place for families, and we see that in this time of the year where it is just crowded everywhere, so that is good.

I want to take a slightly different tack about some of the outreach that you do. I am very pleased to see that your 2022 strategic plan includes an ambitious vision for expanded outreach, and I know I have learned a little bit about that before, coming from a State like Maine with limited resources. Yet we have also seen how arts and humanities have really turned around some of our communities that have lost an important mill, or fishing has become less profitable, or something else that really is an important part of the economy.

I would just like to hear more about your goal, about what is available today, what programs are being taken advantage of, and what we could do more to promote them.

Dr. SKORTON. Thank you so much. Thank you for your kindness. And if I might just digress for just a quick moment, you see the treasures before you on the table, and people have given me a lot of credit today. But the other treasures that we have that really make the place work are the people behind me. Those in the row immediately behind me and the 17,000 behind them. So, thank you very much for your kindness. And thank you for opening up the topic of outreach. Please cut me off if I blab too long. This is very, very close to my heart.

So, we are going to pursue outreach in two different directions that are quite disparate. One is we believe that every nonprofit owes extra effort to its hometown, so to speak. And so, we are going to reach into the City of Washington in many ways, and I mentioned already that we are going to reach out to every K through 12 student in the D.C. Public School system. And I have a Youth Advisory Council that is comprised of D.C. teenagers as well as those from five other communities in the eastern half of the country. I met with them yesterday evening. And I think that outreach to young people in town is very, very important.

Now, in terms of national and international outreach, we have multiple mechanisms, and I will just quickly outline a couple of them, not to go on too long. We have 216 affiliate museums. We are in 46 States, Puerto Rico, and Panama. These affiliates are owned and operated locally. They are not formally part of the Smithsonian, and we do not request funding for these museums. But we share expertise. We share experts. We share on occasion collections. And we learn from them as they learn from us, and I want to give you one example of one of the things we are doing that links to the second, and that is the Traveling Exhibition Service.

We are coming up to a major celebration, 50th anniversary of the moon landing next year in 2019. And we are going to take the moon capsule and send it around the country. Those of you who were around then, and I was——

Ms. MCCOLLUM. I was.

Dr. SKORTON [continuing]. Remember that NASA did a victory lap the year after the moon landing and took that all over the United States. And we are going to do a mini-Smithsonian version of that victory lap and take it to five cities. It is going to end up on the actual day of the commemoration at one of our affiliates in Seattle, the Museum of Flight, which if anybody happens to be in Seattle is a breathtaking, fabulous museum. And so, we are going to combine those two kinds of outreach, affiliate outreach, and the outreach of the Traveling Exhibition Service.

Then there is a subset of the Traveling Exhibit Service, which I am very proud of having lived in small towns for much of my life, and that is the Museum on Main Street Program that reaches out to rural communities. And so, a very small community. We have one outreach to a community with less than 800 population. They can have a Smithsonian exhibition in their town thanks to the Museum on Main Street Program.

I thank you, Ms. Pingree, for bringing up the issue of the arts and humanities. I am a physician and a scientist, and yet I believe our most profound societal problems are not going to be solved by science alone. It is necessary, but not sufficient. And we emphasize and have enormous expertise—enormous expertise—in the arts and humanities in art, culture, history, anthropology, and so on. And I think the arts and humanities are unbelievably important for us to understand ethics, to understand ourselves and the world around us, and to understand what it means to be fully human.

And if I can digress one more moment, on May 7th, I will be at a press conference at the National Academy of Sciences. As an individual I chaired a study for the National Academies about reintegrating the arts and humanities and the sciences in higher education, and I would very much appreciate any feedback members of the subcommittee have when learning about that. It is a big issue for the higher education community. So, thank you. Outreach is a big, big deal for us.

Ms. PINGREE. Great. Well, thank you very much for what you do and for explaining a little bit more about that to me. Thank you, Mr. Chair.

NATIONAL CAMPAIGN

Mr. CALVERT. Thank you. Some discussion about your ambitious multiyear campaign that you have been going through for the last number of years to raise money. I am curious, what was the initial goal of the campaign, and how much have you actually raised so far? How soon do you think you will be able to raise the balance of those funds?

Dr. SKORTON. Thank you. Well, I have the great privilege of doing a lot of fundraising for a lot of different kinds of organizations—community organizations, faith-based organizations, you name it. And coming to the Smithsonian, Chairman, I wondered without a football team that I know about—I am still learning about Smithsonian. But without a football team and without alumni in the usual sense, would people be generous to the Smithsonian, especially knowing the generosity of the U.S. Congress. And it is breathtaking—breathtaking—what this campaign produced.

The goal originally was \$1.5 billion. I take very little credit for this campaign. It was kicked off by my wonderful predecessor, Dr. Wayne Clough, and the American public helped us blow by that goal. We reached \$1.88 billion, and two statistics I would like to share with the subcommittee that I am very proud of. One is that 93 percent of the gifts in the campaign were a hundred dollars or less.

Mr. CALVERT. Wow.

Dr. SKORTON. Ninety-three percent of the gifts were a hundred dollars or less. So, a lot of people who have their heart in the right place with limited capacity were able to be a part of the Smithsonian. One example of that is the National Museum of African-American History and Culture. When it set up a membership program, the entry-level membership was \$25. So, quickly about a hundred thousand people were able to say to themselves and be members of this museum.

The other end of the spectrum is that 356 people gave a million or more each, so we got to \$1.88 billion, and we are going to continue to do very robust fundraising. Again, I return to the National Air and Space Museum project, that is going to be, again, like the whole Smithsonian throughout its history, a public/private partnership. And that is why we are so devoted to raise and even exceed that \$250 million.

Mr. CALVERT. Great job. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I am glad Ms. Pingree asked about the creativity aspect of it because we talk about a lot about STEM here in Washington, D.C. But when I am at home in Minnesota, we talk about STEAM because we add the arts—

Dr. SKORTON. Yes. Yes.

Ms. MCCOLLUM [continuing]. Because all the wonderful things that you brought today had either a connection with the humanities or the arts—

Dr. SKORTON. Yes.

SOUTH MALL CAMPUS

Ms. MCCOLLUM [continuing]. Whether it is standing up for women's rights as the gavel does, or the music is arts and humanities,

and then some of the engineering and science that we see. Our higher education institutions—and I am proud to have 22 of them in my district—we are the envy of the world with our higher education because we do have that creativity, that thinking outside of the box.

But I am going to back to bricks and mortar because that is pretty much what the chairman and I are trying to figure out how to make work for you.

It sounds like you spend all your time fundraising, and I know you do not because you are very on top of the day-to-day management. But I am going to ask about the South Mall campus. You have been working on a redesign for several years now, and for those who might not be familiar with where the South Mall campus actually is, it is the Castle, the Hirshhorn, the Freer, and then the Arts and Industries Building which I was asking about before. There are several gardens that connect with the pollinator garden on the other side of the Mall as well.

The master plan has really changed since the original concept in 2014, and you are working your way through a planning process, and the comment period on the programmatic agreement closes in May. Can you update us a little bit on how this project is going, what your estimated cost of the master plan might be, and the timeframe? You did not request anything in this year's budget for it, so that is why the curiosity has gotten to me on this. Maybe it is because you are waiting for it and we are going to have a big ask in the next budget. Bottom line is, I know you are out there privately fundraising for a lot of things, but what your public/private match on the South Mall campus?

Dr. SKORTON. Thank you. Very, very important set of questions. Let me first start by just reminding myself and all of us what a master plan is. It is not a specific project that is ready to bring to the subcommittee or ready to bring to a planning commission. It is a general concept of where we have to get, a general destination for changing things. And we need to do some rethinking of the visitor experience and the entire South Mall area; how people can approach these museums from the Mall side from Jefferson Drive, how they can approach from Independence, how they interconnect with each other; how we load things, stuff that goes to the different areas, how many loading docks we have; how we have the support functions, the systems, electrical and so on for the entire area. And that was part of the idea of having a master plan, again, that I give the credit to Mr. Horvath and to Wayne Clough.

Now, we have gone through several alternatives, as you mentioned, and the plan has evolved. We have settled on Alternative F as a specific way that we think the master plan should go. And I did not come today prepared with a lot of details or schematics about the master plan, but I am very glad to follow up at your request with you personally or with the subcommittee to remind you exactly what Alternative F is.

I have heard more about the Haupt Garden than anything in this project, and I am very glad to have heard it, and I appreciate that you mentioned a pollinator area. To burden you with one piece of personal information, my wife and I are beekeepers, and I have been stung more than she has, but that is my clumsiness. But I

am very, very engaged with the garden. And we had a schematic done by the architectural firm that we engaged to help us with the master plan, a schematic when it first came out that showed something pretty specific about what the Haupt Garden would look like. And in retrospect, I think we should not have had such a specific thing because we are not anywhere close to having specificity.

I will tell you three things about the gardens in that master plan. Number one, we are absolutely positively committed to have at least as much garden space and probably more than we had before. Number two—number two—we are absolutely committed to make sure that the ambience of the garden and the way people can interact with it is reminiscent and evocative of the wonderful sense that people get going out there, including myself. My immediate office window and the office window for my support staff looks right out on the Haupt Garden, and I go out there frequently on some pretext just to get a little taste of that garden. But thirdly, it is a roof garden and it is leaking, and something does need to be done to redo the structure so that it will not leak on the areas below.

And so, like the question that was asked about doing the systems for Air and Space, and the cladding, and the galleries, in this way as well, we want to tackle it in a systematic fashion that will allow us to do the right thing by the roof leak, do the right thing by the garden and the many, many people who love the garden, including me, and also do everything else that we need to improve for the long term the experience. We are not prepared to give you anything like a specific number today. It will be in excess of a billion dollars by the time all is in.

The Castle itself is a very, very big, big project that we have to get to at some point, and we are glad to develop a briefing if you like just on the master plan and share details with you. But we are interacting carefully with the public bodies that are involved in approving aspects of it and very glad to come back and share more details with you.

ENERGY SAVINGS AND SUSTAINABILITY

Ms. MCCOLLUM. Mr. Chair, there is nothing more controversial than what someone's garden should look like because we all have our own vision. As a person who lost having a whole yard to garden down to a window box, which gets changed frequently I might add, I appreciate what you are saying about the focus all became on the gardens there for a while and not everything else.

I think when you are looking at whole systems and replacement of HVACs and that, as Mr. Joyce put up, what would be helpful for the committee when we are looking at that would be to see the savings in doing the duct work right for the first time for what systems are going to be in the future, because sometimes duct work radically changes.

Dr. SKORTON. Yes.

Ms. MCCOLLUM. And it can change the space inside of a building and how you can use that. And then the energy savings that you potentially see. I know when you mentioned having the right systems in place for the number of visitors that are in there on a hot day, or a cold day, or a humid day. It makes a huge difference, but along with that comes energy savings—

Dr. SKORTON. Yes.

Ms. MCCOLLUM [continuing]. Which will not take your bottom line down, but will help with inflation and increased costs into the future. I think sometimes letting us know some of that, that it has all been thought out would be very helpful not only to us, but the public who might have a question on that. Thank you, Mr. Chair.

Mr. CALVERT. Thank you.

Dr. SKORTON. If I may just comment quickly, and I will make it quick.

Mr. CALVERT. Sure.

Dr. SKORTON. Thank you for bringing those items up. I will pledge to you that Mr. Horvath and I will develop a specific briefing related to the two matters that you brought up, especially sustainability and energy savings. It turns out that we are engaged in a very significant initiative for that. Coming up in just a few days we are going to be celebrating LEED certification of the National Museum of African American History and Culture, and we have a LEED certification of the Anacostia Community Museum and other parts of our campuses. And it is very, very important to us both from the point of view of doing the right thing, but also, as you say, for long-term cost savings. So, we will develop a briefing for you. Thank you.

Mr. CALVERT. Mr. Joyce, do you have any additional questions?

Mr. JOYCE. Thank you, Mr. Chairman. I have no more questions, but for the record, I want to say that we traveled back and forth to the Air and Space Museum in the chairman's lovely automobile. [Laughter.]

Dr. SKORTON. I will not comment on any interactions among the committee members. I will just stay out of it. [Laughter.]

Mr. CALVERT. I am a fellow beekeeper.

Dr. SKORTON. Oh, my goodness.

Mr. CALVERT. It reminds me Einstein once said, "the quickest way to destroy the human race is to destroy the bees".

Dr. SKORTON. Yep.

COLLECTIONS MANAGEMENT

Mr. CALVERT. One last question on the preservation of collections. That is one of your most important roles is to strengthen the preservation and care of these objects that are before us. Your fiscal year 2019 budget request continues this effort by including \$69.8 million within the salaries and expense account for strengthening the Smithsonian collections. Now, this is of great interest to members. Can you describe the efforts taken in recent years to improve preservation and care for the Smithsonian collections, and what does the proposed funding in the budget request allow you to do in the coming year?

Dr. SKORTON. Thank you. So, we are taking a very systematic approach to this, and it has multiple components, and I will try to be brief. It is a very involved issue. As time goes on and as we expand to reach a billion people a year which is our goal, and as we do a better job of telling the story of women in America, Latinos in America, and everyone, we will certainly add to this already staggering size of the collection.

So, we really have two sets of issues. One set of issues is how do we protect these absolutely irreplaceable objects? There is no coming up with another watch that clocked the first human flight, and so we are doing that in a systematic way. And as you are aware, Mr. Chairman, and I very much appreciate you bringing it up, not all of our collections storage and preservation areas are up to the standard that we believe they should be.

We are about a third of the way toward design of Pod 6, which we mentioned before, and hopefully the time will come that we can get some assistance to make Pod 6 a reality. But one area is having the approach, and one area is having the actual space to do it. The second issue will be for new collections that come in, and we will have more collections even in addition to the staggering number that we have now.

It is hard to predict what our needs will be for collections management until we know what those objects are. And so, 140 million plus of our objects are biological specimens, and that obviously requires one certain type of collections environment. And then the Enola Gay, or these papers, or Dizzy Gillespie's trumpet require a different type. They all require careful protection from the elements. They all require temperature and humidity controls of various types. And we are utilizing those funds to move along in a systematic way to upgrade the facilities that we have and continuing design work that you have supported for us toward a day where we have Pod 6 online. Thank you for asking that.

Mr. CALVERT. I have always been intrigued on your inventory system that you must have. I always remember the movie, Indiana Jones, where they had the Ark of the Covenant, and they were boxed in the back of a warehouse someplace. I know, in great specificity, that you know everything that is in these warehouses. Is that correct?

Dr. SKORTON. I did not hear you. You are breaking up, so. [Laughter.]

I will tell you that they let me do some backstage stuff, as you can imagine, and when I get there and I start sort of noseying around the drawers, in a very polite, respectful way they say, why don't you sit over there, we will just bring the stuff to you. But thank you. It is very much like the movie. [Laughter.]

Mr. CALVERT. Thank you, and if there are no additional questions, we are adjourned. Thank you.

Dr. SKORTON. Thank you very much.

TUESDAY, APRIL 17, 2018.

INDIAN HEALTH SERVICE

WITNESS

REAR ADMIRAL MICHAEL D. WEAHKEE, ACTING DIRECTOR, INDIAN
HEALTH SERVICE, WASHINGTON, DC
REAR ADMIRAL MICHAEL TOEDT, CHIEF MEDICAL OFFICER
REAR ADMIRAL (RETIRED) GARY HARTZ, DIRECTOR, ENVIRON-
MENTAL HEALTH AND ENGINEERING
ANN CHURCH, ACTING DIRECTOR OF FINANCE AND ACCOUNTING

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT [presiding]. Good morning, everyone, and welcome to the House Appropriations Committee oversight hearing on Indian Health Service budget for fiscal year 2019. We are joined this morning by the acting director of IHS, Rear Admiral Michael Weahkee; chief medical officer who will be here shortly, Rear Admiral Michael Toedt; and director of environmental health and engineering, Rear Admiral Gary Hartz; and the acting director of finance and accounting, Ms. Ann Church. Thank you all for being here today and your dedication to the mission of Indian Health Service.

As stated by Congress in the permanent reauthorization of the Indian Health Care Improvement Act, "It is the policy of this Nation, in fulfillment of its special trust reps and legal obligation to Indians, to ensure the highest possible health status for Indians and urban Indians, and provide all resources necessary to affect that policy."

The National Indian Health Board estimates that the full needs-based budget for Indian Health Service is \$32 billion in 2019. The current fiscal year budget is \$6.9 billion, and comprised of \$5.5 billion in discretionary appropriations, and \$150 million in mandatory appropriations, and an estimated \$1.2 billion in collections from Medicaid, Medicare, and other sources.

The administration proposes \$114 million net decrease in appropriations for the IHS in 2019. While some of the specific proposals may have merit and warrant further consideration by this subcommittee, I think it is safe to say that an overall cut to the Indian Health Service budget continues to be a non-starter for this Congress. This subcommittee will continue to place the Indian Health Service budget among its highest priorities for 2019.

Over the past 8 years, the IHS budget as a percentage of total billed has grown from 13 percent in 2010 to 16 percent in 2018. Over that same period, the IHS budget has increased by \$1.5 billion and accounted for half of the total growth of this bill.

We are very proud of our work, but we recognize that very much more needs to be done. In its latest facilities needs assessment re-

port to Congress, the IHS estimated that any facility built in 2016 will not be replaced for 400 years. An estimated 92,354 patient referrals for services only available outside the IHS system, costing an estimated \$424 million were denied or deferred due to insufficient funds in 2016. Perhaps no other statistic sums up our challenge more than this one. The average life expectancy for American Indians and Alaska Natives is 4.8 years less than any other group of people in the United States.

The IHS user population is estimated to increase by 56,189 patients in 2019 costing an additional \$185 million. Pay costs across the IHS system in 2019 are an additional \$47 million. Inflation costs are an additional \$80 million. Contract support costs are an additional \$104 million. Six new or expanded facilities are scheduled to open in 2019.

Come on in, gentlemen. We are just starting—

Rear Admiral WEAHKEE. We apologize, sir.

Mr. CALVERT [continuing]. My opening statement just to save some time. I appreciate it. I understand the crowds out front.

Including three constructions via the Joint Venture Program. Meeting the Federal government's obligation to staff these facilities is an additional \$159 million. Added together, fully meeting the Federal government's contractual obligations and maintaining current levels of service in 2019 are estimated to cost an additional \$575 million above 2018.

The magnitude of the challenge before us is enormous and is on par with the wildland fire funding challenge that this subcommittee has been battling for the last several years until recently, until we have finally found, I hope, the final solution. That is why like fire funding, the Administration and Congress need to continue to consider every option and strategy providing high-quality healthcare to the American Indians and Alaska Natives, and fulfilling the commitments made by our predecessors. I look forward to continuing that discussion today and in the days ahead.

Before turning to Rear Admiral Weahkee for his opening testimony, I am pleased to yield to the subcommittee's distinguished ranking member, Betty McCollum, for any opening remarks.

OPENING REMARKS OF MS. MCCOLLUM

Ms. MCCOLLUM. Thank you, Mr. Chair. I look forward to you and I having a productive hearing. I would like to welcome our witnesses, and I hope when we discuss the budget that you will be able to share your insights and impact of having acting directors since 2015 and the effect it has had on this Service. So, I especially look forward to hearing from you, Admiral, on this.

Every year in this hearing, I focus on the stark contrast between the health of Native Americans and Native Alaskans and the rest of the population of the United States. The contrast is clear between the way that these two special groups that we have treaty obligations with are treated differently. Their disparities include lower life expectancies, higher rates of heart disease, cancer, diabetes, even tuberculosis, and substance abuse disorders. Additionally, suicide rates are 4 times higher than the national average, and suicide is the second-leading cause of death for Indian youth.

Like all health outcomes, these disparities have complex roots, but one of the fundamental causes is the severe under funding of the Indian Health Service. In recent years, this subcommittee has worked together to make a nonpartisan effort to increase funding for IHS even while operating under very constrained allocations. In the fiscal year 2018 omnibus, Congress provided \$5.5 billion for Indian Health Service, but disproportionately, President Trump's fiscal year 2019 budget request proposes to cut that amount by \$263 million. This reduction would set back the progress we are making to improve healthcare and diminish the health disparities I just mentioned.

Our goal today is to understand the Indian Health Service's challenges and to look for ways that we can work together towards solutions. Funding for the Indian Health Service has been an area of broad bipartisan cooperation, and this subcommittee has provided increases to Indian Health Service appropriations over the last several years. Longstanding issues in the Great Plains region, which is adjacent to Minnesota, are a clear example that more needs to be done. We cannot have Indian Health Service hospitals losing their certification and placing their patients at risk.

So, today I hope you will be able to discuss the steps you are taking to improve the quality of Indian health services you provide, explain how you are addressing maintenance and backlog to improve our healthcare facilities, and tell us what you are doing to strengthen the organization and improve staff recruitment and retention. I hope you will also address several troubling proposals contained in the fiscal year 2019 budget. I am greatly concerned by the elimination for funding health education, community health representatives, and tribal management. Additionally, I oppose the budget's proposed 42 percent reduction to health facilities maintenance construction.

Over two-thirds of American Indians and Alaska Natives are urban Indians, and the services provided by urban Indian health programs are critical to address the economic and health disparities urban Indians experience. I am concerned that the fiscal year 2019 budget proposes a 6 percent funding reduction from the fiscal year 2018 omnibus, with the number of programs about to increase from 33 to 40. This Administration should be asking for an increase to support these centers, and I hope we will have an opportunity to discuss it today.

I am also incredibly disappointed at the Administration's proposal to shift the Special Diabetes Program from mandatory to discretionary. IHS' discretionary accounts are already struggling to provide vital healthcare services and preventative healthcare. Not utilizing the authorized mandatory funding, in my opinion, is just another gimmick that makes the White House appear to have some fiscal responsibility, even as the White House continues to explode annual deficits by trillions of dollars with policies such as the Republican tax bill.

As this Nation, a prosperous Nation, here in the United States, we should be working together to build a stronger America for tribal nations and to eliminate disparities between the better health outcomes enjoyed by most Americans and the persistent health problems within Native American and Alaska Native communities.

We must make smart, sustainable investments throughout Indian Country to bridge those gaps. We need to find comprehensive solutions, holistic approaches to address health, education, and the quality of life, the needs of Native Americans. Unfortunately, this proposed IHS budget will not help us achieve that goal.

So, I look forward to working with my subcommittee chairman and the other members of this subcommittee so that we craft a bill that appropriately funds IHS. We have a moral and legal responsibility to Native Americans, and we fall short. It is not just a violation of treaty agreements that we hold with Native Americans, but it is a violation of the trust that we should be sharing together.

Mr. Chairman, I thank you for holding this hearing today. I look forward to working with you on these important issues and doing our part to build healthy tribal communities. I yield back.

Mr. CALVERT. I thank the gentlelady. And, Admiral, you are recognized for your opening statement.

OPENING REMARKS OF ACTING DIRECTOR RADM MICHAEL
WEAHKEE

Rear Admiral WEAHKEE. Good morning, Chairman Calvert, members of the subcommittee. I am Rear Admiral Michael Weahkee, acting director of the Indian Health Service, and I thank you for your support and for the opportunity to testify on the President's fiscal year 2019 budget. This budget advances our mission to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level.

The Indian Health Service provides health services to approximately 2.2 million American Indians and Alaska Natives from 573 federally-recognized tribes across 37 States. The President's fiscal year 2019 budget proposes \$5.4 billion in total discretionary budget authority for the IHS, and this is an increase of \$413 million above the continuing resolution, which was the comparison level at the time the budget request was developed.

The budget reflects the Administration's strong commitment to Indian Country by protecting direct clinical healthcare investments. It increases IHS' discretionary budget authority by 8 percent. In order to prioritize direct clinical healthcare services, the budget proposes to discontinue the Health Education Program and the Community Health Representatives Program.

The budget request includes \$58 million to address accreditation emergencies within IHS and improve quality of care; \$955 million for the Purchased and Referred Care Program; \$80 million for the construction of two facilities on the healthcare facility construction priority list; \$159 million to staff six new or replacement healthcare facilities, including three joint venture projects; and an estimated \$822 million for contract support costs which remains a separate indefinite appropriation to guarantee full funding.

The Indian Health Service remains committed to addressing behavioral health challenges, including high rates of alcohol and substance abuse, mental health disorders, and suicide in native communities. The proposed budget for these services is \$340 million. Further, the budget provides \$10 billion in new resources across HHS to combat the opioid epidemic and serious mental illness. As part of this effort, the budget includes \$150 million for IHS grants

based on need for opioid abuse prevention, treatment, and recovery support in Indian Country.

The Special Diabetes Program for Indians is instrumental in improving access to diabetes treatment and prevention services in Indian communities. Diabetes-related health outcomes have improved significantly. The long-time trend of increasing rates of diabetes ended in 2011, and we have observed a 54 percent decrease in new cases of kidney failure due to diabetes among native adults. And the budget continues funding for this program at \$150 million.

We are working aggressively to address quality of care issues across our system, and in spite of ongoing challenges involving recruitment and retention of providers, aging infrastructure, and rural health facilities, today we are able to report progress. The Pine Ridge Indian Hospital is back in compliance with the conditions of participation for emergency services. The hospital is now in a reasonable assurance period pending a full survey to determine if it has maintained its compliance. The Rosebud Indian Hospital satisfied the requirements of the Systems Improvement Agreement with CMS in September of 2017, and we are now awaiting a re-survey at that site as well.

We are also addressing concerns in the Navajo area at the Gallup Indian Medical Center. Both the Joint Commission and the Centers for Medicare and Medicaid Services surveys found the hospital emergency department to be out of compliance with their standards and conditions of participation. We moved quickly to address those findings, and efforts to restore accreditation of all services surveyed by the Joint Commission continue. The facility must now undergo a full CMS survey to ensure Medicare Program compliance.

We have achieved progress in the areas of oversight and management of quality, and some key accomplishments include: credentialing and privileging policy and process modernization, development of a standardized patient experience survey, and the establishment of primary care patient wait time standards. I am proud of the efforts and the commitment of the staff for the progress that has been made so far, and we are firmly committed to improving quality, safety, and access to healthcare for American Indians and Alaska Natives.

We appreciate all of your support, and we are happy to answer any questions that you may have.

[The statement of Acting Director Weahkee follows:]



Department of Health and Human Services

Statement by

**RADM Michael D. Weahkee, MBA, MHSA
Assistant Surgeon General, U.S. Public Health Service
Acting Director, Indian Health Service**

Before the

House Subcommittee on Interior, Environment, and Related Agencies

**Appropriations Hearing on
The President's FY 2019 Budget Request for the
Indian Health Service**

April 17, 2018

STATEMENT OF THE INDIAN HEALTH SERVICE

Good morning Chairman Calvert and members of the Subcommittee. I am Rear Admiral (RADM) Michael D. Weahkee, Acting Director of the Indian Health Service (IHS). Thank you for your support and for inviting me to speak with you this morning about the President's Fiscal Year (FY) 2019 Budget Request for the IHS. This budget supports and advances our mission to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level.

The IHS, an agency within the Department of Health and Human Services (HHS), is responsible for providing federal health services to approximately 2.2 million American Indians and Alaska Natives from 573 federally recognized tribes in 37 states. The IHS system consists of 12 Area offices, which oversee 168 Service Units that provide care at the local level. Health services are provided through more than 850 facilities managed directly by the IHS, by tribes and tribal organizations under authorities of the Indian Self-Determination and Education Assistance Act (ISDEAA), 41 Urban Indian health organizations, and through services purchased from private providers.

Our budget plays a critical role in providing for a healthier future for American Indian and Alaska Native people. Likewise, it helps us maintain the progress we have made over the years. The President's FY 2019 Budget proposes \$5.4 billion in total discretionary budget authority for IHS, which is \$413 million above the FY 2018 Annualized Continuing Resolution. It also proposes Program Level funding of \$6.6 billion, which is \$263 million above the FY 2018 Annualized Continuing Resolution.

Prioritizing Clinical Health Care Services

The IHS provides comprehensive health care, including but not limited to primary medical services, dental care, behavioral health services, community health services, and public health services such as environmental health and sanitation facilities, through a network of 608 hospitals, clinics, and health stations on and near Indian reservations. The budget reflects the Administration's strong commitment to Indian Country. Specifically, the budget protects direct clinical health care investments and increases IHS's discretionary budget authority by eight percent. In order to prioritize direct clinical health care services and the staffing of newly-constructed health care facilities, the budget proposes discontinuation of the Health Education Program and Community Representatives Program.

The budget requests an increased level of funding to address accreditation issues in the IHS system and improve quality of care. An additional \$29 million is requested over the FY 2018 Annualized Continuing Resolution level for a total of \$58 million in funding to assist IHS-operated hospitals that are at risk or out of compliance with the Centers for Medicare & Medicaid Services (CMS) Conditions of Participation. These funds will be used to address CMS findings and may be used to sustain operations of any affected service unit.

The budget increases Purchased/Referred Care program funding that is essential for ensuring access to care by our patients by providing \$955 million, which is \$32 million above the

FY 2018 Annualized Continuing Resolution. This program provides critical health care services through contracts with hospitals and other health care providers to purchase specialized or critical care when IHS and tribally-managed facilities are unable to provide the services directly. In addition, it supports high-cost medical care for catastrophic injuries and specialized care.

Alcohol and Substance Abuse, Mental Health Disorders, and Suicide

The IHS remains committed to addressing behavioral health challenges, including high rates of alcohol and substance abuse, mental health disorders, and suicide in native communities. The proposed budget for these services is \$340 million, which is \$30 million above the FY 2018 Annualized Continuing Resolution. Further, the budget provides \$10 billion in new resources across HHS to combat the opioid epidemic and address serious mental illness. As part of this effort, the budget includes an initial allocation of \$150 million for IHS to provide multi-year grants based on need for opioid abuse prevention, treatment, and recovery support in Indian Country.

Special Diabetes Program for Indians

The Special Diabetes Program for Indians (SDPI) provides grants for evidence-based diabetes treatment and prevention services across Indian Country. These funds have been instrumental in improving access to diabetes treatment and prevention services for American Indians and Alaska Natives. Since 1997:

- 97 percent of American Indians and Alaska Natives have access to diabetes clinical teams, a 67 percent absolute percentage increase.
- 95 percent of American Indians and Alaska Natives have access to culturally tailored diabetes education programs, a 59 percent absolute percentage increase.

These efforts have had an impact. Diabetes-related health outcomes have improved significantly in Indian communities since the inception of the SDPI. Within our communities, the longtime trend of increasing rates of diabetes ended in 2011. The diabetes program has proven successful and has contributed to a decline in new cases of kidney failure due to diabetes of 54 percent among Native adults from 1996 to 2013. In addition, there has been an eight percent reduction in the average blood sugar level of American Indians and Alaska Natives with diagnosed diabetes between 1997 and 2015. Improved blood sugar control reduces complications from diabetes.

The SDPI grant program provides funding for diabetes treatment and prevention to 301 IHS, tribal, and Urban Indian health programs. To ensure sustained and additional improvements for the health of American Indians and Alaska Natives, the FY 2019 Budget continues funding for this essential program at \$150 million and shifts funding from mandatory to discretionary. Your continued support of these funds is saving lives, improving quality of life, and reducing the cost of care across Indian Country.

Health Insurance Reimbursements

The budget assumes \$1.2 billion in estimated health insurance reimbursements from third party collections. The collection of health insurance reimbursements for the provision of care to patients covered by Medicare, Medicaid, the Veterans Health Administration, and private insurance allows IHS and tribally-managed programs to meet accreditation and compliance standards. It also allows IHS to expand the provision of health care services by funding staff positions, purchasing new medical equipment, and maintaining and improving health care facilities.

Access to Quality Health Care Services through Improved Infrastructure

The budget proposes \$159 million for staffing of newly constructed health care facilities. This funding will support staffing and operating costs for three Joint Venture Construction Program (JVCP) projects: Muskogee (Creek) Nation Health Center, the Cherokee Nation Regional Health Center in Oklahoma, and the Yukon-Kuskokwim Primary Care in Alaska. Through JVCP agreements, IHS has partnered with the tribes to provide funds for staffing and facility operations while the tribes have invested in the design, construction, and equipment costs associated with the new facilities. These funds will allow the new facilities to expand access to health care.

These funds also provide staffing for new or expanded IHS constructed facilities, including Hau'pal (Red Tail Hawk) Health Center in Arizona, the Fort Yuma Health Center Replacement, and the Northern California Youth Regional Treatment Center in California.

The Health Care Facilities Construction budget includes funding to continue construction of two facilities on the priority list: the Alamo Health Center in New Mexico and the Dilkon Alternative Rural Health Center in Arizona. A total of \$80 million is requested, \$38 million below the FY 2018 Annualized Continuing Resolution.

Supporting Indian Self-Determination

The budget supports self-determination by continuing the separate indefinite appropriation account for contract support costs (CSC) through FY 2019. Authorized and required by the ISDEAA, CSC funding supports certain operational costs of tribes and tribal organizations administering health care service programs under self-determination contracts and self-governance compacts. The budget includes an estimate of \$822 million to fully fund CSC, which is \$22 million above the FY 2018 Annualized Continuing Resolution estimate. Maintaining the flexible funding authority of an indefinite appropriation allows the IHS to guarantee full funding of CSC, as required by the law, while protecting services funding for direct services tribes.

Quality of Care

We are working aggressively to address quality of care issues across our system. In spite of ongoing challenges involving recruitment and retention of providers, aging infrastructure, and rural health facilities, today we are able to report progress.

As a recent example, at the Pine Ridge Hospital, CMS notified us that its survey on February 13-15 found the hospital in compliance with the Condition of Participation for Emergency Services. Pine Ridge IHS Hospital is now in a "Reasonable Assurance" period to demonstrate the ability to maintain compliance. The Joint Commission will conduct a full survey with CMS deeming status to determine if Pine Ridge IHS Hospital has maintained compliance with all Medicare participation requirements. Pine Ridge IHS Hospital will be readmitted to participate in the Medicare program upon demonstrating full compliance by the second survey. I am proud of the efforts and commitment of the staff at Pine Ridge for the progress made thus far. We still have more work to do in the Great Plains to honor our commitment to American Indians and Native Alaskans, and I am reassured by the recent progress we have made.

At Rosebud Hospital, after satisfying the requirements of the Systems Improvement Agreement with CMS in September 2017, the hospital is preparing for Joint Commission accreditation this spring. Our application for survey was submitted to the Joint Commission in January, and we look forward to their review.

We are also addressing concerns in the Navajo Area at Gallup Indian Medical Center. Specifically, the concerns derive from a Joint Commission unannounced survey in November 2017 that also triggered a CMS survey in December 2017. The surveys found the hospital Emergency Department out of compliance with the Joint Commission standards and CMS Conditions of Participation. We moved quickly to address these issues, and the hospital remedied the Joint Commission's findings. Efforts to restore accreditation of all services surveyed by the Joint Commission continue. The facility also shifted under CMS's survey authority for Medicare Program compliance and will receive a full CMS survey.

We developed the Quality Framework with tribal input, and brought together people and expertise from across the Department of Health and Human Services to focus efforts on improving the quality of care and patient safety. The Quality Framework has been a blueprint for system level improvements of processes and infrastructure to improve quality and safety throughout the agency. We have achieved remarkable progress in the areas of oversight and management of quality, modernizing credentialing and privileging policy and processes (aided by new, standardized software), accreditation master contracts for hospitals and ambulatory health centers, development of a standardized patient experience survey, and the establishment of primary care patient wait time standards. Following a year of implementation of the Quality Framework, IHS is moving toward sustainment of the gains and improvements with the development of a five-year strategic plan to enhance quality in all aspects of agency operations.

I especially want to thank the Congress for the funding that has been provided for accreditation emergencies. These funds have been critical to giving IHS the flexibility to address quality issues at impacted facilities and to offset lost third-party revenue, which is critical to the operating tempo of our facilities. The requested \$58 million will be used to build on the improvements we have made to date. IHS does not have another reserve of funding to meet any significant emergency or emergent issues, and our existing reserves are simply not designed to meet a challenge of this magnitude.

Despite all of the challenges, we are firmly committed to improving quality, safety, and access to health care for American Indians and Alaska Natives, in collaboration with our partners in HHS, across Indian country, and Congress. We appreciate all your efforts in helping us provide the best possible health care services to the people we serve to ensure a healthier future for all American Indians and Alaska Natives.

Thank you and I am happy to answer any questions you may have.



RADM Michael D. Weahkee

Acting Director

Indian Health Service

Rear Admiral Michael D. Weahkee, an enrolled member of the Zuni Tribe, is Acting Director of the Indian Health Service (IHS), an agency within the U.S. Department of Health and Human Services. The IHS is the principal federal health care advocate and provider of health care services for American Indians and Alaska Natives. As Acting Director, RADM Weahkee administers a nationwide health care delivery program that is responsible for providing preventive, curative, and community health care to approximately 2.2 million American Indians and Alaska Natives in hospitals, clinics, and other settings throughout the United States.

RADM Weahkee previously served as the Chief Executive Officer for the Phoenix Indian Medical Center, the largest federally-operated facility in the Indian Health Service. He was born in the Shiprock Public Health Service Hospital on the Navajo reservation and grew up as a direct service user of the IHS. Michael began his professional health care career in the United States Air Force, as a Public Health Specialist. After completing his Bachelor of Science degree in Health Care Management from Southern Illinois University-Carbondale, he left the Air Force to pursue advanced hospital administration training, receiving both his Master of Health Services Administration and Master of Business Administration degrees from Arizona State University in Tempe, Arizona.

RADM Weahkee has also served in a variety of different roles at IHS Headquarters, including: Executive Officer for the Office of Clinical and Preventive Services; Director of the Management Policy and Internal Control Staff office; and, as the Deputy Director for Personnel Functions in the Office of Management Services, charged with management oversight of Human Resources, Commissioned Personnel Support and Program Integrity and Ethics for the Agency. RADM Weahkee also served on memorandum of agreement to the California Rural Indian Health Board, both as the director of family and community health services and as deputy director of the health board.

Michael has received several public health service honors and awards, including an Exceptional Proficiency Promotion to the rank of Captain, two Outstanding Service Medals, and two IHS National Director's Awards.



RADM Michael Toedt, M.D.

Chief Medical Officer

Indian Health Service

Rear Adm. Michael Toedt, M.D., serves as the Chief Medical Officer of the Indian Health Service. The IHS, an agency within the Department of Health and Human Services, is the principal federal health care provider for American Indians and Alaska Natives.

As the CMO, Rear Adm. Toedt is IHS's lead expert on medical and public health topics, giving technical advice and guidance to the IHS Office of the Director and IHS staff throughout the country on American Indian and Alaska Native health care policies and issues. He provides national leadership for the clinical and community-based health programs of the agency, and serves as the primary liaison and advocate for IHS health professionals.

Rear Adm. Toedt previously served as the Chief Medical Officer for the IHS Nashville Area, where he provided leadership and guidance for the Nashville Area medical services delivery, partnering with 29 Tribes or tribal organizations in 14 states.

In 2014-2015, Rear Adm. Toedt served as the Acting Chief Medical Information Officer for the IHS, leading clinical informatics for the development, deployment, and improvement of the IHS Resource and Patient Management System Electronic Health Record.

Rear Adm. Toedt is responsible for overall patient care policy and program development, implementation, monitoring and evaluation. He provides consultation and technical assistance for evaluating, designing, and implementing health care delivery systems and coordinates with staff regarding health services, clinical guidelines, and planning activities. Rear Adm. Toedt serves as an advocate for quality health care services for Indian people.

Rear Adm. Toedt earned a Doctor of Medicine degree from the Uniformed Services University of the Health Sciences in Bethesda, Maryland, and a Bachelor of Science in applied physics from the Georgia Institute of Technology in Atlanta, Georgia. He completed a residency in family medicine and a fellowship in obstetrics at the Franklin Square Hospital Center in Baltimore, Maryland.

Rear Adm. Toedt is board certified in family medicine and is a fellow of the American Academy of Family Physicians.



Gary J. Hartz
Director
Office of Environmental Health
and Engineering
Indian Health Service

Gary J. Hartz, P.E., retired U.S. Public Health Service (PHS) Rear Admiral, is the Director of the Indian Health Service (IHS) Office of Environmental Health and Engineering (OEHE). The IHS is an agency within the Department of Health and Human Services (HHS) that is the principal federal health care provider and health advocate for American Indian and Alaska Native people. Mr. Hartz oversees health care facilities and staff quarters construction, facility maintenance and operations, and realty. He also has responsibility for a comprehensive environmental health program including institutional environmental health, injury prevention, and sanitation facilities construction services throughout Indian Country.

Mr. Hartz began his career with the IHS in 1971. His first assignment as a PHS Commissioned Corps Officer and Field Engineer was with the IHS Navajo Area in Tohatchi, New Mexico, followed in 1974 with an assignment to the IHS Alaska Area in Ketchikan with responsibilities for sanitation facilities construction throughout Southeast Alaska. In 1977, he transferred to the IHS Headquarters in Rockville, Maryland, where he was subsequently promoted to positions of increasing responsibility within OEHE, including Chief of the Sanitation Facilities Construction Branch, Director for the Division of Environmental Health, and ultimately to his current position of Director, OEHE. He has also been in numerous special assignments such as the Technical Training Director for the Moroccan Peace Corps Volunteer Skill Training Unit, a Self-Governance negotiator, and an agency witness before numerous congressional committees addressing budget and technical issues. He was promoted to Assistant Surgeon General in January 1996.

In August 1998, Mr. Hartz was named Acting Director for the Office of Public Health. The Office of Public Health had responsibilities for a wide range of health activities related to health leadership, policy development, and advocacy for American Indian and Alaska Native public health issues. He managed a staff that assisted the agency on budget formulation and resource allocation regarding the operation and management of IHS direct, tribal, and urban public health programs; program evaluation and assessment; research agenda; and special public health initiatives for the agency.

During the period of the IHS restructuring, Mr. Hartz held the position of Acting IHS Deputy Director from August 2004 to February 2005. He shared the responsibility for management of a national health care delivery program responsible for providing preventive, curative, and community care for approximately 1.8 million American Indians and Alaska Natives.

Mr. Hartz received his bachelor of science degree in civil engineering from the University of North Dakota, Grand Forks, North Dakota. In 1977, he earned a master of science degree in civil engineering: construction engineering and management from Stanford University, Palo Alto, California. He also has completed postgraduate studies at Syracuse University, Syracuse, New York, and continued management development at the Federal Executive Institute and the Senior Managers in Government program at the John F. Kennedy School of Government at Harvard University. Mr. Hartz is a registered professional engineer.

In May 2005, he was one of two U.S. representatives to the World Health Organization (WHO) in Geneva, Switzerland, to finalize the Third Edition of the WHO Guidelines for the Safe Use of Wastewater, Excreta, and Greywater. A recipient of numerous PHS and IHS awards and honors, Mr. Hartz has received two Hazardous Duty Awards, two Isolated Hardship Awards, several Unit Citations, the Special Assignment Award, two Outstanding Service Medals, the Meritorious Service Medal, the Surgeon General Award for Exemplary Service, and the Distinguished Service Medal, the highest award of the Public Health Service. In 1986, Mr. Hartz received the HHS Federal Engineer of the Year Award presented by the National Society of Professional Engineers. He has been an active participant and leader in his community, church, and professional organizations.



Ann Church
Acting Director
Office of Finance and Accounting
Indian Health Service

Ann Church, a member of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians (Gun Lake Tribe), is the Acting Director of the Office of Finance and Accounting (OFA) within the Indian Health Service (IHS). The IHS, an agency within the Department of Health and Human Services, is the principal federal health care advocate and provider for American Indians and Alaska Natives.

As the Acting Director of the Office of Finance and Accounting, Ms. Church is responsible for Agency budget formulation, execution, and associated systems and policies. She advises the IHS Director and senior management staff on the Agency's financial activities.

Ms. Church most recently served as the Director, Division of Financial Operations, in the OFA. In that role, she supported Headquarters budget and payment activities, and managed the agency-wide travel program.

Throughout her 16 years of service to the Agency, she performed many functions including support for: previous Headquarters organizational components such as the Office of Management Support's Director, Deputy Director, and Executive Officer; the National Council of Executive Officers; and the IHS Business Plan Workgroup. She has received several IHS Director's Awards and was honored with the Luana Reyes Leadership Award in 2007.

Ms. Church received a bachelor's degree from St. Mary's College of Maryland.

PER CAPITA SPENDING

Mr. CALVERT. Thank you. Thank you for your testimony. As recently as 2015, the Indian Health Service published an annual chart comparing per capita spending on IHS patients against other Federal programs and the nationwide per capita average. In 2015, the nationwide average was roughly \$8,500 while the IHS average was \$3,100. In the National Indian Health Board's update for 2017, the IHS average is up slightly at \$3,300, but is not keeping pace with the nationwide average of \$9,200.

Here is the question. Is the National Indian Health Board's assessment of the increasing trend in per capita spending on IHS patients consistent with the Indian Health Service estimate?

Rear Admiral WEAHKEE. Thank you for that question, Chairman. The IHS has updated our charts for 2017 and have validated the numbers that the National Indian Health Board has published. Those numbers are valid and in line with our own projections.

Mr. CALVERT. Is it accurate to conclude then that the per capita spending on IHS patients is on the rise because of increases in appropriations for the Indian Health Service have outpaced fixed costs, inflation, and population growth?

Rear Admiral WEAHKEE. Thank you, Chairman. The Indian Health Service very much appreciates the increases to the Agency's budget over the last 10 years, and we have seen some significant improvements as a result. I do want to identify however, that the Agency's budget was significantly underfunded, and it would take quite some time to make up for the lost revenues, lost third-party revenues, and with inflation being taken into account. At the current pace, we still have a lot of room to make up.

We are also still contending with the 2013 sequestration that took \$220 million out of the IHS direct service base budget, so we appreciate the funding increases. However, there is a lot of room yet to make up.

Mr. CALVERT. OK. I will wait until the second round for my next question. With that, Ms. McCollum.

Ms. MCCOLLUM. Mr. Chairman, as you know, there are many hearings at the same time, so with your permission, I would like to yield to Mr. Kilmer.

Mr. CALVERT. Mr. Kilmer.

DISCRETIONARY FUNDING

Mr. KILMER. Thank you, Chairman, and I thank the ranking member for the courtesy. American Indians and Alaska Natives are substantially more likely to be diagnosed with diabetes than the general population. The Special Diabetes Programs for Indians, provides funding for diabetes treatment and prevention to approximately 301 Indian Health Service tribal and urban Indian health programs and the program is authorized through 2019. First, why does the fiscal year 2019 President's budget propose to shift funding from mandatory to discretionary spending, and can you speak to what impact that shift to discretionary will have on the Indian Health Service's ability to fund other programs?

Rear Admiral WEAHKEE. Thank you, Congressman. With regards to the proposal to move SDPI from mandatory to discretionary, this

is part of a greater Administration policy decision, not only looking within the Indian Health Service at our current mandatory line which is SDPI, but at all the MACRA extenders and moving those out of the mandatory into the discretionary to provide the Department with greater flexibility in identifying its priorities.

So, we are kind of caught up, in this program specifically, in that greater Administration policy decision.

Mr. KILMER. Do you see it impacting the other discretionary programs under IHS?

Rear Admiral WEAHKEE. When programs are lumped together, there are decisions that have to be made, and I have heard from tribal leaders in consultation that there could be some unintended consequence of that move. The ability to plan for grants, the requirement to have to deal with continuing resolutions are a couple of examples that were put out early. So, when it comes to competing priorities, there will be hard decisions that would need to be made from time to time.

URBAN INDIAN HEALTH PROGRAMS

Mr. KILMER. Thanks. The number of urban Indian health programs is slated to jump from 33 to 40 this year. And I am curious how your Agency will support those additional programs given the proposed funding cut to the Urban Indian Health Program line item.

Rear Admiral WEAHKEE. Thank you, sir. With regards to the urban health programs that are slated to be added to the Urban Indian Health Program line, this is actually an administrative movement. We had those programs currently funded out of our Alcohol and Substance Abuse Program. They are NIAAA programs that are being realigned administratively over into the Urban Indian Health Program line. So, the funds will come with them.

CARE COORDINATION AGREEMENTS

Mr. KILMER. OK. The ITU System of Care should be expanding its specialty care network through the use of care coordination agreements which allow tribal 638 facilities to contract directly with providers to deliver healthcare services. And these agreements are powerful tools to help support expanded access to specialty care in Indian Country. Can you just discuss the role that you and the IHS have played in helping ITU develop care coordination agreement templates so that they can enter into an existing specialty care network?

Rear Admiral WEAHKEE. Thank you, Congressman. With regards to care coordination agreements, the majority of this work has been facilitated in the field as each of the individual states have different rules. And we do have frequent meetings here at the national level with the Centers for Medicare and Medicaid Services. Dr. Toedt meets at least once a month with our counterparts at CMS. Also, at the Department level we have meetings, administrator to agency director, to discuss items like care coordination agreements. So, I would say at this point that a lot of that work is going on with our area directors and with our service unit leadership.

Dr. Toedt, anything you would like to add since you have been our lead in discussions with CMS?

Rear Admiral TOEDT. Thank you, sir. So, care coordination agreements are mutually beneficial. They provide much-needed access to care, and they also provide better care coordination for our patients. So, we encourage them. We support them. We have had meetings to facilitate with our area directors, with CMS. I recall the most recent meeting I had was in the Great Plains area where we were discussing how to expand care coordination agreements in South Dakota. But we support them across the Nation.

Mr. KILMER. Thanks. I yield back. Thank you, Chairman.

Mr. CALVERT. Thank you. Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman. I thank you for being here, and I thank you for the work that you do. As has been mentioned, Indian healthcare has been a bipartisan effort in this committee trying to find the resources to do what we need to do. And Ms. McCollum said, it is both a trust and a moral responsibility that we fund Indian healthcare. And the last several years, it is kind of interesting, we have focused on increasing the quality and availability of healthcare to Native Americans. We have done somewhat at the expense of not focusing on some other needs on reservations, whether it is law enforcement, or education, and those types of things. And those are areas that I know that the chairman has been focused on over the last couple of years, how do we do all of these things. It is a tough nut to crack, but it is something that we have to do. As I said, it is a moral responsibility for all of us.

GREAT PLAINS

I was glad to hear that Rosebud and Pine Ridge are apparently getting their certifications?

Rear Admiral WEAHKEE. We are moving in the right direction, sir.

Mr. SIMPSON. Are there any other factors? I mean, we went to several of the reservations in South Dakota. Rosebud and Pine Ridge were, I would say, behind the Cheyenne River Sioux, and the Standing Rock, and some of the others in the quality of their care. Are there other factors that have led to this? Is it management? Is it other things that need to be corrected?

Rear Admiral WEAHKEE. Thank you, Congressman Simpson. I had the opportunity to spend 5 months, as did Dr. Toedt, in Rosebud helping to work on the issues that were impacting that particular hospital and have made several visits to Pine Ridge since coming into the acting role. And where I think that the work and efforts should be focused is on social determinants of care, so issues that are impacting the entire community prior to them coming into the healthcare setting, like job availability and economic development, availability of safe housing, healthy foods availability. Some of the items that you have mentioned that do need attention as well: schools, increasing access to better education. So, dealing with those social determinants are important and would result in less demand for service on the healthcare system in general.

CREDENTIALING

Mr. SIMPSON. Talking about that, I ask this question almost every year. It is about centralized credentialing. It is a question, as I said, I ask each year. Having been a former dentist, I know that it is a barrier to getting providers out to reservations, and that is one of the big challenges we face. How do you get providers to go out there, how do you find a place for them to live? Some of these places are pretty remote and pretty desolate actually.

How is it going, and have you seen improvements in providers at IHS facilities? And I understand that the current breakdown is getting providers credentialed occurs at the local and regional level. How will the new centralized credentialing system address this problem?

Rear Admiral WEAHKEE. Thank you for the question, and I am happy to report that we do now have all of our Federal sites on a centralized credentialing system. They are all using the same software and entering information in the same manner. This provides us with some level of portability of those records from site to site, so we can expect to see over time that the amount of time that it takes to credential and privilege providers should decrease because of these efficiencies.

Dr. Toedt actually chaired the implementation of this particular policy and centralization, so I would like to ask him if he could add some additional insight.

Rear Admiral TOEDT. Happy to do so. The rollout of the centralized credentialing was a key recommendation from you, and we took that to heart. This was a project that took a lot of effort, but we were successful in having all of our Federal sites now having all of our providers credentialed in a single database. We do still require privileging at each individual site. The privileges have to match the capabilities of the facility, so there is still that decision-making part. We also made sure that we are not sacrificing any element of safety because credentialing is the cornerstone of safety to protect our patients and make sure that all of our providers are fully qualified. But I am happy to report that the single credentialing system is in place.

STAFFING

Mr. SIMPSON. Do you have any idea how many vacancies we have for providers?

Rear Admiral WEAHKEE. We do have great tabs on all of our providers, not only by provider, but provider type. So, in terms of percentages for physicians specifically, we are in the 34 percent range. Advanced practice nurses, about that same level. Physician Assistants, a little bit better, but still right at about 29 percent. So, we do have still have significant challenges with filling these vacancies, and we are making up for it by the use of very costly contracts.

Mr. SIMPSON. Thank you for what you do. We look forward to working with you to try to solve some of these problems in the future. Thank you, Mr. Chairman.

Mr. CALVERT. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I want to go back to the big picture. I know you are doing the best job you can, Rear Admiral Weahkee. But part of the challenge that we are struggling with is four acting directors since 2015 does not allow for a whole lot of continuity. When you are dealing with improving statistics on lower life expectancy, disproportionate disease burdens, heart disease, cancer, the recommendation that the President unfortunately has made to go from mandatory to discretionary funding for diabetes, and other things, it is quite daunting what you are tasked to look at.

So, from your knowledge as being the most current acting director in the Indian Health Service, exactly what would this impact of the \$264 million reduction from the 2018 omnibus bill have on meeting healthcare needs? Then I have a follow-up after you answer that one, sir.

Rear Admiral WEAHKEE. Thank you, Congresswoman McCollum. And with regards to the continuity of leadership, I have had the privilege of having the most recent acting director, Admiral Chris Buchanan, serving as my deputy director as I am in the acting director role. So, there is continuity and ready access to his expertise and insights. I have also relied heavily on those who have come before me, so I dialogue frequently with previous directors, Admiral Charles Grim, Dr. Yvette Roubideaux, and we have great partners in Indian Country with the National Indian Health Board, National Council of Urban Indian Health, National Congress of American Indians. So, there are a lot of supports to somebody serving in this role.

With regards to budget reductions or proposed reductions, as identified there are many needs within Indian Country, and the IHS in particular. And we have already identified through having a Federal Disparity Index and a line item for Indian Healthcare Improvement Fund that there is room for improvement in the funding of our programs. So, any reduction to Indian Health Service funding would be a detriment.

FISCAL YEAR 2019 BUDGET

Ms. MCCOLLUM. Along with the reductions unfortunately that the White House proposed on Indian health services, there are agencies that you work hand-in-hand with in a comprehensive approach for wellness, because you work to reduce risk factors with heart disease, cancer, diabetes, tuberculosis, and substance disorders. Can you describe how you are working with other agencies, if they are facing similar reductions? Is there a compounded cut to the work that we are doing in this area? Because in the proposal, community health representatives and tribal management grants are eliminated. These are some of the very people that you were talking about, working on health improvement.

How does eliminating tribal grant management grants impact the projects that you have, for example, on implementation of electronic health records? And are you tracking what is going on in the centers? I will just use the CDC for an example which works on suicide prevention as well as working on opioid, alcohol, and drug abuse, and recovery? Are you tracking those budgets to see if it is

a compounding effect with this cut that the White House has proposed?

Rear Admiral WEAHKEE. Thank you again for your question, and I caught several in there. I would like to start with the collaborations and keeping tabs on what is going on with our sister agencies. We do have many partnerships developed with agencies like the Centers for Disease Control and Prevention on preventive matters. We have recently partnered with them on infection control training, and we are able to leverage those resources to train more than 300 of our own staff on infection control standards in our facilities.

OPIOIDS

With SAMHSA, Substance Abuse and Mental Health Services Administration, they have already received a good, sizable increase in funds to combat the opioid epidemic, and we are in initial dialogue with them about how they intend to use those funds, again really encouraging them to reach out to tribes and discuss what the needs are. I have heard directly from our tribal stakeholders that they would much prefer to receive the funds directly as opposed to going through a grant mechanism, and they have also voiced concern about funds going through States. They do not always make it to the tribal level.

Ms. MCCOLLUM. Sir, not to cut you off, but I think we agree that the opioid funding is working towards being robust to address this problem. But my question was, and you pointed out, about the work, the collaboration that you do with the CDC, whether it is tuberculosis or other preventative diseases, do you know if the CDC is cut in the President's budget? Have you had concerns or questions about some of the other things? You said you used it to train 300 people? Do you know if there are cuts in there that are going to have an impact for you being able to do what you need to do, facing the fact that you are already looking at a \$264 million cut yourself? Have you cross-tabbed those budgets?

Rear Admiral WEAHKEE. No, ma'am, we have not from within the Agency, and we would be happy to work with our Department of Health and Human Services financial office to provide you with information specific to Indian programming.

Ms. MCCOLLUM. Thank you. Mr. Chair, I will conclude this round of questioning with this. If we do not look at the big picture about what is happening in some of these other agencies where there is collaboration and there are further reductions in cuts, we won't know what this means to Indian Country and the work that we are doing. If we are able to increase IHS and then the CDC gets a cut and it is not able to do its programming, it still puts us behind. So, I would encourage us to get that information. Thank you, Mr. Chair.

Mr. CALVERT. Thank you. Mr. Stewart.

Mr. STEWART. Thank you, Chairman. Acting Director, I have your name pronounced twice differently. Is it Wah-kee then or—

Rear Admiral WEAHKEE. Weahkee.

Mr. STEWART. Weahkee, yeah, thank you.

Rear Admiral WEAHKEE. Thank you.

Mr. STEWART. All right. It is always nice if people can pronounce your name correctly, right? [Laughter.]

Rear Admiral WEAHKEE. It is a tough one. I have been dealing with it my whole life. [Laughter.]

Mr. STEWART. I am sure you have. Well, to you, sir, and others who are with you today, thanks for being here. Like everyone, I have got a problem. I mean, that is kind of the value of these hearings is many times we can bring you issues that we need your attention on and your help. And this one is an important one, and it is one that we can fix, but we have not been able to yet. And, again, I need your help.

REIMBURSEMENT FOR MEDICAL AIRLIFT

It has to do with recent changes in Indian Health Service's reimbursement structures for airlift, for medical airlift. It has resulted in catastrophic losses for ambulance services in the Navajo Nation, and I want you to picture the Four Corners if you could. I represent Utah, and in the Four Corners area you have got Utah, Arizona, New Mexico, and Colorado. If you want to be alone for a while, go to this part of the country. It is some of the most sparsely-populated area within the lower 48, I am sure. But it is a real challenge then because when you have a medical emergency, it is a long, long way to go to get help in many cases.

And because of this change in reimbursement rate, there is only one provider now. There used to be several, but the others have dropped out because they actually lose money every time they pick up a patient, and a substantial amount of money. Not just a few hundred dollars, thousands and thousands of dollars every time they pick up a patient, and yet they continue to do it because they feel compelled to because they want to serve their fellow man. But they have announced that they will pull out within the next few weeks if we cannot help them with this reimbursement. They will leave the Native Americans there without an air ambulance service then.

We have reached out to local and Federal officials, and we have attempted to inform them and to get their help on this, and I am going to read you just part of a letter, if we could, that was sent last month. "Due to catastrophic changes in reimbursements over the several years, Classic Care Medical, which is the last remaining provider in the region, will have no choice but to shut down operations in the region, leaving the area without emergency care." They have something like \$3 million in providing this service to Native American in that area.

Look, we've got to do better, and we have got to find a way to work with you and CMS to get a reimbursement rate. They are not asking to make money. They just cannot lose money every time they do this. Can you help us with that?

Rear Admiral WEAHKEE. Thank you, Congressman Stewart. In the beginning of your question, you made me homesick because I am from the Four Corners and grew up in the Farmington Aztec area in northwestern New Mexico. So, I pictured the area and I am very fond of it for sure.

Mr. STEWART. As am I, by the way.

Rear Admiral WEAHKEE. Thank you. With regards to emergency transport and the rates that we are paying now with the implementation of Medicare-like rates or PRC rates, we are reimbursing at the same level that Medicaid or Medicare or any other Federal healthcare entity would reimburse. So, from that regard, we are actually saving the Agency money, getting better purchasing power with those funds.

Mr. STEWART. Director, if I could jump in just quickly. That works for a business model when you are in a metropolitan area and you have private sector funding that can help compensate for it because everyone loses money on those rates. This is an area where there is no private sector. I mean, there is only the Indian Nation down there, so there is no other way for them to help even out the funding levels. Does that make sense?

Rear Admiral WEAHKEE. There are parts of our Nation where there is only one game in town for sure, and if that is the case in this particular area with Classic Care Medical, I think that it is incumbent upon our system to evaluate whether or not any competitors exist or other options, if air medical transport, if it is fixed-wing versus helicopter, or if ground transport is available. We need to look at all the options to ensure that we are taking our patient safety into account and that we negotiate appropriate rates.

Mr. STEWART. Well, and so I will just restate something and then one more time ask your help. If you are in a big city where you have a lot of private insurance that will compensate these companies at a different rate, this will work because you can use that to help fill the gap for these lower, lower compensated patients. But, again, there is no option down there. It is only the Indian Nation.

And once again, and then I will turn the time back over, if we cannot fix this and if we cannot fix it with some urgency, this company is going to pull out. And it is not in years, it is within weeks, and we just hope that we can work with your Agency and try to find a solution. I think the Native American people deserve it.

Rear Admiral WEAHKEE. And thank you. I will commit to looking into the issue, and another option that we might consider is pulling Centers for Medicare and Medicaid Services into the discussion.

Mr. STEWART. Yeah, we absolutely have to do that, and we have tried to work with them, but your weight behind that effort would be helpful.

Mr. CALVERT. Would the gentleman yield for a moment? I might ask a follow-up question. What flexibilities does IHS have to change the reimbursement rate to fix this airlift problem?

Rear Admiral WEAHKEE. We do have the ability to negotiate rates that are Medicaid or Medicare reimbursement plus a number to be determined based on a number of different variables. But there is some latitude in there of being able to account for situations like this that we can utilize.

Mr. CALVERT. OK. So, if that flexibility does exist in this case, that might be a potential solution.

Mr. STEWART. Thank you, sir, and I yield back, Chairman.

Mr. CALVERT. Thank you. Ms. Pingree.

OPIOIDS

Ms. PINGREE. Thank you, Mr. Chair. Thank you to all of you for being here today and for the work you are doing to help take care of the health of our tribes. And I apologize, I came in a little late, so I know you have talked some about the opioid crisis, but I just wanted to focus on it a little bit more. I come from the State of Maine where the opioid crisis in the news every day. We know that American Indians and Alaska Natives have the highest drug overdose rates in 2015. I am assuming that is continuing. Also, American Indian students' annual heroin and oxycodone use was about 2 to 3 times higher than the national average, so it is no small challenge to be taking this on.

In States like Maine, we were one of just eight tribes throughout Indian Nation to receive funding through the Department of Justice Coordinated Tribal Assistance Program, which allowed us to establish a healing to wellness court. And I know that has been very successful, but that is a grant program and those things are not ongoing. And so, I want to talk to you a little more about the overall picture of funding and how this is being handled, and I know there are issues around coordinating with other departments which has been brought up as well. So, let me just throw out a few questions. If you do not get everything answered, we can follow up on it, but to see your sense of it.

One is how you are working with tribal first responders, what criteria the Indian Health Service is using to award the multiyear grants that will be available to implement the Tribal Opioid Response Grant Program, how are you going to follow those, and what measures will you use and what process to monitor the grants. Will you be looking at best performance and sharing those best practices? Lastly, what is the status of the development of a comprehensive and culturally sustainable tribal action plan? I know that is a lot, but just anything you want to put in about the overview. It is certainly one of the biggest challenges we are facing nationally, and obviously in Indian Country much more significant.

Rear Admiral WEAHKEE. Thank you, Congresswoman. Definitely the impact of opioids on Indian Country cannot be overstated. You mentioned some of the statistics, and we have seen an increase of 519 percent in overdose death rates for American Indians, so it is something that we need to tackle right away. Related to plans, future plans for the use of opioid funding, we within the IHS very much believe in and rely upon our consultation with tribes to have the initial conversation on where they believe the funds should be dedicated and for what purposes, and in what construct. And so, we will initiate consultation in advance of the receipt of those funds to obtain that feedback from our tribal stakeholders. And we have also encouraged our sister agencies to do the same, so for those like SAMHSA who are receiving large sums of funding, we are encouraging them to do that outreach to tribes as well.

We are also sharing information with our sister agencies, the mechanisms that we have used as an Agency in the past to ensure that we get that money out into Indian Country in the best manner possible. Again, that does not replace the consultation. They need to have those conversations directly themselves.

The criteria to be used for the IHS opioid funding, the \$150 million a year, we are at least initially looking at the construct of the Special Diabetes Program for Indians and the manner in which we have run that grant program as a starting point, and then we will take the consultation and input and see if there are tweaks or changes that need to be made.

I am going to ask Dr. Toedt as our lead in all clinical and preventive matters to address some of the other opioid discussions that we have had. We do have consultations scheduled in partnership with SAMHSA and the National Institutes of Health at a conference next month in Minnesota that the National Indian Health Board will be sponsoring. Dr. Toedt, do you want to take it from there?

PARTNERING WITH LAW ENFORCEMENT

Rear Admiral TOEDT. Yes, sir. So, regarding the question about how we partner with tribal law enforcement, you are already aware that we partner with the Bureau of Indian Affairs and equip their law enforcement officers with training to recognize signs and symptoms of overdoses and how to intervene immediately when they are first on the scene. And as of December 2017, we have trained more than 300 officers and certified 47 BIA officers as naloxone trainers.

Translating that to the tribal facilities, our direct care facilities also provide naloxone supplies training and toolkits to tribal law enforcement. And just this March 30th, our HOPE Committee, which is the Heroin, Opioids, and Pain Efforts Committee, released a policy that provides local policies and procedures for the IHS-operated pharmacies to provide the naloxone and law enforcement agencies and other first responders to prevent the opioid overdose deaths.

I want to add that I have worked at the Micmac Clinic in Maine, and the people there are near and dear to my heart, and I appreciate you.

Ms. PINGREE. Well, thank you for mentioning them, and I am sure they will appreciate that and have fond memories, so thank you. I just want to follow up quickly by saying, I am glad you have things in place, particularly naloxone. I know that is often a challenge to make sure that is available everywhere it needs to be. I know some of this funding is new, but also, some of the things you are talking about are. We will and we are planning to follow up and since this crisis is ongoing, and nothing here is new to us. I hope that all efforts are speeded up as fast as possible.

I am glad there is consultation, but on the other hand, people just, they want to see the action, and see the availability. I know a big concern in our area is residential substance abuse, and there has never been enough of it. I do not think I have to tell you that, but making sure that we continue to try to increase those numbers is really important.

Lastly, I just want to concur with some of my colleagues who have said that the funding for special diabetes, also a huge problem in our State and in Indian Country in particular. Going from mandatory to discretionary raises a lot of concerns, and making sure there is adequate funding for that as such a prevalent problem is really important. So, thank you. I yield back.

Mr. CALVERT. Thank you. Mr. Joyce.

NALOXONE

Mr. JOYCE. Thank you, Mr. Chairman. I want to follow up on Ms. Pingree's questions about naloxone. I am glad to hear that you have first responders using naloxone. Does your 2019 budget request reflect that support?

Rear Admiral WEAHKEE. So, that would be captured in the H&C budget where our pharmacy costs currently reside. There has not been any additional funding identified for the provision of naloxone, but pharmacy costs are supported through an H&C line. Hospitals and clinics, sorry.

Mr. JOYCE. As a matter of first response, it is important that you make naloxone available throughout American Indian/Alaska communities given the 519 percent increase in drug overdose claims from 1999–2015. I am glad to hear that first responders are getting it. I was making sure that we have adequately funded those efforts because obviously saving lives is an important part of this equation.

Rear Admiral WEAHKEE. Yes, and we have had discussions, and Dr. Toedt can give us the per dose cost and the evaluation that we have undertaken. And, again, knowing that the U.S. Surgeon General just earlier this month promoted family members, friends, and those at risk themselves to carry naloxone, we do expect to see a significant increase in prescriptions for and dispensing of naloxone. So, it is a cost that we need to take into account for future budget purposes.

BEHAVIORAL HEALTH

Mr. JOYCE. I am glad to hear that. For 25 years I was a prosecutor before I got here, and I have to admit after seeing staggering numbers like this, it shifts your focus from the law enforcement side of people being in possession of a drug to saving people's lives. The one question I have when I speak with people in the community is "what works?". Have you found anything that has been especially helpful as far as reintegrating folks back into society because I know the recidivism rate in people who are addicted to these drugs is unfortunately very high as well?

Rear Admiral TOEDT. Thank you for the question. So, definitely we see that when treatment is culturally appropriate, when it is based on the individual's native culture, when it addresses all of the underlying causes, addressing the problems that the individual has at home, when it is focused not just on recovery as a single timed event, but looking at after care when they return from recovery back to the community, those are the areas where we see the greatest successes where there is good coordinated care and follow-up after discharge from treatment.

Mr. JOYCE. Generally going back into the situation they were in before creates the same circumstances that brought them there in the first place. So, especially in the tribal communities, I was wondering how you were dealing with that item.

Rear Admiral TOEDT. Yes, sir, exactly right. If an individual is coming from an at-risk situation and they return to an identical situation, they remain obviously at risk. And so, helping the indi-

vidual get to a better place, but then working with them either to improve their environment or to return to an alternate environment. And so, that may mean that they may not be able to go back to that same house. They may have to go to a recovery intermediate housing. There is definitely a need for that.

There is the whole concept of a community becoming more sober, and so the work is with an entire community, partnering with law enforcement, pharmacies, providers, social services. Working really to clean up an entire community has also been very effective. There is a project in North Carolina called Project Lazarus that the Eastern Band of Cherokee have used to partner with surrounding towns and surrounding communities so that they are not just focusing on the tribe, but the entire environment that the tribe is exposed to.

RECRUITMENT

Mr. JOYCE. I am glad to hear that. In your 2019 budget request, is there any funding to hire additional nurses to help you combat this opioid crisis?

Rear Admiral WEAHKEE. Thank you for that question. We do have heavy emphasis on direct clinical services in the 2019 proposal. So, the hospital and clinics line is identified as the line item that would supplement additional nurses being hired. We can also hire nurses through the mental health services line and the alcohol/substance abuse line. Those would be for psych nurses who can help with medication management. So, there are several lines within the budget that have proposed increases, and those funds can be used to recruit and retain nurses.

Mr. JOYCE. That begs the question is there any plan or procedure in place to hire additional nurses to help you combat this crisis?

Rear Admiral WEAHKEE. Thank you for that question. We have been working diligently in developing strategies to improve our recruitment and retention ability. Actually, I will name three if you do not mind a little bit of time around this. We have a couple of proposals that are a part of this budget to gain parity with the Veterans Administration and enable us to pay better, to be able to offer better incentives like higher-level leave accrual, to also be able to hire greater numbers of providers, specifically physicians, not only with U.S. citizenship, but also those who have been trained in the United States who may have citizenship outside of the country. So, Title 38 authority, parity with the VA is a big help.

Also, with our scholarship and loan repayment program, we have got proposals included that would help us to leverage those funds, make the scholarships and loans tax exempt, and give us parity with the National Health Service Corps and the Armed Forces Health Professions scholarships. We would be able to provide more scholarships and loans if we do not have the taxability issue.

And then flexibilities within the existing program, our ability to allow students to repay on a longer projected timeframe. So, rather than having to do it all within 2 years, that they could extend to 4 years at half time as an example. So, these added flexibilities would provide us with a great opportunity to recruit individuals.

Within our HR system, we are working at making the process less burdensome, doing a single application and applying for multiple jobs across the Agency—we call it global recruitment—so that they do not have to submit applications for each individual job. They do it once, and they are considered, and they can select the location that they would like. So, a couple of tools that we have been working on.

Also, in partnership with the Office of the Surgeon General, we are looking at making priority placements into our most rural and remote locations, and incentivizing officers in the Commissioned Corps to do that. So, a lot of work underway, and we have just started to see the benefit of some of the items that have been implemented.

Mr. JOYCE. Similar to the opioid addiction crisis being unfortunately a nationwide issue, we have a primary care physician shortage that is also a nationwide issue. I am glad to see that nurses are going to be our primary care folks on the front edge. I am glad to see that you are using all the tools at your disposal to recruit these folks.

I yield back.

Mr. CALVERT. I thank the gentleman. Ms. Kaptur.

POPULATION SERVED

Ms. KAPTUR. Thank you very much, Mr. Chairman and Rear Admiral Weahkee. I wanted to follow on some of my colleagues' questions, but it is my first opportunity to question you, so I just want to clarify: The population that you serve is 2.2 million total?

Rear Admiral WEAHKEE. Yes, ma'am.

Ms. KAPTUR. OK. So, the number of clinics that you operate, while you have 850 facilities directly, is about 2,500 average load per clinic, if they were all equal, which we know they are not. That seems like a pretty good distribution. You also mentioned in your testimony 608 hospitals, clinics, and health station. Is that in addition to the 850?

Rear Admiral WEAHKEE. That 850 number is comprehensive of the health stations.

Ms. KAPTUR. All right. So, the 608 is part of the 850.

Rear Admiral TOEDT. Right.

STAFFING

Ms. KAPTUR. Oh, all right. Could I ask you what percentage of the doctors and nurses in those facilities are Native American?

Rear Admiral WEAHKEE. We know as an Agency overall, 70 percent of our workforce is made up of American Indians and Alaska Natives. So, we are very much representative of the population being served.

Ms. KAPTUR. All right. I want to move—

Rear Admiral WEAHKEE. For physicians specifically, Dr. Toedt, do you happen to have those statistics? I guess that 70 percent statistic is for all jobs.

Ms. KAPTUR. All jobs. What about doctors?

Rear Admiral WEAHKEE. Physicians, we would probably need to pull that information directly, and we do work in partnership with the Association of American Indian physicians. They may have

those numbers readily available. We can do a pull within our own system. We do not necessarily track in all cases, but we can get back to you with that.

Ms. KAPTUR. If you can take a look at the doctors and the advanced practice nurses, I would be very interested in the percentage of Native Americans in total that you hire or contract with.

[The information follows:]

AMERICAN INDIAN AND ALASKA NATIVE DOCTORS AND ADVANCED PRACTICE NURSES
IN THE INDIAN HEALTH SERVICE

Agency records indicate the following number of American Indian and Alaska Native employees by position title:

- Nurse Practitioners—28 out of 175, or 16 percent
- Certified Nurse Midwives—6 out of 46, or 13 percent
- Nurse Anesthesiologists/Anesthetists—5 out of 36, or 14 percent
- Advanced Practice Nurses—7 out of 32, or 22 percent
- Doctors—80 out of 789, or 10 percent

Ms. KAPTUR. You provided really good data on diabetes, and the improvement is remarkable. So, that is a real success story. Congratulations. I was not aware of that, and I know you are continuing along that line. I congratulate all the tribes for whatever they are doing in order to bring that horrendous statistic down. That bodes well for the future.

SUBSTANCE ABUSE

Let me turn to the behavioral and substance abuse issue as many of my colleagues have. Do you know if you were to do a trend line for neonatal abstinence syndrome babies, drug-addicted babies, what would those numbers show over the same time period of 1996 to the present? Any idea?

Mr. HILL. I am going to ask Dr. Toedt to take this one. I know we have got some great partnerships in place in this area in particular, so.

Rear Admiral TOEDT. Thank you. So, it is difficult to hypothesize what a trend line would look like. I do not have data specifically on neonatal abstinence syndrome going back to 1996. But if I were to hypothesize, I would say that that trend line would be going markedly up. I have seen in my own practice increasing numbers of women who present, who are pregnant and also have an illegal or illicit or other substance on board. And so, unfortunately there are more and more babies that are being born addicted.

We are working with the American College of Obstetrics and Gynecology and the American Academy of Pediatrics developing specifically a protocol for recognition and treatment of neonatal abstinence syndrome. It is something that we recognize has been markedly increased. We know that in the Billings Area they report that at least 3 out of every 4 babies has at least had some exposure. So, the numbers specifically for neonatal abstinence syndrome, we will need to develop that trend line. That is something that we can certainly look at.

The coding has changed through the years with the change from ICD9 to ICD10. The recognition of neonatal abstinence syndrome is challenging, and I think that our partnership with ACOG, NAAP, with these professional organizations, will really help improve care.

Ms. KAPTUR. What about fetal alcohol syndrome?

Rear Admiral TOEDT. Similarly, alcohol continues to be a problem across Indian Country. American Indians and Alaska Natives continue to have a higher degree of alcohol exposure and substance use. Methamphetamine continues to be a problem across Indian Country as well. So, we hear from our tribes that it is not just the opioids. It is other substances as well.

Ms. KAPTUR. All right. Any clarity you could give on that I think would be helpful. In my own State of Ohio, we have at least 20,000 neonatal abstinence syndrome babies, and the number is growing. I would venture to say if you look around the country, you would find very similar numbers, so it is not exclusive to Native Americans. It is, as you know, within the general society.

We also know that we are probably 100,000 doctors, people who work in the behavioral specialist area with these substances and so forth, short in the country. So, even if we had all the money in the world and we sent it down the chutes, if there are not people there to treat—and one of my big worries is whether it is tribal situations, or whether it is city hospitals, or rural hospitals, or veterans' clinics—we do not have as a country the specialists we need to treat this problem.

STAFFING

I am looking for examples, and maybe you can help me since you mentioned the VA, of where we fund the education of individuals who then go to work on tribal properties. They go to work in city hospitals. They go to work in rural facilities. They go to work in VA hospitals. I would be very interested in your comments about which programs you found over time have worked most successfully through Federal programs where we help to draw individuals into these specialties because I am worried about the country and what we are facing with this additional crisis now among our people, and how we manage it.

I will be honest with you, Ohio does not have tribal lands as most of my colleagues here do. But, I am not sure that the solution that we have been promoting at the moment, which are residential treatment programs at the local level, are the way to go. Especially if one looks at recidivism, and if one looks at the fact that they are not removed from the community, from the place that they still have these connections and they receive back.

I am looking at a model in my own mind, something like the old Civilian Conservation Corps where people are helped by being taken to a place where opportunity is more promising and where the help is needed. I have often thought of tribal lands thinking, hmm, I wonder if programs that we might initiate across accounts might be more effective than what I am seeing happening in a State like Ohio, which is at ground zero of this massive national crisis.

So, I just thank you for listening, and if you could provide clarity for the record to the extent you are able, on babies, that is the future. The babies are the future. So, if they are sick, the future is not good. Also, if you could help us understand the increase in terms of the population that you serve and what the components of that are, that would be very valuable to us. I thank you.

OPIOIDS

Mr. CALVERT. I thank the gentlelady. On that subject, I read a short story recently, I do not know which publication. But obviously this plague is affecting every section of our society. I just read this morning that Mr. Mellon, the heir the banking fortune, a multi-billionaire, was severely addicted to OxyContin, took up to 80 pills a day, a habit that was costing him \$100,000 a month, died at a rehab center in Mexico yesterday. So, this is not just affecting, you know, people, you know, from various regions of the country or certain economic classes. This is affecting everyone.

NALOXONE

But going back to my question, I read a story where there was a potential for a chemical or a drug that would neutralize the effects of these opioids. Is there any truth to that or is there any research that seems promising on something like that, because that could have a huge effect on the country if that was true. Is there any comment about that, anything you hear about that?

Rear Admiral WEAHKEE. Thank you, Chairman Calvert.

VOICE. Mic, please.

Rear Admiral WEAHKEE. Sorry. Thank you for the question. The counteracting prescription that has been used is naloxone, and Dr. Toedt can talk a little bit more about how that drug works. There is also an effort within the Department of Health and Human Services to look at alternative pain initiatives, things that we can do other than prescribing other drugs, or promoting research that helps to develop additional types of counteractive measures.

So, Dr. Toedt, I am going to ask if you could share a little more information about naloxone, Narcan.

Rear Admiral Toedt. So, certainly there are medications now that do block the opiate receptor, so they provide protection from overdose when that medication is on board. There are newer medications that are in the pipeline for development, and certainly it is important that we have more options. One of the medications that is used successfully for alcohol abuse maintenance is a medication called VIVITROL, which is a longer-acting injection and blocks the effects of alcohol, and has some success also in patients with opioids. So, yes, there are medications that are both currently available as well as new medications in the pipeline to help address the epidemic.

INDIAN HEALTH CARE IMPROVEMENT FUND

Mr. CALVERT. Thank you. Over the last 2 years, the subcommittee has received testimony on an increasing number of tribes advocating for funding to be allocated based more on need than on historic funding proportions. Of course, this subcommittee is also represented by members of tribes who prefer the historic funding proportions. That is why the 2018 appropriation provided equal amounts of \$72 million each for the Indian Health Care Improvement Fund, which is based on need, and the historical current services formula. Please update the subcommittee on the latest efforts to update the distribution formula for the Indian Health Care

Improvement Fund and to use the update to allocate the 2018 appropriation.

Rear Admiral WEAHKEE. Thank you, Chairman Calvert. The IHS has an Indian Healthcare Improvement Fund workgroup that is made up of both tribal and federal representatives. That group has been seated and charged with updating the Indian Health Care Improvement Fund formula. They have met twice so far and have plans to meet again in about a month. Timeframe wise, they are working on a very short timeframe. They would like to get those 1-year funds out and available for sites to use before the end of the fiscal year.

So, we are expecting them to make their recommendations by the end of May. We will then take those recommendations out to the rest of Indian Country through a formal consultation process, and expect to be making allocations of those funds by August of this year.

Mr. CALVERT. Please keep the committee informed on your progress.

Rear Admiral WEAHKEE. Yes, sir.

PURCHASED-REFERRED CARE

Mr. CALVERT. I appreciate that. As I mentioned in my opening statement, an estimated \$424 million worth of patient referrals were denied or deferred in 2016 due to the lack of funds. Part of the challenging with increase appropriations for purchased-referred care is the Government Accountability Office has reported that a more equitable allocation formula is needed. My question is do you agree with GAO's conclusion that a more equitable allocation formula is needed?

Rear Admiral WEAHKEE. Thank you, Chairman. With regards to the Purchased and Referred Care Program, we have seen marked improvement in our sites' ability to provide services beyond Medical Priority Level 1. We have got about 70 percent of our sites now who are able to provide funding for referral services beyond that life and limb priority. So, there has been substantial progress, and I think that the implementation of those PRC-like rates has some to do with that as well.

The GAO's recommendation of equitable funding was put into one of their formal reports to us. We reached out to the healthcare team led by Kathy King and invited her to our PRC advisory group meetings so that she could hear firsthand, she and her team, the discussion about funding equitability. And as a result of her involvement in those meetings and learning and hearing from our tribal stakeholders, the GAO closed out those recommendations as unimplemented with the understanding that it would put the Agency in a position where we would have to take existing funding from tribes out of their annual funding agreements, which could lead to legal issues.

So, they have closed the recommendation as unimplemented, but we do still have sites that are not able to see all their Medical Priority Level 1 or provide funding for the referrals.

Mr. CALVERT. So, this issue is still being discussed and determined on how you are going to fix this problem.

Rear Admiral WEAHKEE. Yes, sir. The PRC advisory group will be returning with recommendations at least initially. In their first two meetings this year, they have recommended that we stay with the existing formula with the understanding that the healthcare reimbursement landscape is still pretty dynamic, and they want to see how things shake out.

CURRENT SERVICES

Mr. CALVERT. OK. Just another quick question here. The estimated cost increases needed to maintain current levels of service across the IHS have traditionally included a combination of pay costs, medical and non-medical inflation, and population growth. Is the Administration's 2019 request of \$47 million for Federal and tribal pay costs the full amount needed to fund pay cost increases?

Rear Admiral WEAHKEE. Yes, sir. That number is inclusive of pay cost increases.

Mr. CALVERT. Is it accurate to say that the employee recruitment retention continues to be a significant problem across the Indian health system and a root cause of other problems? The GAO has cited regarding access to and quality of care.

Rear Admiral WEAHKEE. Absolutely, yes, sir.

Mr. CALVERT. Ms. McCollum.

OPIOIDS

Ms. MCCOLLUM. Mr. Chair, I want to go back to the diabetes model and talk about the opioid program. I think you have heard from the committee that we will be looking very seriously, in my opinion from hearing others, that the diabetes program stay mandatory and not become discretionary.

The way that you disburse the diabetes funding right now is not done through a grant program. It is done on a formulization. You had mentioned that tribes like not having to go through all the grant process. For some tribes, they can afford to hire a grant writer. Other tribes, it is a hardship and they are taken away from other programs. If you were to move forward with making the diabetes program discretionary, was it your intent to turn it into a grant program, or were you going to leave it the same?

I think the program of disbursement now seems to be working for the tribes, and you could model the opioid program somewhat similar to that because that has been a focus on a lot of conversation. Could you talk about what your expectations for the future for that were?

Rear Admiral WEAHKEE. Thank you, Congresswoman. And the SDPI Program, part of why it has worked so well is that we have come up with these funding methodologies in consultation with our tribes. In addition to not wanting to have additional administrative burden placed upon sites for hiring a grant writer or managing grants, there is also the concern about having to compete against each other for limited funds. So, these are definitely aspects that come into play.

I think in terms of your question about whether the intent of moving the funds from mandatory to discretionary was to put them through a different mechanism, that was not discussed as part of the plans, and we would not do so without consultation with our

tribal leaders' diabetes advisory committee, which reviews on an annual basis the mechanisms used for SDPI funding.

Ms. MCCOLLUM. And would that be a program where the implementation that you do for the diabetes would be a model for something similar that you would look at doing with the opioid program, in consultation with the tribes?

Rear Admiral WEAHKEE. I think we could consider the model best practice. It has enabled us to obtain the information needed to prove that the funds are being used efficiently and effectively. We have also been able to publish the great results that have come out about obesity rates and diabetes rates leveling off, and kidney disease, kidney failures being reduced by 54 percent.

Ms. MCCOLLUM. Thank you. I want to go back to a combination of staffing, and infrastructure, and equipment, because if you just graduate from medical school, knowing that a hospital has failed certification would not be the first place you would want to look to start out your medical career. Sometimes you are failing because of staffing. Sometimes not keeping the certification is because of infrastructure and equipment. So, all three go together. You know, an old phrase, which came first, the chicken or the egg.

Some of this is going to be follow-up. You mentioned that you are over 30 percent short in doctors, nurse practitioners, and pretty close to that with physicians assistants. If you could provide to the committee if those tend to be lumped in certain areas, if we have trouble spots where you are short in all three, and if those are places where we are having infrastructure and equipment problems. If you could get that to the committee, and then I am going to be a little more specific here.

[The information follows:]

CORRELATION BETWEEN A LACK OF MEDICAL STAFF AND INFRASTRUCTURE/ EQUIPMENT ISSUES

Research reveals that specific design features in the healthcare environments can improve staff satisfaction, morale, recruitment and retention.¹ Qualified medical staff who have been trained in state-of-the-art facilities with contemporary medical equipment will more readily seek employment in like facilities rather than aged facilities that do not accommodate today's healthcare delivery practices and only have dated equipment for diagnostics and treatment. State-of-the-art facilities with contemporary medical equipment not only contribute to patient well-being, but also to the well-being of the physicians, nurses, facilities staff, and administrators who work in the building. Contemporary evidence-based designed facilities reduce hazards to healthcare workers, patients, and visitors.² These positive work environments contribute greatly to improved staff recruitment and retention.³ The facility also impacts staff attitudes and behaviors. Architecture is often recognized as an important tool in recruiting and retaining the best doctors and nurses and the most patients.⁴

¹ University of Minnesota Center for Spirituality and Healing. What is a healing environment? Kreitzer, Mary Jo, Terri Zborowsky, and Jean Larson, accessed at <http://www.takingcharge.csh.umn.edu/explore-healing-practices/healing-environment> on 7/14/15.

² Ulrich R. Zimring C. The role of the physical environment in the hospital of the 21st century: a once-in-a-lifetime opportunity. Report to The Center for Health Design, for the Designing for the 21st Century Hospital Project 20043.

³ McCullough, Cynthia. Evidence-based design for healthcare facilities. Sigma Theta Tau International. 2009.

⁴ Carr, Robert F. Health Care Facilities. Whole Building Design Guide, National Institute of Building Science. October 2014.

FACILITIES

Ms. MCCOLLUM. The average age of federally-operated IHS facilities is 31 years. Numbers of facilities are over 40 years, never having repair or renovation. In the private sector, it is about 10.6 years, so we have got a real gap there. As was pointed out, in the 2018 omnibus bill, the committee was able to provide an additional \$300 million for health facility construction, sanitation facilities, and deferred maintenance. Could you please get to this committee, or if you are prepared to answer after I am done, how you are planning on allocating this funding because we know the needs are there. There should be a record of what has not been happening with infrastructure and equipment.

[The information follows:]

Allocation of FY 2018 Funding for Health Care Facilities Construction (HCFC), Sanitation Facilities Construction (SFC), and Maintenance & Improvement (M&I) (Backlog of Essential Maintenance, Alterations, and Repairs – BEMAR)

HCFC – The following facilities will receive resources in FY 2018 (from the IHS Priority List):

- ✦ Dilkon Alternative Rural Health Center, Dilkon, AZ
- Alamo Health Center, Alamo, NM
- Pueblo Pintado Health Center, Pueblo Pintado, AZ
- Bodaway-Gap Health Center, The Gap, AZ
- Albuquerque West Health Center, Albuquerque, NM
- Albuquerque Central Health Center, Albuquerque, NM
- Sells Alternative Rural Health Center, Sells, AZ
- Northern California Youth Regional Treatment Center, Davis, CA
- Small Health Clinics, various locations – Small Ambulatory Programs
- Staff Quarters, various locations in areas of greatest need

SFC – SFC funding will be allocated to the IHS Areas utilizing the existing program formula that includes project cost and the number of eligible American Indian and Alaska Native homes without adequate sanitation facilities. Projects that provide sanitation facilities to existing homes are selected by Areas for funding in priority order from the Area's Sanitation Deficiency System (SDS). The SDS is an inventory of the sanitation deficiencies of federally recognized American Indian and Alaska Native eligible homes and communities. Project scoring is driven by objective criteria including health impact, existing deficiency level, adequacy of previous service, capital cost, local tribal priority, operations and maintenance capacity of the receiving entity, availability of contributions from non-IHS sources, and other conditions that are locally determined.

M&I/BEMAR – The BEMAR needs-based funding distribution to the Areas will follow a previously vetted program formula that incorporates the amount of Tribal and Federal supportable health care space and cost of the BEMAR deficiencies.

FISCAL YEAR 2019 BUDGET

Ms. MCCOLLUM. Knowing that there is this pressing need, and I just laid it out, again, I am just so puzzled by the fiscal year 2019 budget request with the reduction of \$363 million in Indian health facilities, a 42 percent reduction from the fiscal year 2018. What activities are going to be cut? How much bigger does the list grow for infrastructure and for oftentimes just updated equipment?

This reduction is going to make your priority list for repairs and upgrades even greater, I would have to think. Then that is going to have an impact on being able to retain and recruit staff and who suffers from this, so the tribal communities that we have a constitutional responsibility to be serving better. And some of this might be in some follow-up.

This is not directed at you personally. I know you want to do the very best job you can when you wake up every morning to serve Native Alaskan and Native American communities. But I just do not see how the numbers work.

Rear Admiral WEAHKEE. Thank you. Just to start, there is definitely a correlation between our recruitment and retention abilities and what professionals might read in the trade journals about an agency. So, when people see and hear nothing but negative, it does make our recruitment job that much harder. So, we are working to improve the image, and it is unacceptable for there to be anything less than high-quality care being provided in our facilities. So, it is something that we take very seriously. And we as a leadership team at IHS want to improve the image of the Indian Health Service and the services that we provide.

Environment of care and life safety concerns are part of our accreditation issues, and when we have facilities that are on average 40 years of age in comparison, as you have identified, the hospital in the United States is about 10.6, 11 years. The cost of maintaining those older facilities are greater and greater, and there is, again, a correlation between the amount of funding provided to maintain those facilities and how far back we fall.

So, I do believe that we have some numbers that we can share with you now, and Admiral Hartz has them at his fingertips in terms of backlog of essential maintenance, and alterations, repairs, and also M&I. Anything else, any other items you would like to cover?

Ms. MCCOLLUM. My question specifically, the President in his budget has a cut to this. So, it is not going to get any better, right?

Mr. HARTZ. Thank you for the question and the difficult position to respond to. As you stated earlier, the cliché, build it and they will come, and we have seen that historically and what difference it makes to have up-to-date modern facilities that are similar to the institutions where medical graduates have interned. And if we have that modern facility, we have the capabilities to do CAT scans and procedures like that, it does make a difference. So, we concur with you in your assessment.

MAINTENANCE BACKLOG

The backlog of essential maintenance and repair that you identified is \$569 million. The resources that you folks have provided to

us in fiscal year 2018 will be utilized. That bump in M&I, which takes it up about \$167 million in 2018, will be distributed in the manner in which we have been distributing, but with the increase in the M&I account, we will target primarily the backlog of essential maintenance alteration and repair. And that is consistent with the ways we have done it in the past, like with the ARRA money came through a number of years ago. So, we already have a methodology in place to highlight those many, many projects to be addressed on BEMAR.

The healthcare facility construction, you asked about that, and that increase of \$125 million, up to \$243 million, will take us further down the priority list of projects to be funded. And I am really pleased to say that between the time the CJ came forth and the appropriation, that we were able to fund one of the projects that was in the CJ, Alamo, and we were able to go further down the list and now pick up Pueblo Pintado. So, it did make a tremendous increase in our ability to address the aging facilities that are out there.

And in sanitation facilities, you folks included a little over \$101 million. It takes that up to \$197 million to address much, much-needed water and sanitation facilities across Indian Country. We have identified a list that we give to Congress every year of feasible projects right in the \$1.2 billion range, a universe of need that is \$2.9 billion. And we will actually work our way down that list with the predominance of the money going toward existing homes and communities that still lack what we wake up to and take for granted every morning—safe water.

EQUIPMENT

Ms. MCCOLLUM. Mr. Chair, if I may, if we do the right thing with the infrastructure and with the equipment, get broadband up and running, get better CAT scans so that if you do not have a radiologist on site someone can look at it with a high level confidence to make a diagnosis, and radiologists can diagnosis lots of things, to see if we need to do purchased or referred care service or if something can be done in-house, or however the service is delivered. That in the end is going to save money.

When we were working on the Affordable Care Act, OMB did not allow us to figure out how doing preventative care, having better standard equipment, better facilities, more access to doctors, physicians assistants, nurse practitioners would save money. Are you ever allowed to figure out how much money you would actually be saving if we could bring these facilities up? You could never quantitate in dollars human suffering, but are you allowed to show that you would actually be saving the Federal government money by accelerating and moving this forward faster, or is that something you are not allowed to do?

Mr. HARTZ. I will give you an example. A number of years ago we were funded to construct the Eagle Butte facility that Mr. Simpson mentioned earlier I believe. And with that new facility going into the Cheyenne River Reservation area in Eagle Butte, South Dakota, we incorporated in a CT scanner, you know, pretty much in the middle of nowhere.

And I often go out to facilities after they are in operation to hear about all the good things that we did right. Actually, sometimes they tell us some things they would like to see improved. This time when we went into the facility, the first item we got was a positive, and the positive was because of the installation of that CT scanner and what that meant to them in not having to have the transports that Mr. Stewart talked about earlier because now when they had closed head injuries, they could determine whether, in fact, that patient needed to be medevac'd out of there to Rapid City, or to Pierre, or to some other distant location, and so they could maintain observation. And the savings that they made in that was very, very obvious to them.

Now, they had to convince the providers in those locations that they had the capacity to do that, and in chatting with the operators of the new high-tech medical equipment, I said what prompted you to come here. Well, both of them, it just turned out that they had prior military experience and they wanted to come home to serve their people. But, you know, that is a good story. It is the truth. It is success to be able to show savings and be able to monitor such. You can find out how much you are saving by the things we do and improvements you folks help us by funding, and we thank you for that.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I think we have our work cut out for us protecting our allocation and making sure that we fund these programs to the best of our ability. I yield back.

MAINTENANCE BACKLOG

Mr. CALVERT. I am going to carry on with what Ms. McCollum was discussing, and that is the maintenance backlog. The National Research Council estimated that an appropriate budget allocation for routine maintenance and repair should be in the range of 2 to 4 percent of the aggregate current replacement value. So, this is the question. I think I know the answer, but let me ask it anyway. Is the Administration's request of \$75,745,000 for maintenance and improvement within the National Research Council's recommended 2 to 4 percent range?

Rear Admiral WEAHKEE. Thank you for the question, Chairman, and definitely the expert is here next time. The \$75, almost \$76 million requested will help us make significant progress on the backlog. What would help us is the 4 percent, which is more in the realm of \$208 million, so it is not in the 2 to 4 percent range, but it would help us to make progress.

Mr. CALVERT. So, say it again. What amount of money would it be to be in that 2 to 4 percent range?

Rear Admiral WEAHKEE. Between 2 to 4 percent would be between \$104 million and \$208 million.

Mr. CALVERT. OK, thank you. Thank you for that answer. Ms. Kaptur.

RECRUITMENT

Ms. KAPTUR. Thank you, Mr. Chairman. I wanted to follow up on that line of questioning we started earlier about your staffing and so forth. Do you have difficulty hiring physicians, or are you able to hire all the physicians for which you have budgeted positions?

And the same is true with advanced practices nurses. Talk about across all accounts, but I am very interested, obviously, in the behavioral arena.

Rear Admiral WEAHKEE. Thank you, Congresswoman. We discussed a little bit previously about our current vacancy rates for providers, physicians, advanced practice nurses, physician assistants, and all of them are in about the 30 percent range, some of them up to 34 percent, some as low as 29 percent. But there are significant vacancies in our provider numbers.

With regard specifically to mental health providers, psychiatrists and advanced practice nurses who specialize as psych nurses, we are very much reliant upon those professions for medication management. So, it is a great need and increasingly difficult for us to find and recruit.

TELEMEDICINE

Ms. KAPTUR. Do you use telemedicine between your various sites effectively or is that not adequate to meet the demand?

Rear Admiral WEAHKEE. I would characterize this as in some preliminary phase of telebehavioral health implementation. We have a great program initiated. We call our telebehavioral health center of excellence. It is based out of Albuquerque, New Mexico, and we are in partnership with the University of Mexico in providing those services to rural and remote sites. Dr. Toedt can provide additional information about how we have leveraged telehealth specifically in the behavioral health realm. We have also got some partnerships to provide specialty services through telehealth as well in partnership with Avera up in South Dakota.

VETERANS

Ms. KAPTUR. Could I ask you what percent of your population are veterans?

Rear Admiral WEAHKEE. I do not have that number off the top of my head, but I do know that American Indians and Alaska Natives serve in the military at a higher percentage than any population. I am myself a veteran of the United States Air Force and very proud of the partnerships that we have with the VA and helping to serve our veterans. We can definitely get you that information.

[The information follows:]

PERCENTAGE OF IHS USER POPULATION WHO ARE VETERANS

fiscal year (FY) 2017 data shows that 2.9 percent (or 48,169) of the IHS user population identified themselves as veterans. Refer to IHS's response to the Questions For the Record (QFR), Kaptur Q6, for additional information.

Ms. KAPTUR. Would a veteran who is Native American choose to go to your service or to a VA? How does that break down?

Rear Admiral WEAHKEE. I do not have the break down. I would say it is personal choice based on what is more readily accessible perhaps. We would have to do some analysis of patient choice in that regard, veteran choice.

Ms. KAPTUR. Well, I can guarantee you the Veterans Department is also short on behavioral specialists and neuropsychiatric doctors as we face a crisis with PTS and with extended deployments. So,

our whole country has to wise up to educating and helping to raise up another generation of doctors and nurses. I have learned here this morning that you need to be a part of that. So, thank you very much for your testimony. Thank you, Mr. Chairman.

ACCREDITATION

Mr. CALVERT. Thank you. I have one last question on the accreditation emergencies. As you already know, our colleague, Congressman Jeff Fortenberry, is a member of the House Appropriations Committee and represents the Omaha and Winnebago Tribes in Nebraska. Congressman Fortenberry has been the driving force behind the committee's effort to provide flexible funding for IHS direct service facilities of lost or at risk of losing accreditation with the Centers for Medicaid and Medicare Services. The committee appropriated \$58 million for accreditation emergencies in 2018, including \$16 million to reimburse facilities that have lost revenues as a result of losing accreditation. Please update the subcommittee on the service efforts to reimburse the Omaha Winnebago facilities of lost revenues.

Rear Admiral WEAHKEE. Thank you, Chairman. We have been in robust conversations with both the Omaha and the Winnebago Tribes about the accreditation emergency expenses that have been realized at that location. We also are working through the recent letter of intent that the Winnebago Tribe submitted to the Agency identifying that they intend to take over operations of their hospital.

And so, validating an amount for each of the tribes and the stake in that particular site is being processed through a formal negotiation between the Agency and the tribe. And I just want to assure you that the conversations are ongoing, and that we are taking Congress' intent into those conversations with regards to the accreditation emergency funding.

Mr. CALVERT. Well, please keep the committee informed of your progress. And with that, is there any other questions?

VETERANS

Ms. MCCOLLUM. Mr. Chair, I just want to go back to what Ms. Kaptur pointed out. There is supposed to be seamless care between Native American veterans and reimbursements backed if they are seeking help at an IHS hospital. But a lot of that depends upon good quality medical records, and it depends upon having accreditation. It depends upon a whole lot of things.

As you get your information back about the population of veterans accessing service, if you could, give us some information on the reimbursement and how it is going, and what we need to do or what the VA needs to do to make sure that we make that happen for the veteran. Because if it is easier to receive physical therapy at a clinic or at a hospital close to the reservation, it makes a lot of sense for that veteran.

[The information follows:]

VETERAN'S AFFAIRS (VA) REIMBURSEMENT TO THE INDIAN HEALTH SERVICE

In FY 2017, the IHS collected \$28 million in VA reimbursements for services provided to American Indian and Alaska Native VA-eligible veterans. Refer to IHS's

response to the Questions For the Record (QFR), Kaptur Q7, for additional information.

Ms. MCCOLLUM. And, Mr. Chair, you asked some great questions on purchase and referred care. I would like to follow up with getting some information on urban Indian programs that do not have access to purchase and referred care funding. As two-thirds of the total American Indian and Alaska Native population are urban Indians, this lack of funding has an impact on healthcare services provided to them. What do we need to do to remedy that problem to follow up on your good question, Mr. Chair. Thank you.

[The information follows:]

PURCHASED/REFERRED CARE SERVICES FOR URBAN INDIAN ORGANIZATIONS

Since Urban Indian Organization (UIOs) are not eligible for Purchased/Referred Care (PRC) funding, programs primarily rely on third-party reimbursements and have the authority to use the PRC rates methodology when referring patients for tests or procedures not offered on-site. The Indian Health Service Office of Urban Indian Health Programs (OUIHP), as outlined in the OUIHP 2017–2021 Strategic Plan, has prioritized third-party reimbursements by supporting UIOs' efforts to diversify funding and increase revenue. The OUIHP provides technical assistance to UIOs seeking funding/reimbursements, including assistance with:

- Assessing the feasibility of entering into care coordination agreements in order for 100 percent of the Federal Medical Assistance Percentage to apply to services provided by UIOs, in accordance with the Centers for Medicare and Medicaid Services' guidelines;
- Demonstrating eligibility for reimbursements from funders and insurers;
- Negotiating agreements with the Department of Veterans Affairs (VA) to enable billing the VA for eligible care delivered to veterans;
- Identifying grant opportunities and resources to support grant writing; and
- Providing training on navigating the accreditation process.

Mr. CALVERT. Thank you. We thank all of you for attending today, and we appreciate your testimony and answers to our questions. And I also appreciate your getting back to us on this and other issues that Ms. McCollum mentioned and that I mentioned earlier.

With that, we are adjourned.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Indian Health Service
April 17, 2018

Questions for the Record
Director of Indian Health Service

Questions from Mr. Calvert

Per Capita Spending

As recently as 2015, the Indian Health Service published an annual chart comparing per capita spending on IHS patients against other federal programs and the nationwide per capita average. In 2015, the nationwide average was roughly \$8,500 while the IHS average was \$3,100. In the National Indian Health Board's update for 2017, the IHS average is slightly up, at \$3,300, but is not keeping pace with the nationwide average of \$9,200.

Calvert Q1: Is the National Indian Health Board's assessment of the increasing trend in per capita spending on IHS patients consistent with the Indian Health Service's estimates?

Answer: IHS completed an update of the IHS expenditures per capita table for 2017 using the same methodology as in the past. The results show that IHS medical spending is approximately \$3,300 per user, while the national health spending per capita is approximately \$9,200.

Calvert Q2: Is it accurate to conclude that per capita spending on IHS patients is on the rise because increases in appropriations for the Indian Health Service have outpaced fixed costs, inflation, and population growth?

Answer: Increases that address inflation and other related costs are critical for growing the operational budgets at our facilities and the direct spending for patient care. We truly appreciate the work of the subcommittee and Congress for supporting the IHS budget.

Indian Health Care Improvement Fund

Over the past two years, the subcommittee has received testimony from an increasing number of Tribes advocating for funding to be allocated based more on need than on historical funding proportions. Of course this subcommittee is also represented by Members with Tribes that prefer the historical funding proportions. That is why the 2018 appropriation provided equal amounts of \$72 million each for the Indian Health Care Improvement Fund, which is based on need, and the historical current services formula.

Calvert Q3: Please update the subcommittee on the latest efforts to update the distribution formula for the Indian Health Care Improvement Fund, and to use the update to allocate the 2018 appropriation.

Answer: The IHS formed a workgroup of federal and tribal representatives to re-evaluate the existing formula used to calculate distributions of the Indian Health Care

Improvement Fund (IHCIF). With the recent increase of \$72 million in the final FY 2018 appropriation, the workgroup has accelerated their timeline to ensure these single-year funds can be appropriately obligated before the end of the fiscal year. We anticipate recommendations from the workgroup by the end of May, full tribal consultation in June, and final Agency decisions for fund allocations in August.

Purchased/Referred Care

As mentioned in my opening, an estimated \$424 million worth of patient referrals were denied or deferred in 2016 due to lack of funds. Part of the challenge with increasing appropriations for Purchased/Referred Care is that the Government Accountability Office has reported that a more equitable allocation formula is needed.

Calvert Q4: Do you agree with the GAO's conclusion that a more equitable allocation formula is needed?

Answer: Through the IHS Purchased/Referred Care (PRC) Workgroup, Tribal leaders have expressed their desire to maintain the existing allocation formula without change. We were pleased to have GAO participate in some of these meetings as we worked together to review the formula and address their recommendation.

GAO closed two of the findings related to the PRC allocation formula as not implemented, which acknowledged our limited ability to make changes that could potentially result in the reduction of funds to any Tribe.

Calvert Q5: What steps has IHS taken to update its allocation formula?

Answer: The IHS PRC Workgroup (Workgroup) was established with the charge to evaluate and make recommendations on the PRC allocation formula. The Workgroup is composed of Tribal leaders and/or delegated Tribal representatives and federal representatives from each IHS Area. Detailed training was provided to the members of the Workgroup on the allocation formula. Through the Workgroup Tribal leaders have expressed their desire to maintain the existing PRC allocation formula without change. We were pleased to have GAO participate in some of these meetings as the Workgroup reviewed the formula.

Current Services: Pay Costs

The estimated cost increases needed to maintain current levels of service across the IHS System have traditionally included a combination of pay costs, medical and non-medical inflation, and population growth.

Calvert Q6: Is the Administration's 2019 request of \$47 million for federal and tribal pay costs the full amount needed to fund pay cost increases?

Answer: Yes, the FY 2019 President's Budget includes the full amount estimated for pay cost increases.

Calvert Q7: Is it accurate to say that employee recruitment and retention continues to be a significant problem across the Indian Health System, and a root cause of other problems the GAO has cited regarding access to, and quality of, care?

Answer: Recruitment and retention continues to be a challenge for the agency, but many of these challenges are the same for anyone recruiting in remote and isolated locations. It is harder to recruit candidates to rural locations that do not have the same type of schools, stores, job opportunities for spouses, and housing that one may find in urban areas. IHS is working diligently to overcome these challenges through actions such as:

- Increased partnerships with universities, organizations, and other federal agencies (e.g. the Office of the Surgeon General and the Health Resources & Services Administration National Health Service Corps (NHSC));
- Expanded participation in virtual career fairs across the country;
- Expansion of Global Recruitment activities utilizing talent acquisition strategies, such as coordinating recruitment events with marketing and outreach campaigns;
- Legislative proposals for Loan Repayment/Scholarship service obligations on a half-time basis, tax exemption for IHS scholarship and loan repayment programs, and discretionary use of all Title 38 personnel authorities;
- Increased engagement with IHS area recruiters to collaborate, share leads and identify best practices.
- Increased coordination of candidate site visits to include surrounding areas and ensure all viable leads are introduced to area recruiters where the candidate may have an interest in employment opportunities;
- Use of contracting to bring physicians, nurse practitioners, physician assistants, and nurses into our system to ensure no interruption in service.

Legislative Proposals

The Administration's 2019 request includes three legislative proposals that all appear to be aimed at improving employee recruitment and retention, and include the loan repayment program and Title 38 hiring authority.

Calvert Q8: Please summarize these legislative proposals and the goals you're trying to achieve with them.

Answer: Three legislative proposals are included in the FY 2019 Budget:

1. Loan Repayment/Scholarship service obligations on a half-time basis:
 - Permits scholarship and loan repayment recipients to fulfill service obligations through half-time clinical practice for double the amount of service time (4 years), or accept half the amount of loan repayment award in exchange for a 2-year service obligation.
 - This would provide parity with existing NHSC scholarship and loan repayment programs. The additional program flexibility would increase the ability of IHS to recruit and retain healthcare professionals.
2. Tax exemption for IHS scholarship and loan repayment programs:
 - Allows scholarship awards received under the IHS scholarship program to be tax-exempt.
 - Allows loan repayment funds to be tax-exempt. IHS currently adds approximately \$5,836 for each \$20,000 in loan repayment to cover the recipient's tax burden.

- Tax exemption for IHS scholarship and loan repayment programs would provide parity with existing NHSC and Armed Forces Health Professions scholarships. This would allow IHS to make additional loan repayment awards and remove a financial disincentive from the scholarship program negatively impacting recruitment.
- 3. Discretionary use of all Title 38 personnel authorities:
 - Promotes enhanced recruitment and retention of IHS health professionals by offering greater annual leave accrual and by providing the authority to hire non-citizens. It would also institute 2-year probationary periods.
 - This would provide parity with existing Department of Veterans Affairs authority.

Calvert Q9: Will you commit to working as closely as possible with the authorizing committees of jurisdiction to justify these legislative proposals?

Answer: Yes.

Current Services: Inflation

The Administration's 2019 request includes \$48 million for medical inflation. The National Indian Health Board estimates that the amount needed to fully account for medical and non-medical inflation, based on the appropriate components of the latest Consumer Price Index, is \$80 million.

Calvert Q10: What is the Indian Health Service's estimate of total amount needed in 2019 to fully account for medical and non-medical inflation?

Answer: The proposed FY 2019 Budget prioritizes funding for direct clinical health services and includes partial funding specifically for medical inflation. Based on the enacted FY 2018 funding level for the IHS, the estimated FY 2019 inflation would be nearly \$120 million (including \$87 million for medical inflation and \$32 million for non-medical inflation).

Current Services: Population Growth

Page 4 of the 2019 budget justification states that an additional 56,189 patients are estimated to be in the IHS system in 2019. Multiply that amount by the latest per capita spending estimate of \$3,300, and the increase needed above 2018 just for the additional patients is \$185 million. The 2019 budget request does not include an increase to account for these additional patients.

Calvert Q11: Is it fair to say that the 2019 budget request does not keep up with the growth of the American Indian and Alaska Native population?

Answer: The Agency focuses on efficient and effective use of all federal resources provided and we have prioritized funding for the direct clinical health services portion of the budget.

Maintenance Backlog

The National Research Council estimates that an appropriate budget allocation for routine maintenance and repair should be in the range of two to four percent of the aggregate current replacement value.

Calvert Q12: Is the Administration's request of \$75,745,000 for Maintenance and Improvement within the National Research Council's recommended two to four percent range?

Answer: The proposed funding level for FY 2019 will continue progress in addressing maintenance and improvement needs. Approximately four percent of the current replacement value, or \$208 million, would be needed to fully sustain the facilities and fund a project pool for restoration/modernization/improvement projects to support program requirements.

Calvert Q13: What is the current size of the maintenance backlog, and what is the estimated amount of funding needed to drive down the backlog in 2019?

Answer: The backlog of essential maintenance, alteration, and repair (BEMAR) is \$569 million for all IHS and reporting tribal health care facilities.

Accreditation Emergencies

As you may already know, Congressman Jeff Fortenberry is a member of the House Appropriations Committee and represents the Omaha and Winnebago Tribes in Nebraska. Congressman Fortenberry has been the driving force behind the Committee's effort to provide flexible funding for IHS direct service facilities that have lost or are at risk of losing accreditation with the Centers for Medicare and Medicaid Services. The Committee appropriated \$58 million for accreditation emergencies in 2018, including \$16 million to reimburse facilities that have lost revenues as a result of losing accreditation.

Calvert Q14: Please update the subcommittee on the Service's efforts to reimburse the Omaha-Winnebago facility for lost revenues.

Answer: The IHS is in active discussion with the Tribes served by the Omaha-Winnebago Hospital to ensure appropriate resources are allocated for accreditation-related costs, including funding for estimated third-party collection shortfalls.

Calvert Q15: Can this Committee be assured that you will prioritize the specially appropriated accreditation emergency funds for the Omaha-Winnebago Hospital to support tribal assumption including transfer of carry over funds, sufficient resources to sustain the Hospital until full billing and recovery can be achieved, and other activities that support recertification such as recruitment and training of qualified staff, and what steps are you taking to ensure this occurs?

Answer: The IHS is prudently managing and prioritizing the appropriated accreditation emergency funds in accordance with Congressional direction included in the FY 2018 spending bill and accompanying explanatory statements. This includes ensuring that the Omaha-Winnebago Hospital receives the necessary resources to actively support recertification. The IHS is engaged with the Tribes served by the Hospital and will continue to share decisions made regarding the use of the accreditation emergency funds.

Urban Indian Health

Calvert Q16: With the UIHP number about to increase from 33 to 40, what is the justification for the drop in the UIHP line item from \$49.3 million to \$45 million?

Answer: The proposed FY 2019 Budget prioritizes funding for the direct clinical services portion of the IHS budget (e.g. Hospitals and Health Clinics, Dental Services, Mental Health, Alcohol and Substance Abuse, and Purchased/Referred Care).

In FY 2018, IHS is internally shifting administrative management of the former National Institute on Alcohol Abuse and Alcoholism programs (former-NIAAA programs) from the IHS Alcohol and Substance Abuse Program (ASAP) to the IHS Office of Urban Indian Health Programs (OUIHP), as authorized by the Indian Health Care Improvement Act 25 U.S.C. §1660c. The IHS is only shifting administration of awards that are already being made to the former-NIAAA programs, which continue to be funded through Alcohol and Substance Abuse funds. Therefore, no additional funding will be required at this time and there is no change in the funding level to existing UIOs already funded through the Urban Indian Health budget line. The IHS has identified seven remaining former-NIAAA programs and is currently confirming that each of these former-NIAAA programs is a UIO as defined by the IHCIA at 25 U.S.C. § 1603(29).

Calvert Q17: With Care Coordination Agreements, the I/T/U system of care should be expanding its specialty care network, has the IHS tried to help the I/T/U with Care Coordination Agreement templates so they can enter into an existing specialty care network as well as help the I/T/U with capacity and infrastructure needs to create a culturally attuned specialty care network in I/T/U facilities that can attract specialty providers?

Answer: IHS developed a Care Coordination Agreement template that was approved by the Department of Health and Human Services. This template has been shared with Tribes and IHS Areas. Care Coordination Agreements have been implemented in the Great Plains Area, Oklahoma City Area, and Portland Area.

Calvert Q18: What has the IHS done to address the failing RPMS system and give the I/T/U flexibility in options that best fit them in their Electronic Health Record (EHR) needs?

Answer: The IHS Resource and Patient Management System (RPMS) remains the supported EHR system for use in IHS federal programs. The IHS is working closely with HHS to determine the best path forward to modernize our Health Information Technology systems which includes developing a strategy for updating functionality in RPMS. Additionally, Tribes, Tribal Organizations, and Urban Indian Organizations that contract with IHS may elect to use RPMS or may elect to use another system.

GAO High Risk Report

Calvert Q19: Please report on progress made in the last 12 months to implement the following GAO recommendation: “To help ensure that Indian people receive quality health care, the Secretary of HHS should direct the Director of IHS to take the following two actions: (1) as part of implementing IHS's quality framework, ensure that agency-wide standards for the quality of care provided in its federally operated facilities are developed and systematically monitor facility

performance in meeting these standards over time; and (2) develop contingency and succession plans for replacing key personnel, including area directors.”

Answer: The majority of the quality framework has been implemented. IHS will continue to monitor to ensure complete implementation and expected outcomes are met. The National Accountability Dashboard for Quality (NADQ) was implemented to monitor facility performance across the system. Quality is a main driver of the IHS strategic plan currently under development and will guide the agency’s quality initiatives in the future. Contingency and succession plans have been developed. In December 2016, guidance was distributed that outlined plan requirements and emphasized the importance of planning for any expected or unexpected key leadership departures at the IHS Areas and Headquarters. All IHS Areas and Headquarters submitted initial plans in December 2016. In September 2017 an agency-wide policy memo was issued instituting a biannual update and submission of contingency and succession plans and a requirement for continuous monitoring. The GAO closed this recommendation as fully implemented on September 27, 2017.

Calvert Q20: Please report on progress made in the last 12 months to implement the following GAO recommendation: “To help ensure that timely primary care is available and accessible to Indians, IHS should: (1) develop and communicate specific agency-wide standards for wait times in federally-operated facilities, and (2) monitor patient wait times in federally-operated facilities and ensure that corrective actions are taken when standards are not met.”

Answer: IHS has established wait times standards for primary care. Through the implementation of the Patient Centered Medical Home (PCMH) model of care, IHS facilities are working to improve wait times through patient empanelment and team based care.

Calvert Q21: Please report on progress made in the last 12 months to implement the following GAO recommendation: “To help ensure that IHS has meaningful information on the timeliness with which it issues purchase orders authorizing payment under the PRC program, and to improve the timeliness of payments to providers, we recommend that IHS: (1) modify IHS’s claims payment system to separately track IHS referrals and self-referrals, revise the Government Performance and Results Act measures for the PRC program so that it distinguishes between these two types of referrals, and establish separate timeframe targets for these referral types; and (2) better align PRC staffing levels and workloads by revising its current practices, where available, used to pay for PRC program staff. In addition, as HHS and IHS monitor the effect that new coverage options available to IHS beneficiaries through the Patient Protection and Affordable Care Act (PPACA) have on PRC funds, we recommend that IHS concurrently develop potential options to streamline requirements for program eligibility.”

Answer: (1) IHS modified the data system that tracks PRC referrals and emergency self-referrals. The Government Performance and Results Act (GPRA) measures for PRC were revised to track separately the payment timeliness for authorized referrals and authorized self-referrals. The timeframe target for authorized referrals is 60 days and the timeframe target for authorized self-referrals is 45 days. IHS reported the outcome of these measures for FY 2017 in February 2018. This recommendation is pending review by the GAO.

(2) IHS did not concur with using PRC funds to pay for PRC program staff. Historically, IHS’s policy is to use PRC funds solely for the purchase of health care services. Changes

to this longstanding policy must be balanced with the need to assure IHS beneficiaries access to services.

IHS has streamlined the process for beneficiaries with coverage through Medicaid and PPACA to expedite access to health care services. IHS hospitals have worked with the respective States to implement presumptive eligibility to Medicaid.

Calvert Q22: Please report on progress made in the last 12 months to implement the following GAO recommendation: “To help ensure successful outreach efforts regarding PPACA coverage expansions, we recommend that IHS realign current resources and personnel to increase capacity to deal with enrollment in Medicaid and the exchanges and prepare for increased billing to these payers.”

Answer: IHS provided the GAO with documentation of all activities for ensuring successful outreach efforts regarding PPACA coverage expansion and use of resources to deal with enrollment in Medicaid and the exchanges and prepare for increased billing to these payers. This recommendation was closed as implemented in January 2018 after review by the GAO.

Calvert Q23: Please report on progress made in the last 12 months to implement the following GAO recommendation: “If payments for physician and other nonhospital services are capped, we recommend that IHS monitor patient access to these services.”

Answer: IHS gave a live demonstration of the online PRC rates provider tracking tool that tracks providers who refuse to agree to accept a fair and reasonable rate from the IHS. This tool assists with monitoring patient access to services. The user manual documentation was provided to the GAO. This recommendation was closed as implemented in October 2017 after review by the GAO.

Calvert Q24: Please report on progress made in the last 12 months to implement the following GAO recommendation: “To help ensure a more equitable allocation of funds per capita across areas, we recommended that Congress consider requiring IHS to develop and use a new method for allocating PRC funds. To make IHS's allocation of PRC program funds more equitable, we recommended that IHS develop (1) written policies and procedures to require area offices to notify IHS when changes are made to the allocation of funds to PRC programs; (2) use actual counts of PRC users in any formula allocating PRC funds that relies on the number of active users; and (3) use variations in levels of available hospital services, rather than just the existence of a qualifying hospital, in any formula for allocating PRC funds that contain a hospital access component.”

Answer: (1) IHS Area Offices are instructed to notify IHS Headquarters (HQ) when using a different methodology for allocating PRC funds than the HQ allocation methodology. IHS Area Directors are to provide the methodology and consult with Area Tribes. The PRC Manual has been revised and updated. Through the IHS PRC Workgroup and the Tribal Self-Governance Advisory Committee Tribal leaders requested consultation on the PRC Chapter of the IHS Manual. IHS will begin Tribal consultation in May 2018.

(2) & (3) Through the IHS PRC Workgroup Tribal leaders have expressed their desire to maintain the existing PRC allocation formula without change. We were pleased to have GAO participate in some of these meetings as the Workgroup reviewed the formula.

After discussion with the Workgroup GAO acknowledged IHS's limited ability to make changes that could potentially result in the reduction of funds to any Tribe. This recommendation was closed as not implemented in March 2018 by the GAO.

Calvert Q25: Please report on progress made in the last 12 months to implement the following GAO recommendation: "To develop more accurate data for estimating the funds needed for the PRC program and improve IHS oversight, we recommended that IHS develop a written policy documenting how it evaluates need for the PRC program, and disseminate it to area offices so they understand how unfunded services data are used to estimate overall program needs. We also recommend that IHS develop written guidance for PRC programs outlining a process to use when funds are depleted but recipients continue to need services."

Answer: IHS has updated and revised the PRC Chapter of the IHS Manual. Through the IHS PRC Workgroup and the Tribal Self-Governance Advisory Committee Tribal leaders requested consultation on the PRC Chapter of the IHS Manual. IHS will begin Tribal consultation in May 2018.

Construction Backlog

The 2016 Facilities' Needs Assessment Report to Congress states that, "At the existing replacement rate, a new 2016 facility would not be replaced for 400 years."

Calvert Q26: Please adjust the baseline to the 2018 appropriation and update this estimate.

Answer: If the FY 2018 Health Care Facility Construction appropriation of \$240 million is recurring, the replacement rate for a new facility completed in 2018 would be approximately 250 years.

Questions from Mr. Simpson**Centralized Credentialing**

I want to ask you about centralized credentialing. It is a question I ask each year at this hearing, because as a former dentist, I know it is a barrier to getting providers out to reservations. We are about a year removed from implementation.

Simpson Q1: Can you tell me how that is going and if you have seen improvements in providers at IHS facilities?

Answer: IHS has awarded contracts for a standardized credentialing system that is being implementing across the IHS. A national credentialing policy has also been drafted and is being finalized. The system has been implemented across the agency and is currently undergoing standardization of data fields and terminology to support accurate and verifiable analytics. With the system online across the agency for only three months, IHS does not yet have data to demonstrate improvements. Use of the software accelerates the administrative process of credentialing and privileging reviews by the Medical Executive Committee and Governing Body, however, the quality of credentialing and privileging decisions lies with the members of these bodies, as with any accredited health system.

It is my understanding that the current breakdown in getting providers credentialed occurs at the local or regional levels.

Simpson Q2: How will the new centralized credentialing system address this problem?

Answer: The new credentialing system will support IHS facilities to more timely and efficiently complete credentialing. To the maximum extent supported by the software, IHS desires to electronically process information queries to efficiently validate credentials and collect Focused/Ongoing Professional Practice Evaluation and Peer Review data. Additionally, review of credentialing and privileging information in the system will reduce the workload burden of preparing files for review by the Medical Executive Committee and Governing Board.

Simpson Q3: Is there be way to include volunteer providers into the system?

Answer: Volunteer providers will be credentialed using the new system and in accordance with IHS policy.

Denied and Deferred Services

The budget says that roughly 92,000 patients were denied or deferred services in fiscal year 2016. That shouldn't happen. That forces doctors and facilities to choose the most critical patients – which is important to prioritize lifesaving procedures. However, this leads to increased waiting for people that have serious and painful injuries, which leads to necessary pain medication, which can often times lead to reliance on pain medication. So in essence, we are making problems worse by not only deferring and denying care, but creating a climate for substance abuse which already is a huge issue in Indian Country.

Simpson Q4: What is causing this backlog?

Answer: When the IHS is unable to provide direct care to our beneficiaries, the PRC program may refer care to other public or private facilities at the expense of the IHS. However, an IHS medical referral is not a guarantee of payment through PRC. Because funding for PRC is limited, longstanding regulations limit payment to situations where care is provided to PRC eligible individuals and other specific criteria are met (e.g. medical priority, availability of funds, notice).

Simpson Q5: What can we do to eliminate this backlog?

Answer: IHS provides primary health care to IHS beneficiaries. The population served has a complex, multifaceted and high disease burden and lives primarily in rural areas. There are complex issues associated with this backlog, for example limited staffing, housing, and PRC funding. The established medical priority system is used to maximize use of the available resources according to relative medical need.

Questions from Ms. McCollum**Staffing**

IHS has informed GAO that an insufficient workforce was the biggest impediment to ensuring patients' access to timely primary care.

McCollum Q1: Specifically discuss your work with the authorizers on your FY 2019 legislative proposal to seek the discretionary use of all United States Code Title 38 authorities so IHS can offer market pay to physicians and dentists, and special salary rates to individuals in other health care occupations.

Answer: IHS can already offer market pay to physicians and dentists and special salary rates for health care occupations under Title 38, Chapter 74, per 5 U.S.C. 5371 and a delegated agreement between the Office of Personnel Management and the Department of Health and Human Services. However, IHS submitted a legislative proposal in the FY 2019 budget justification to obtain all Title 38, Chapter 74, authorities. This will provide greater parity between the IHS and the VA in the recruitment and retention of medical providers. The IHS has provided technical assistance on draft bills that include language for authorizing discretionary use of all Title 38, Chapter 74 authorities to IHS.

Great Plains Crisis

This Subcommittee has been monitoring the challenges for the Omaha/Winnebago, Rosebud, and Pine Ridge hospitals in the Great Plains Area to maintain their Centers for Medicare and Medicaid Services (CMS) certification.

McCollum Q2: Please discuss the current challenges at each of these hospitals and share your thoughts on what is impeding their resolution?

Answer: The main challenges are: leadership during a transformative period for each facility, maintaining a competent staff providing low volume high risk services, and high utilization of contract staff to fill vacant positions. Additional permanent staff is necessary for increased and continuous oversight and technical assistance to ensure accreditation standards are being met at these facilities.

McCollum Q3: Do you feel that the current accountability method employed by IHS is working?

Answer: Yes, however, continued monitoring, evaluation, and implementation of changes to address and measure results that are not meeting targets is required.

Quality Health Care

In October, 2017, IHS announced they had established patient wait time standards for primary and urgent care settings and were implementing emergency department telehealth consultation in the Great Plains and Billings Areas.

McCollum Q4: How does the FY 2019 budget prioritize quality care?

Answer: Quality is a priority of the IHS. As such, IHS addresses quality across all programs, services, and initiatives. The FY 2019 IHS budget prioritizes quality direct clinical care. If appropriated, IHS will use these funds to continue implementation of national quality processes and improvements. In 2017, the IHS developed and implemented a National Accountability Dashboard for Quality, and an associated web-based dashboard reporting tool, for quarterly publication on the IHS website. Requested funds will allow for improving the underlying information technology and medical data infrastructure to enable enhanced data reporting. IHS will continue to enhance these efforts by nationally implementing a data discovery tool suite to enable dashboarding across the enterprise. The requested funds will also enable IHS to continue work related to: monitoring and meeting the newly published Patient Wait Time standards (average routine primary care < 28 days, average urgent care < 48 hours) fully implementing the new automated credentialing and privileging system across the IHS; supporting national accreditation contracts with The Joint Commission (for hospitals) and the Accreditation Association for Ambulatory Health Care (AAAHC, for health centers) for standardizing processes and increasing access to accreditation readiness resources; and developing and implementing a modernized, agency-wide replacement Adverse Event Reporting System.

McCollum Q5: Can you update the Committee on any recent improvements to the quality of care provided to Native American patients?

Answer: Currently 60 percent of the IHS ambulatory care facilities are patient centered medical home designated by either national accreditation organizations or CMS-approved state-based programs. IHS has established telehealth for emergency departments, behavioral health, and diabetic retinopathy. IHS has partnered with CMS to establish a single Quality Improvement Organization for IHS. Through this partnership, IHS facilities are engaged in a variety of initiatives to reduce health acquired infections, improve patient safety, and improve quality in emergency departments.

McCollum Q6: Has the Office of Quality Health Care been established and staffed? If not, when do you anticipate this happening? Has the hiring freeze impacted this initiative?

Answer: IHS is currently finalizing a Federal Register notice to formally create the Office of Quality Health Care. Until this office is officially designated and staffed, IHS has individuals under the Office of the Director who are performing work in the area of quality. IHS is no longer under a hiring freeze.

Reimbursement from Third Party Collections

The FY 2019 budget request estimates \$1.2 billion in health insurance reimbursements from third party collections.

McCollum Q7: Does this estimate assume that all health facilities in the Great Plains will restore or maintain their accreditation?

Answer: This figure is an estimate based on past collections levels. Collections in any given year is driven by a wide range of factors, including individual patient health and care choices, program eligibility and participation, national, state and local economic

factors, state and federal legal and regulatory decisions, as well as local issues like accreditation at Great Plains facilities. The variability is wide enough that modeling factors like accreditation at these facilities would provide only an apparent increase in fidelity of our estimate, but without any practical increase in its reliability or accuracy.

McCollum Q8: The budget includes \$58 million for accreditation emergencies. Does the FY 2019 budget assume any of that funding will be used to make up for the loss of any reimbursements from third party collections?

Answer: The Committees' intent on the use of these funds is very clear, and the use of these funds to make up shortfalls in third party collections related to a loss of accreditation status is one of the uses envisioned by the FY 2019 Budget.

Reimbursable Funding Report Directed in FY 2018 Omnibus

In the Explanatory Statement accompanying the FY 2018 Omnibus, direction was given to the Service to report within 180 days of enactment on patient population and service growth over the past ten years and the funding sources used to provide for these medical services.

McCollum Q9: Will the Indian Health Service be able to provide this report on time?

Answer: IHS is working on the report in anticipation of meeting the expected deadline provided in the explanatory statement.

McCollum Q10: If not, what is your best estimate of when the Committee will receive the information requested?

Answer: N/A

Needs-based Budget for Full Funding

The National Tribal Budget Formulation Workgroup has estimated that to fully meet the needs of Indian Country, the Indian Health Service budget should be increased over the next twelve years to a total of \$36.8 billion. That would be a nearly seven-fold increase over current funding levels.

McCollum Q11: In FY 2005, the IHS developed a true, actuarial-based proposal for a Needs Based Budget, with extensive analysis and tribal consultation.

- With all of the changes to the healthcare system in the past fourteen years, has there been any discussion at IHS about updating this Needs Based Budget?

Answer: IHS has not considered recreating the methodology for a similar report. However, IHS is currently re-evaluating the Level of Need Funded formula, in consultation with Tribes, to assess funding equity across the IHS system as part of our efforts to distribute Indian Health Care Improvement Fund increases appropriated in FY 2018. We are further preparing a report on unfunded Indian Health Care Improvement Act provisions as requested in the explanatory statement accompanying the Consolidated Appropriations Act, 2018, as well as the gap analysis requested in that same statement. We hope these studies would be sufficient information for assisting Congressional budget deliberations.

Maternal and Child Health

Chapter 13 of the Indian Health Manual outlines Maternal and Child Health and the specific health care activities provided for children, youth and the family. Children's vulnerability to environmental health risks should make them a top priority of the Indian Health Service.

McCollum Q12: Is the position of Maternal and Child Health Coordinator at Headquarters currently filled?

Answer: The position has not yet been filled; however, the IHS Chief Medical Officer has established the hiring of a national maternal/child health coordinator as a top priority for the IHS Headquarters Office of Clinical and Preventive Services.

- Your testimony before the Committee discussed the high rates of vacancies for physicians, nurses, and other positions. Can you provide specific information on the number of vacant positions that relate to maternal and child health providers such as pediatricians and obstetricians?

Answer: As of January 2018, IHS had approximately 18 vacant pediatrician positions and 9 vacant OB-GYN positions.

McCollum Q13: Who currently coordinates how the Indian Health Service addresses health challenges facing American Indian/Alaska Native (AI/AN) children?

Answer: The IHS Headquarters Office of Clinical and Preventive Services (OCPS) serves as the lead office for the coordination of health care services for American Indian and Alaska Native children through multiple divisions and on several clinical topics, such as: early childhood caries; behavioral health services in schools; fetal alcohol and autism spectrum disorders; childhood obesity prevention; child psychiatry; Native youth resiliency work; and addressing adverse childhood experiences. More information is available through each division's website accessed through the OCPS landing page at www.ihs.gov/ocps.

McCollum Q14: Who develops the standards to be used by service units in developing their plans and protocols?

Answer: The IHS Headquarters leads various workgroups and committees that assist in the development of Indian Health Manual policies. All draft policies are sent out for comment periods, including collection of comments from the service units, followed by review at the departmental level before finalization at the agency level.

1. Does the Indian Health Service collect and monitor data on whether American Indian/Alaska Native children receive regular wellness-checkups and immunizations?

Answer: The Indian Health Service has a pediatric clinic code and two other codes related to childhood care. The Early Periodic Screening and Developmental Testing clinic offers well child and anticipatory care to children to ensure normal growth and development. The Teen Clinic provides services for 11–19 year olds. Wellness information is offered at the patient level, and each local facility can

track wellness care provided to children seen in clinic. This information is not aggregated nationally. IHS aggregates data for two year old immunizations, which is a GPRA measure. Teen immunizations are not aggregated nationally since teen immunizations are not GPRA measures.

2. What specific steps are being taken to achieve better health outcomes for AI/AN children and mothers?

Answer: Improving the health and well-being of mothers and children is a top priority for IHS. To help accomplish our work, IHS partners with the American Academy of Pediatrics' Committee on Native American Child Health (CONACH) and The American College of Obstetricians and Gynecologists' (ACOG) Committee on American Indian Affairs. IHS has contracts with both CONACH and ACOG with specific goals to ensure that the health care needs of American Indian and Alaska Native women and children are being met. Recent work includes focusing on the highest standards of clinical practice for the care of neonatal abstinence syndrome and addressing labor and delivery challenges in rural frontier hospitals.

The IHS also leads several initiatives focused on improving the health outcomes of women and children. A few examples include:

- The IHS Division of Oral Health has developed numerous national initiatives to improve the oral health of American Indian and Alaska Native children and mothers. From 2010 to 2017, the IHS conducted the Early Childhood Caries Collaborative that used an interdisciplinary approach to increase access to dental care, sealants, and topical fluoride in native children under six years of age. From 2014 to present, the IHS has advocated for the use of silver ion antimicrobials to decrease untreated decay in children. The IHS also collaborated with the National Institute of Dental and Craniofacial Research in 2017 to establish a first-ever link between maternal access to dental care and the development of tooth decay in young children. The IHS is now developing a national initiative to address maternal access to dental care during pregnancy and in the first year of the newborn baby.
- The IHS Division of Behavioral Health awarded 108 projects under Methamphetamine and Suicide Prevention Initiative (MSPI) Purpose Area 4 to promote early intervention strategies and implement positive youth programming aimed at reducing risk factors for suicidal behavior and substance abuse. Funded projects address MSPI overall goal #6 by working with Native youth, up to and including age 24, on the following four required objectives:
 1. Implement evidenced-based and practice-based approaches to build resiliency, promote positive development, and increase self-sufficiency behaviors among native youth;
 2. Promote family engagement;

3. Increase access to prevention activities for youth to prevent methamphetamine use and other substance use disorders that contribute to suicidal behaviors, in culturally appropriate ways; and

4. Hire additional behavioral health staff (i.e., licensed behavioral health providers and paraprofessionals, including but not limited to peer specialists, mental health technicians, and community health aides) specializing in child, adolescent, and family services who will be responsible for implementing project activities that address all of the required objectives listed.

- The IHS partners with Johns Hopkins University and provides the Family Spirit Program, an Evidence-Based and culturally tailored home-visiting intervention program, delivered by Native American paraprofessionals as a core strategy to support young Native parents from pregnancy to 3 years post-partum. Parents gain knowledge and skills to achieve optimum development for their preschool-aged children across the domains of physical, cognitive, social-emotional, language learning, and self-help. Evidence from randomized controlled trials have shown the following parenting, maternal, and child health outcomes:
 - Increased maternal knowledge
 - Increased parent self-efficacy
 - Reduced parent stress
 - Improved home safety attitudes
 - Decreased maternal depression
 - Decreased substance use
 - Fewer behavior problems in mothers
 - Fewer behavior problems in children through age three
 - Predicts lower risk of substance use and behavioral health problems over the life course

Questions from Ms. Kaptur**IHS Health Workforce**

Kaptur Q1: IHS has requested an increase of \$159m to support staffing and operating costs for new health facilities. Given the agency's workforce vacancy rate and the number of existing health facilities identified as having provider shortages (650 in December 2014), how will you prioritize hiring and retaining staff in existing facilities?

Answer: The IHS requests additional funds for staffing and operating costs for newly-constructed health care facilities on the existing health care facilities construction priority list and in support of Joint Venture Construction Program projects. These funds allow new or replacement facilities to expand the provision of health care in areas where the existing capacity is overextended while also balancing the need to maintain existing services across the country. Separately proposed increases for current services (pay cost increases and inflation) would be combined with base funding levels allocated to existing health care facilities and all funds would continue to be prioritized for the delivery of quality health care, including the critical staff necessary to carry out that mission.

Kaptur Q2: Please provide the breakdown by percentage of:

1. The number of physicians and Advanced Practice Registered Nurses who are Native American or Native Alaskan.

Answer: Agency records indicate the following number of American Indian and Alaska Native employees by position title:

- Nurse Practitioners – 28 out of 175, or 16 percent
- Certified Nurse Midwives – 6 out of 46, or 13 percent
- Nurse Anesthesiologists/Anesthetists – 5 out of 36, or 14 percent
- Advanced Practice Nurses – 7 out of 32, or 22 percent
- Doctors – 80 out of 789, or 10 percent

2. The number of physicians and Advanced Practice Registered Nurses who are psychiatric or behavioral health professionals.

Answer: There are approximately 22 employee physicians practicing psychiatry at IHS as of January 2018. However, the titles for nurses currently in the IHS personnel system do not necessarily indicate clinical specialty so accurate data is not possible at this time. The IHS is in the process of updating position titles according to new Office of Personnel Management regulations recently issued, and clinical specialties will be included.

Kaptur Q3: Please provide any successful programs that have drawn in new psychiatric and behavioral health professionals, and the agency's plan moving forward to attract and retain psychiatric and behavioral health professionals.

Answer: The American Indians into Psychology (section 217) grant programs provide support to universities to recruit and train individuals to be clinical psychologists by providing scholarships to pay tuition, books, fees and stipends for living expenses, reaching out to Tribal communities in order to provide greater exposure to the field of psychology, and establishing training opportunities for psychology graduate students in

Tribal communities. Currently three universities have been awarded these grants averaging \$240,000 per grantee per year.

In 2017, the IHS developed the Behavioral Health Recruitment and Retention Strategic Plan. Some major goals of the plan already in implementation include building connections with schools and students, offering individualized assistance to individuals seeking both internships and employment, broadening retention efforts through employee recognition and training, and increasing marketing through social media.

The IHS initiated a Behavioral Health Director's Award, a workforce retention initiative which placed a spotlight on the excellent service of IHS behavioral health employees. The IHS also worked with the National Indian Health Board to create the American Indian and Alaska Native Behavioral Health Award to recognize excellence, achievement, and innovations that are above and beyond the call of service in IHS, Tribal, and Urban Indian behavioral health programming.

The IHS is engaged in multiple activities to increase student exposure to IHS as a behavioral health employer. A Memoranda of Understanding (MOU) with two of the nation's top social work schools (University of Michigan and University of St. Louis Brown School of Social Work) provides students behavioral health internships and post-graduate placements. To increase subject matter expertise in the administration of student targeted recruitment programs, the IHS Division of Behavioral Health is assisting in the administration of the IHS Scholarship Program, the Loan Repayment Program, and the Indians into Psychology program. The Agency currently participates in Pathways, a federal internship and post-graduate program which offers placements in administrative settings, and is working to expand these opportunities to clinical settings. The IHS is increasing visibility in social media, highlighting behavioral health openings, creating new positive workforce photos and videos, and developing testimonials from providers in the field.

Opioid Prevention, Treatment, and Recovery Supports

Kaptur Q4: IHS has requested \$150m for a new Tribal Opioid Prevention, Treatment, and Recovery Support program. The first activity listed for this program is to address gaps in prevention, treatment, and recovery. Since IHS has experience in helping communities plan, develop, and implement programs for substance use disorder already, what gaps has the agency identified at this point?

Answer: IHS recognizes the importance of collaborating and consulting with tribes to develop a comprehensive plan for addressing the opioid crisis in Indian country. IHS partners with its tribal advisory committees, including the Tribal Self-Governance Advisory Committee, the Direct Service Tribes Advisory Committee, and the National Tribal Advisory Committee on Behavioral Health to gather input on critical next steps to address the opioid crisis. As part of this collaboration, IHS encourages tribes to submit Tribal Action Plans (TAP). TAPs are designed to help tribes develop a comprehensive strategy to address substance and opioid use in their communities. An interagency TAP workgroup collaborates with tribes to help them gain access to government resources and coordinate efforts in order to achieve our shared goals of preventing and treating substance use disorders. As IHS has engaged tribes in listening sessions around opioid

use, tribes have communicated with IHS the need for increased access to withdrawal treatment programs (detox), recovery housing, the Drug Addiction Treatment Act of 2000 waived trained providers, residential treatment centers, transitional housing, telebehavioral health services, peer recovery support networks, and the physical infrastructure to support these needs. Critical and central to all the efforts to address gaps in prevention, treatment, and recovery is to make sure that cultural, tradition, and spiritual interventions are valued and utilized as part of a comprehensive holistic model of care. IHS recognizes that one of the key gaps in creating this sustainable model is to develop viable reimbursement plans for services provided, while advocating for reimbursement for traditional and culturally based practices.

Kaptur Q5: Please provide the number of infants born with neonatal abstinence syndrome under IHS care.

Answer: IHS has limited capacity to evaluate American Indian and Alaska Native neonatal abstinence syndrome or neonatal opioid withdrawal syndrome rates. The majority of our American Indian and Alaska Native births occur at tertiary referral hospitals and data sharing between the referral hospital and IHS is challenging. We are currently evaluating potential future collaborations and strategies to capture this data from other available data sets and partnerships.

Native American and Native Alaskan Veterans

Kaptur Q6: Please provide the number and percentage of the Native American and Native Alaskan population that are veterans.

Answer: Fiscal year (FY) 2017 data shows 2.9 percent (or 48,169) of the IHS user population was identified as being veterans. IHS information on veterans is self-reported data entered at the local facility by patient registration during the intake process. Only information voluntarily disclosed by the patient is entered. Individuals reporting to be veterans may or may not be eligible for health care services through the Veterans Health Administration (VHA).

Kaptur Q7: Please provide a breakdown of which system Native American and Native Alaskan individuals use to access health care between the Veterans Health Administration and the Indian Health Service.

Answer: On October 1, 2010, the IHS and the U.S. Department of Veterans Affairs (VA) signed a Memorandum of Understanding (MOU) "to improve the health status of American Indian and Alaska Native (AI/AN) Veterans," authorized by the Indian Health Care Improvement Act. The intent of the MOU is to advance collaboration, coordination and resource-sharing between VA and IHS to ensure equitable access to care and services to AI/AN Veterans. Pursuant to the MOU, the agencies signed the VA-IHS Reimbursement Agreement on December 5, 2012, to enable VA to reimburse IHS for certain healthcare services, specifically IHS Direct Care Services, provided to VHA enrolled American Indian and Alaska Native Veterans at IHS facilities. In January 2017, the VA-IHS signed an amendment to the Reimbursement Agreement to extend the terms of the agreement through June 30, 2019. In FY 2017, IHS and Tribal health programs received reimbursement from VHA for provision of direct health care services to 4,984 American Indian and Alaska Native veterans. VA does not provide information to IHS on eligible Indian veterans receiving health care services at VA facilities.

THURSDAY, APRIL 26, 2018.

ENVIRONMENTAL PROTECTION AGENCY

WITNESSES

SCOTT PRUITT, ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY

HOLLY GREAVES, CHIEF FINANCIAL OFFICER, U.S. ENVIRONMENTAL PROTECTION AGENCY

OPENING REMARKS OF CHAIRMAN CALVERT

Mr. CALVERT. The committee will come to order.

I would like to welcome everyone to this afternoon's hearing. We look forward to a thoughtful discussion addressing EPA's fiscal year 2019 budget request and a number of policy issues of interest to the subcommittee.

Before we begin, I would like to remind our subcommittee members and those in the audience of the importance of engaging in thoughtful, substantial discussion. While there may be disagreements relating to the views expressed today, my intent as chairman is to maintain order and decorum. Therefore, I ask those in attendance today, both in our audience and seated at this table, to be respectful of one another and to the Administrator throughout today's hearings.

Today, we welcome back to the committee the 14th Administrator of the Environmental Protection Agency, Scott Pruitt. Joining the Administrator is Holly Greaves, Chief Financial Officer for the Agency.

Administrator Pruitt, you have had a busy year. You have worked to reform the Agency, provide regulatory certainty, while simultaneously finding ways to create jobs, protect the environment and human health. We look forward to hearing more about the budget request, understanding your goals for the Agency in the upcoming year, and discussing, I am sure, a variety of issues.

Just last month, the committee worked hard to finish work on the fiscal year 2018 budget. Utilizing additional funds from the February budget agreement, this subcommittee was able to provide nearly \$2 billion in critical infrastructure spending, which included targeted investments in EPA's water infrastructure and cleanup programs.

As members of the Appropriations Committee, it is our job to ensure that the Agency spends these funds as Congress intended and in a manner reflective of the Agency's mission to protect human health and the environment.

I know that I, along with my colleagues, want to ensure that taxpayer dollars are spent on water infrastructure, on-the-ground projects, and other vitally important programs, rather than some of the activities we have seen reported in the press.

We will continue to provide necessary oversight to ensure that EPA and other agencies under this subcommittee's jurisdiction are held accountable, remain good stewards of the taxpayers' dollars, and comply with congressional notification requirements.

Overall, the President's fiscal year 2019 budget request provides \$6.146 billion for the EPA, which is \$1.9 billion below the fiscal year 2018 funding level. While some reductions may be in order, cuts of this magnitude put important programs at risk.

Within that request, State categorical grants, which provide financial assistance to States and Tribes to develop and implement environmental programs, are significantly reduced or terminated altogether. States rely heavily on these funds. Cuts of this magnitude will severely impact their ability to meet statutory requirements and address serious health and environmental concerns.

The geographical programs, which are very important to a number of my colleagues, even on this subcommittee, are all but eliminated in this request.

Beyond these programs, the budget also proposes to eliminate popular rural water technical assistance grants, the National Estuary Program, and Targeted AirShed grants. The Targeted AirShed grants, along with the Diesel Emission Reduction grants, or DERA, which are cut by 86 percent, are essential to my home State of California. My State relies on these grant programs to help drastically improve air quality by accelerating the replacement of older engines with newer, cleaner engines.

In spite of these cuts, I am pleased to see that the budget request continues to support and prioritize updating aging infrastructure for both drinking water and wastewater systems by maintaining funding for the Clean Water and Drinking Water State Revolving Funds at current levels.

The budget also maintains a Superfund program just below current levels, a promising increase from the fiscal year 2018 budget request.

Pivoting to policy, I think my colleagues would agree that we all want clean air and water to protect human health and to support a strong, robust economy. My constituents in California demand both a healthy environment and job creation, and I hope to work with your Agency to ensure both.

In Southern California air quantity remains one of our biggest concerns. While we have made significant strides to improve air quality over the past decades, we continue to find ways to clean our air.

As your Agency finalizes designations under the 2015 ozone standard, I hope that we can partner with the States to find innovative, cost-effective solutions to help all counties reach attainment without imposing economic burdens.

I want to be sure that these clean air efforts are carried out in an effective manner and that we provide the resources necessary to support programs that have proven effective in reducing particulate matter and ozone.

Finally at this hearing, last year you committed to reducing redundancies and inefficiencies within the Agency to better prioritize EPA's core mission. We hope to hear more about your Agency's ongoing work to review, reconsider, and ease regulations

that bring undue stress to our Nation's industries while also remaining mindful of our environmental resources.

As we approach the fiscal year 2019 budget, I reiterate that the power of the purse remains with the Congress, and my colleagues and I will do our best to continue to address infrastructure needs, water quality improvements, cleanups, and many of the issues we discuss here today. This subcommittee remains committed to continuing to work with your Agency, along with our State, local, and Tribal partners, to seek solutions to many of the challenges before us.

No doubt all the members here today are eager to discuss a number of issues with you. I will ask members to abide by the 5-minute rule so that everyone gets a chance to participate in today's hearing, and hopefully we will be able to have more than one round if we all stick to that.

I am pleased to yield to the gentlelady from Minnesota, our ranking member, Ms. McCollum, for any opening remarks she would like to make.

OPENING REMARKS OF MS. MCCOLLUM

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Administrator Pruitt, thank you for being here today. It has been a long day for you already.

The fiscal year 2019 EPA budget is reckless, it is irresponsible, and it is unrealistic. Two months ago, Congress passed a bipartisan budget agreement to increase nondefense discretionary spending for 2 years. A month ago, in a show of strong bipartisanship, the fiscal year 2018 omnibus was enacted into law.

We soundly rejected President Trump's reckless proposals that would desecrate our environment, starve Federal agencies from the funding they need to meet their critical missions, and jeopardize the health of millions of Americans.

President Trump's first year in office has damaged our environment, public health, and natural resources. Today we will discuss many of these damaging policies and your role in turning back regulations to protect the environment.

But that is not our only concern with your performance as EPA Administrator. All of us, whether elected or appointed, have a responsibility to be good stewards of taxpayers' dollars. But in just 1 year as EPA Administrator you have violated the public trust by abusing EPA resources and taxpayers' dollars. Your decisions and actions have displayed disregard for ethical standards to which all public officials should adhere.

Administrator Pruitt, you are letting the American people down and you are letting your Agency down. Your actions are distracting the EPA from its core mission, and creating a toxic work environment, one that has demoralized your staff.

One significant action that has proven not only to be unnecessary but unethical and unlawful was your use of \$43,000 to construct a privacy booth in your office. The Government Accountability Office found that you violated the Antideficiency Act and other appropriations laws, with your failure to notify Congress and this committee prior to the use of those funds. That is just one example of poor judgment that continues to plague you.

I also have concerns about your work that extend far beyond ethical lapses and it undercuts the missions of the EPA. But thankfully, our government is built upon the principle of checks and balances and the courts are striking down much of the substandard work done by you and your political team.

The courts have already ruled that the EPA acted illegally—illegally—in its efforts to undermine the methane and ozone rules. Based on your pattern of haste and careless work, I expect that the courts will rule against you on other reckless rollbacks.

Administrator Pruitt, let me remind you, the law requires that the delay of a regulation or an issuance of a new rule is based on solid science—solid science. You cannot ignore the requirements of the Clean Air Act and the Clean Water Act and other bedrock environmental laws.

Even though your work is turning out to be ineffective, we cannot ignore the danger that your policies pose for the American people. Climate change is the greatest environmental threat our planet faces. Your actions jeopardize our future, our national security, and the health of our communities.

Withdrawing from the Paris climate accord or watering down fuel efficiency standards will harm the health of our children and grandchildren. Rolling back regulations that limit emissions will mean more cases of asthma in children. That is a fact. Keeping harmful pesticides on the market will damage children's brain development. That is a fact.

Your approach is bad for the environment, it is bad for public health, and bad for business. Furthermore, it is a waste of taxpayers' money to develop regulations that ultimately will be overruled by the courts.

You are falling short, and you are failing the American public, and you are failing your own Agency by not achieving the mission of the EPA to protect human health and the environment.

The recently passed fiscal year 2018 omnibus clearly shows that Congress values a healthy environment. We will not support President Trump's budget cuts and the way in which the EPA has faced draconian cuts by this administration.

Mr. Chairman, you have my commitment and my pledge to work with you and our colleagues in Congress to maintain the funding levels that will allow the EPA to continue to protect our environment. No matter what Mr. Pruitt may do to prioritize profits of fossil fuel and chemical corporations, it falls to the Congress to ensure that the air we breathe, the water we drink is safe for the American people.

Thank you, Mr. Chair.

Mr. CALVERT. Thank you.

Mrs. Lowey, the ranking member of the full committee, is here with us today.

Mrs. Lowey, we always appreciate you taking time to join us. And would you have any opening remarks?

OPENING REMARKS OF MRS. LOWEY

Mrs. LOWEY. Thank you, Chairman Calvert and Ranking Member McCollum, for holding this hearing, and welcome, Administrator Pruitt.

I am really having déjà vu as I look at another budget request that would drastically slash the EPA, in this case 30 percent from current levels. Despite Congress' clear support in the fiscal year 2018 omnibus, you again propose to eliminate important programs like the Long Island Sound Geographic Program, the National Estuary Program, Endocrine Disruptors, and more.

It is really astonishing that you would propose these drastic cuts on important investments for the public health and the environment while you appear to spend no—it is shocking to me that you are not sparing any expense on yourself. Your abuse of taxpayer dollars spent on first-class travel, \$43,000 on a glorified phone booth, is an insult to the hardworking American taxpayers.

Of course, as you know from last year when you testified before our subcommittee, I also have grave concerns about your close ties to the oil and gas industries, past work to directly undermine the EPA, and skepticism that human activity plays a role in climate change.

I do hope your testimony this afternoon will address my concerns and all the allegations of unethical behavior you are facing.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

With that, Administrator Pruitt, you may proceed with your opening statement.

OPENING REMARKS OF MR. PRUITT

Mr. PRUITT. Well, thank you, Mr. Chairman and Ranking Member McCollum, members of the committee. It is good to be back with you again. Thank you for the opportunity.

There is consequential and important work being done at the EPA since the beginning of the Trump administration, both in terms of improved environmental outcomes as well as substantial regulatory reform. We are stripping burdensome costs from the American economy at an unprecedented pace, and we are doing this while inspiring confidence in the American people that its government is going to work with them, as opposed to against them, to achieve harmony between jobs and growth and environmental stewardship.

In the short time of the Trump administration, we have made enormous progress as far as improved environmental outcomes. Here are just a few.

We have removed over three times the number of polluted sites from contaminated communities across the country as compared to the previous administration in 2017, and for 2018 we are on pace to remove as many as 10 times the number.

We are cooperatively working with the States to improve air quality by acting on more than 350 State plans. When I arrived at the Agency, there were 700 State implementation plans that had been prepared by some of your States with respect to improving air quality that were literally sitting on the shelf. We have gone through 350 of those to improve air quality across the country.

With regard to water, we are leading a multiagency approach that has set a goal of eradicating lead from our drinking water within 10 years, largely through the utilization of a tool that you have provided, WIFIA. It is my goal to prioritize applications for

critical water infrastructure through WIFIA to hopefully see approximately \$4 billion a year dedicated to replacement of lead service lines.

President Trump has set an ambitious agenda for the EPA under his administration, and our measurable achievements are a testament to the effectiveness with which a results-driven EPA is implementing that agenda.

President Trump did not only task us with accomplishing the core mission of the EPA more effectively and more efficiently than ever before, but he also demanded comprehensive regulatory reform. The transformational change is happening. In just 1 year, the Trump administration has saved the American people approximately \$8 billion in regulatory cost savings. And the EPA alone is responsible for nearly two dozen regulatory actions, saving Americans more than \$1 billion in regulatory cost.

These actions are providing America's job creators with the regulatory clarity they deserve. By repealing and replacing the so-called Clean Power Plan, we are ending the one-size-fits-all regulation on energy providers and restoring rule of law. By rescinding and rewriting the 2015 waters of the United States rule, we are ending Washington's power grab over land use in this country.

It is indisputable that we have made enormous progress in advancing the President's agenda with respect to pruning back decades of regulatory overreach that was unnecessary, burdensome, and ultimately harmful to hardworking Americans across our country.

When the President nominated me to this position, I believed the work was going to be impactful, and it has been, and tremendous progress is being made. But I did not expect the work to be easy and I knew that there would be meaningful opposition.

However, as I sit before you today, I recognize that there have been very troubling reports in the media over the past few weeks. I promise you that I, more than anyone, want to establish the hard facts and provide answers to questions surrounding these reports.

Let me be very clear. I have nothing to hide as it relates to how I have run the Agency over the last 16 months. I am not afraid to admit that it has been a learning process. And when Congress or independent bodies in their oversight roles find fault in our decisionmaking, I want to correct that and ensure that it does not happen again.

Ultimately, as the Administrator of the EPA, the responsibility of identifying and making necessary changes rests with me and no one else. That is prospectively and issues that we will talk about today.

With that being said, facts are facts and fiction is fiction, and a lie doesn't become true just because it appears on the page of a newspaper. Much of what has been targeted towards me and my team has been downright half-truths or stories that have been so twisted that they do not resemble reality. And I am here—and I welcome the chance to be here—to set the record straight in many of these areas.

Let's have no illusions about what is really going on. Those who have attacked our efforts and attacked the process are doing so because they want to attack and derail the President's agenda and

undermine this administration's priorities. I am simply not going to let that happen.

And I look forward to your questions today.

[The statement of Administrator Pruitt follows:]

TESTIMONY OF
E. SCOTT PRUITT

ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
U.S. HOUSE COMMITTEE ON APPROPRIATIONS

April 26, 2018

Good morning, Chairman Calvert, Ranking Member McCollum, and members of the subcommittee. I am joined by Holly Greaves, EPA's Chief Financial Officer, and we are here today to discuss the Environmental Protection Agency's (EPA) proposed FY 2019 budget, which supports the goals and objectives in the *FY 2018-FY 2022 EPA Strategic Plan*.

As the Administrator of the Environmental Protection Agency, I am a firm believer in EPA's mission to protect human health and the environment, and I am committed to helping provide future generations with a cleaner and healthier environment. We made great progress in year one. I laid out my vision for EPA's continued progress in the Agency's *Strategic Plan*. Under this *Plan*, our first goal is to "Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety." This is the Agency's Core Mission, and this budget enables progress on the most important priorities of this mission. The second goal of the *Strategic Plan* is to "Rebalance the power between Washington and the states to create tangible environmental results for the American people." Through this Cooperative Federalism approach, we will enhance shared accountability with our partners and increase transparency. The third goal of the *Strategic Plan* is to "Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law." By refocusing on the Rule of Law and Process, the Agency will enhance compliance with the law, create greater consistency and certainty for the regulated community, prioritize robust science, streamline and modernize the Agency, and improve efficiency and effectiveness. Through this vision of a more effective government that administers the law as Congress intends and cooperatively engages with our Nation's states and tribes, EPA will continue to make real progress in achieving its mission.

Over the past year as Administrator, I've witnessed firsthand the tremendous advances this Agency, and our partners, have made to address the Nation's environmental challenges and fulfill our mission. The proposed budget continues this progress by supporting EPA's highest priorities with federal funding for core work in air and water quality, contaminated land cleanups, ensuring the safety of chemicals in the marketplace, and compliance with the law. The President's Budget aims to create a more efficient and effective EPA by reducing redundancies and improving operations.

As Administrator of EPA my top priorities include: infrastructure improvements to our Nation's drinking water and wastewater systems; accelerating the remediation and revitalization of the most contaminated land in our communities; improving air quality through significant reductions in the number of areas not in attainment with the National Ambient Air Quality Standards (NAAQS); and meeting all the statutory deadlines outlined in the amended Toxic Substances Control Act (TSCA). In my testimony, I will highlight how the budget directly supports these top priorities.

I firmly believe that EPA can accomplish far more when the Agency focuses on working cooperatively with the states and tribes to improve public health and the environment. It is essential for the federal, state, territorial, and tribal governments to work together to provide the environmental protection that our laws demand and that the American people deserve. This budget supports cooperative federalism through activities such as the Multipurpose Grant program, which is included in this budget. This program will support the implementation of statutory obligations delegated by EPA under pertinent environmental laws and provide states, tribes, and territories with increased flexibility to apply the funds toward their highest priorities.

We will continue to work collaboratively with state, tribal, and local governments to provide flexibility to address important priorities. I personally look forward to working with you all, and other Members of Congress, to ensure we meet the environmental needs of your communities.

In my testimony today, I will highlight how the budget advances the *Strategic Plan's* three goals: Core Mission, Cooperative Federalism, and Rule of Law and Process. I will focus on key objectives to improve air quality, provide for clean and safe water, revitalize land and prevent contamination, ensure the safety of chemicals in the marketplace, assure compliance with the law, and improve efficiency and effectiveness.

Improving America's Air Quality

By funding air quality work at \$410 million, EPA will continue to perform key activities in support of protecting human health and the environment through improving the quality of the Nation's air with a focus on states and localities achieving greater levels of NAAQS attainment.

States have made tremendous progress and significant investment in improving air quality. Since 1970, total emissions of the six criteria air pollutants regulated under the NAAQS program have dropped by 73 percent, while gross domestic product grew by over 252 percent. Despite this progress, much work remains to increase attainment levels across the country. We are focused on working in partnership with state, tribal, and local governments to design and implement air quality standards and programs.

Areas designated as being in nonattainment of the standard face consequences, including increased regulatory burdens, restrictions on infrastructure investment, and increased costs to businesses. The Agency is looking to bring these areas into attainment by aggressively tackling the current backlog of State/Tribal Implementation Plans (SIP/TIP), more effectively mapping the SIP process, focusing on data integrity, and applying process improvements to EPA's own review process.

We are also seeking additional authority from Congress to fee-fund the ENERGY STAR program by establishing user fees for entities that participate in the program. ENERGY STAR has proven to be an effective partner in helping consumers and businesses save money and reduce energy use. On the mobile source side, the Federal Vehicle and Fuels Standards and Certification program will focus its efforts on certification decisions. The Agency will conduct activities supporting pre-certification confirmatory testing for emissions and fuel economy for passenger cars.

Providing for Clean and Safe Water

The President has emphasized that maintaining and improving infrastructure is critical to the foundation of this country's economy and our global competitiveness. At EPA, this means, in large part, we will continue to make investments in drinking water and wastewater infrastructure, provide clear and actionable permitting decisions to the regulated community, and leverage federal investment with non-federal sources.

The FY 2019 budget includes \$2.3 billion to capitalize the State Revolving Funds (SRFs) to assist our implementing partners in revitalizing and rebuilding our Nation's aging water resources. The budget funds the SRFs equivalent to the FY 2017 enacted level in recognition of the essential role they play in renewing and replacing infrastructure in communities all across the country. The FY 2019 budget also includes \$20 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program to address water infrastructure needs. The \$20 million provided for WIFIA could provide up to \$2 billion in credit assistance, which, when combined with other funding resources, could spur up to an estimated \$4 billion in total infrastructure investment. In the first round of WIFIA funding, projects selected encompass the broad range of project types that the WIFIA program can finance, including wastewater, drinking water, stormwater, and water recycling projects. Taken together, these projects demonstrate how WIFIA complements the SRF programs as an additional innovative and flexible source of low-cost capital for communities of all sizes.

EPA will continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination, particularly in areas of significant regional and national importance. These actions are integral to infrastructure efforts because source water protection can reduce the need for additional drinking water treatment and avoid the associated costs. To assure the American people that their water is safe to drink, EPA's drinking water regulatory program monitors for a broad array of contaminants, evaluates whether contaminants are of public health concern, and regulates contaminants when there is a meaningful opportunity for health risk reduction for persons served by public water systems.

The Agency is focused on reducing lead exposure in the Nation's water supply. EPA will work to advance progress in this area through revisions to the Lead and Copper Rule (LCR) as well as regulations to implement the Water Infrastructure Improvement for the Nation (WIIN) Act and the Reduction of Lead in Drinking Water Act. Lead exposure, particularly at higher doses, continues to pose a significant health and safety threat to our children, robbing them of the fullest potential of their health, intellect, and future. EPA and our federal partners are committed to taking action to address this threat and improve health outcomes for our Nation's most vulnerable citizens – our children. This budget maintains funding for the Drinking Water State

Revolving Fund (DWSRF) which may be used to help communities replace lead service lines by providing principal forgiveness and low interest loans in addition to maximizing the use of the DWSRF set-asides to fund corrosion control studies when an action level exceedance is triggered. The maintained funding for the Drinking Water SRF, and the efforts of the President's Task Force on Environmental Health Risks and Safety Risks to Children, which I recently convened at EPA headquarters, will ensure we are focused on reducing lead exposure nationwide.

EPA will continue to provide scientific water quality criteria information to our partners and the public, review and approve state water quality standards, and review and approve state lists of impaired waters. In FY 2019, the Agency will work with states and other partners on Total Maximum Daily Loads (TMDLs) as required by the Clean Water Act, as well as on other waterbody restoration plans for listed impaired waterbodies. The FY 2019 budget includes funding for the Chesapeake Bay and Great Lakes geographic programs to support our state and local partners that monitor and protect these water bodies of national significance. EPA also will continue to implement and support core water quality programs that control point-source discharges through permitting and pre-treatment programs.

Revitalizing Land and Preventing Contamination

During my time as Administrator, I have heard from families, community members, elected officials, and business leaders that the remediation of contaminated sites takes too long. Approximately 53 million, or 16 percent, of all Americans, live within three miles of a Superfund site. Ensuring that the Superfund program is efficiently and effectively managed, and contaminated land is returned to a safe and productive use, is one of my top priorities. The FY 2019 budget funds the Superfund account at the full FY 2017 enacted level to accelerate our progress in revitalizing land. Additionally, last year I established the Superfund Task Force, which identified forty-two recommendations under five overarching goals for revamping EPA's Superfund work. These goals are Expediting Cleanup and Remediation; Re-Invigorating Responsible Party Cleanup and Reuse; Encouraging Private Investment; Promoting Redevelopment and Community Revitalization; and Engaging Partners and Stakeholders.

Work to prioritize and reinvigorate the program is well underway and will continue into the future. One example of the changes we are implementing is the identification of Superfund sites for immediate and intense action. I personally monitor and engage with our Regional offices to accelerate work at these sites, such as at the West Lake site, where we recently released a Proposed Plan after years of inaction. At these sites and others across the country, the EPA is actively engaged with increasing the pace of remediation progress at Superfund sites on a continuous basis.

In FY 2019, the Superfund program request is \$1.089 billion, which will provide support to states, local communities, and tribes in their efforts to assess and cleanup many of the worst contaminated sites in the U.S. and return them to productive use. In addition to Superfund, over \$109 million is requested for Brownfields programs that will cleanup and restore contaminated land so it can be available for redevelopment and provide economic productivity. EPA's Brownfields programs are a successful model where the Agency works cooperatively with states, tribes, local governments, and other agencies to help communities oversee, plan, assess, and

clean up Brownfield properties. These activities not only return land to productive use but also help spur economic development and job creation. Brownfields grants have a community-driven approach, with over 69,200 acres of idle land made ready for productive use and over 129,240 jobs and \$24.7 billion leveraged to date.

When it comes to cleaning up contaminated sites, I believe that the steps we have put in place will accelerate the pace of cleanups across the country.

Ensuring the Safety of Chemicals in Commerce

Ensuring the safety of chemicals used in commerce and sold in the marketplace is a top priority. Resources are needed to support efforts to minimize Americans' exposure to pesticides, help maintain a healthy food supply, and address public health concerns.

In FY 2019, \$59 million is requested for the Toxic Substances Control Act (TSCA) Chemical Risk Review and Reduction Program to support the Agency's significant ongoing and new responsibilities for ensuring that new and existing chemicals in commerce do not present unreasonable risks to human health or the environment. The Act authorized a new TSCA Service Fee to help provide funding for EPA to carry out its new responsibilities. The Agency recently released a proposed TSCA User Fee rule and anticipates collecting fees in FY 2019. The new fee will help defray cost of carrying out new sections of the law and better support pre-manufacture notice reviews.

In FY 2019, the Agency expects to review over one thousand new chemical submissions, take appropriate testing and risk management actions - including orders and Significant New Use Rules (SNURS) where appropriate, and make affirmative determinations. New chemicals will be evaluated and decisions will be based on the best available science and the weight of evidence.

Under my leadership, we have eliminated a backlog of more than 300 new chemical submissions that required re-review under the new law; completed reviews under the new law of more than 1,150 new chemical notifications; and commenced risk evaluations for an initial set of 10 priority chemicals and are issuing scoping documents on schedule. The Agency is also increasing transparency for the public and regulated community about these chemicals.

We are working with companies to gather all the relevant information early in the process to inform safety reviews for new chemicals. Reviewing new chemicals quickly will enable those deemed safe to enter the marketplace to support jobs and our economy. The reduction in the backlog is the result of prioritizing and implementing process efficiencies. EPA will continue to work with all stakeholders to identify additional changes to improve the quality, efficiency, and transparency of the new chemical review program.

For chemicals in commerce, EPA will maintain an ambitious schedule for initiating and completing chemical risk evaluations and, where risks are identified, for initiating and completing regulatory actions to address those risks. EPA also will implement the new mandates related to determinations on claims for confidentiality for chemical identities.

Chemical and biological pesticides help meet national and global demands for food. They provide effective pest control for homes, schools, gardens, highways, utility lines, hospitals, and drinking water treatment facilities, while also controlling vectors of disease. Identifying, assessing, and reducing the risks presented by the pesticides on which our society and economy rely is integral to ensuring environmental and human safety. EPA's pesticide licensing program evaluates new pesticides before they reach the market and ensures that pesticides already in commerce are safe when used in accordance with the label as directed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Federal Food, Drug, and Cosmetic Act (FFDCA), and the Food Quality Protection Act (FQPA). The program ensures that the pesticides available in the U.S. are safe when used as directed. EPA will continue to review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with all statutory requirements. In addition, the program is increasing the focus on pollinator health and working with other federal partners, states, and private stakeholder groups to stem pollinator declines and increase pollinator habitat.

In FY 2019, EPA will invest resources to improve the compliance of pesticide registrations with the Endangered Species Act. A portion of the funding also will ensure that pesticides are correctly registered and applied in a manner that protects water quality.

Assuring Compliance with the Law

For decades, the protections mandated by federal environmental laws have been essential to the growth of American prosperity and improvements to public health and environmental quality. EPA remains focused on assisting the regulated community in attaining and maintaining compliance with our Nation's environmental laws and, where necessary, punishing bad actors who shirk those laws. This means providing effective compliance assistance to our industry partners and enforcing civil and criminal cases in areas that address substantial impacts to human health and the environment. EPA's enforcement efforts to date have produced billions of dollars in cleanup commitments from violators and billions of pounds of pollution prevented and cleaned up as a result of those commitments.

As an example of providing increased compliance assistance, the budget includes a proposal for new voluntary oil and chemical facility compliance assistance fees. For interested parties, EPA would conduct a walk-through and provide recommendations on ways the facility could come into or remain in compliance with EPA regulations. This is one example of how the Agency is advancing compliance assistance.

As states are the primary implementers of many enforcement action programs, we will focus Agency resources on non-delegated programs. We will rely on our state partners to achieve compliance and enforcement goals, and we will focus resources on our direct implementation responsibilities and oversight, emphasizing violations with public health and environmental impacts.

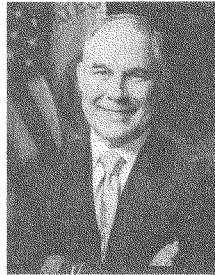
Improving Efficiency and Effectiveness

The budget includes EPA's Reform Plan to implement the goals of the President's *Executive Order 13781: Comprehensive Plan for Reorganizing the Executive Branch*. The plan includes a series of projects focused on improving how EPA provides services and engages customers. Projects include streamlining EPA's permit review processes, deploying a Lean Management System, and reducing unnecessary reporting burden on the regulated community. We will build on business process improvements by partnering with states, tribes, and local governments to expand and support approaches across all our programs. The Agency will work with states and use Lean techniques to streamline the review of state-issued permits.

This budget does not include plans to close Regional offices, but we will continue to prioritize efforts that save taxpayer dollars through space consolidation and essential renovations to reduce and optimize our physical footprint. We will work with states and tribes to target resources to core statutory work and provide flexibility to address particular priorities and concerns. As careful stewards of taxpayer resources, we will examine our programs for those that are unnecessary, redundant, or that have served their purpose and accomplished their mission or are outside EPA's statutory mandates. The FY 2019 President's Budget identifies and eliminates programs to save taxpayers approximately \$620 million relative to the FY 2018 enacted budget.

With this budget, we are committed to fulfilling our mission of protecting public health and the environment. With support from our state and local partners, and by working with each of you and your colleagues in Congress, we can make a real difference for communities across America.

Thank you for the opportunity to speak with you today. I look forward to answering your questions.

U. S. Environmental Protection Agency**ADMINISTRATOR****Scott Pruitt**

On February 17, 2017, the United States Senate confirmed Scott Pruitt as the 14th Administrator of the U.S. Environmental Protection Agency.

Administrator Pruitt believes that promoting and protecting a strong and healthy environment is among the lifeblood priorities of the government, and that EPA is vital to that mission.

As Administrator, Mr. Pruitt's overarching goal is to lead EPA in a way that our future generations inherit a better and healthier environment as he works with the thousands of dedicated public servants at EPA who have devoted their careers to helping realize this shared vision, while faithfully administering environmental laws.

Most recently, Pruitt served as the Attorney General for Oklahoma. Almost immediately upon taking office, he worked with his Democratic counterpart in Arkansas to reach agreement to study the water quality of the Illinois River, which crosses the border between the two states and has been enjoyed by generations of Oklahomans. The Statement of Joint Principles provides for a best science study using EPA-approved methods, with both states agreeing, for the first time, to be bound by the outcome.

Also during his tenure as Oklahoma's Attorney General, Pruitt led an historic water rights settlement between Oklahoma, Oklahoma City and the Choctaw and Chickasaw Tribal Nations that preserved the ecosystems of scenic lakes and rivers on native lands. The agreement, which required Congressional approval, was enacted into Section 3608 of Public Law 114-322 and signed in December 2016. It provides a framework that fosters intergovernmental collaboration on significant water resource concerns with the settlement area, while at the same time protecting existing water rights and affirming the state's role in water rights permitting and administration.

Water settlement cases can be lengthy, costly, divisive and disruptive; however under Pruitt's forward-thinking leadership, the process was hailed by all parties as one of commitment, hard work, perseverance and cooperation.

Pruitt became a national leader through a career of advocating to keep power in the hands of hard-working Americans. He has a proven track record of working with others – including industry, farmers, ranchers, landowners and small business owners - who want to do the right thing by the environment.

He has dedicated his career to creating policy that serves the people. He strongly believes that environmental law, policy and progress are all based on cooperation between the states, cooperation between the states and EPA, and cooperation between regulators and the public. As Attorney General for Oklahoma, he led the state's legal challenges against property rights intrusion, while protecting Oklahoma's natural resources and environment.

He is recognized as a national leader in the cause to restore the proper balance between the states and federal government, and he established Oklahoma's first federalism unit to combat unwarranted regulation and overreach by the federal government.

Before being elected attorney general, he served eight years in the Oklahoma State Senate where he was a leading voice for fiscal responsibility.

After earning his Bachelor's Degree from Georgetown College and graduating from the University of Tulsa College of Law, Pruitt went into private legal practice, specializing in constitutional law.

In addition to his life as a civil servant, Pruitt is a successful entrepreneur. As a former co-owner and managing general partner of Oklahoma City's Triple-A minor league baseball affiliate, the Oklahoma City Redhawks, Mr. Pruitt took over the team's marketing operations and helped the team become one of the minor league leaders in attendance and merchandise sales.

Pruitt is, first and foremost, a family man. He and Marlyn, his wife of 27 years, proudly raised their two children in Tulsa. Pruitt has made it a priority to pass on to his children the same principled family values with which he was raised.

U.S. Environmental Protection Agency**Chief Financial Officer****Holly Greaves**

Holly Greaves was sworn in as the Environmental Protection Agency's Chief Financial Officer on March 15, 2018. As Chief Financial Officer, Holly leads a team of several hundred professionals to ensure the effective management and financial integrity of EPA's resources and annual budget, which was \$8.8 billion in fiscal year 2018. Holly also oversees the preparation of the Agency's annual financial statements, annual budget and performance plan, and strategic plan. In addition, she leads the Agency's enterprise risk management efforts, and serves as a key member of Agency leadership, providing support on a variety of Agency initiatives.

Holly has a strong background in management, accounting and financial systems. Previously, she worked with the public accounting firm KPMG, leading and directing the work of multi-disciplinary and geographically diverse teams that provided auditing and advisory services to large, complex federal agencies as well as private sector companies. Holly was selected as a lead developer for industry-specific training content at KPMG, and served in other leadership roles for the Washington, D.C. and Northern Virginia offices.

Prior to joining KPMG, Holly worked with the public accounting firm EY, where her client portfolio included public and private companies in the transportation, financial services, commercial real estate, and healthcare industries. She has lectured for undergraduate and graduate level accounting courses at George Washington University.

Holly is a Tennessee native, and earned a B.S. in Accounting and Masters of Accountancy from the University of Tennessee. She is a licensed CPA, CGFM, and CISA. She and her husband live in Washington, D.C. with their two children.

ISSUES REPORTED IN THE PRESS

Mr. CALVERT. Thank you for your opening statement. I know you have spent a long time here so far today. I know you spent a good majority of this morning discussing some of the issues you just talked about that have been reported in the press lately. So I am going to use a little part of my time that I would rather talk about budget and some other concerns.

But first, before we get started, I want to give you a moment, Administrator, to offer any comments you wish to make about those items. Anything you would like to comment about?

Mr. PRUITT. Well, as I indicated, Mr. Chairman, in my opening comments, there are decisions that have been made that, as I look at them now, with respect to first-class travel, I have made changes. That was something that was predicated upon a security assessment. I can provide that to the committee.

The inspector general has noticed that the threats against me have been unprecedented compared to previous administrators as it relates to the number, as well as to the type of threats, and that dictated the changes that were made in my travel. I was flying coach last year until those changes were made, based upon security assessments.

I recently made changes to that, because I felt like, from an optics and perception standpoint, it was creating a distraction and I thought best to go another direction.

There have been discussions about pay raises in the media. I want you to be aware that, as far as those pay raises are concerned, I was not at any time aware of the amount nor the process that was used to grant those pay raises. When I found out, I rescinded them and asked my chief of staff to resubmit them to the White House, pursuant to the protocols established.

There are changes that I have already made, Mr. Chairman, with respect to these issues. But what I am trying to communicate to you today, if there are processes that have been not followed internally, and there are investigations and obviously review of that going on, I commit to you to make those changes prospectively to ensure that they are followed in the future.

The recent discussion—and, Ranking Member McCollum, you brought this up—with respect to the secure communication, a little background on that, Mr. Chairman. I gave a simple communication to my leadership team that I needed secure communication in my office. From that communication, that turned into a \$40,000-plus expenditure on this phone booth that the ranking member referred to.

That was done by career staff. That process was approved from beginning to end, and the decision not to notify this body was made by those individuals, pursuant to advice and counsel. Our general counsel at the Agency has advised, actually, that they didn't think the notification was required. The GAO disagrees, and we have followed the GAO's request—excuse me, mandate—and notified Congress.

I think it should have been done at the beginning. And I think, frankly, that the expenditure of \$43,000 on secure communication

should not have been made, and I would not have made the decision if I was aware of it.

So that is just a sampling of some of the questions that have arisen in the media. But my objective here today is to speak to you in a way that provides you confidence that, going forward, we are going to address these issues in a meaningful way and recognize where faults have occurred and make sure they don't happen in the future.

Mr. CALVERT. Thank you for that.

Ms. McCollum.

INSPECTOR GENERAL'S DEATH THREAT ASSESSMENT

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Well, I was going to ask a question on something else, but I want to go back to what you just brought up.

I listened to the hearing this morning. When you were asked about the removal of the head of the EPA office who found that you did not face death threats, you testified that: The inspector general himself has notified that death threats against me are unprecedented.

Well, we reached out to the IG's office. We asked IG Elkins if he made such comments, and he disputed your claim.

Please explain yourself, Administrator. Do you need to correct the record from this morning? Are you suggesting that IG Elkins is not telling the truth?

Because Patrick Sullivan is the IG employee who we think you are going to tell me made those comments. He was in the news for his close relationship with a Mr. Perrotta, the head of your security. Mr. Perrotta is also under an ethics investigation for helping to give a security contract to a business associate.

So did the inspector general himself tell you that you did not face death threats, that they have not found death threats?

Mr. PRUITT. Actually, as I indicated, Ranking Member McCollum, this morning, I am actually looking at an inspector general's threat investigation report right now.

Ms. MCCOLLUM. Who was it issued by, sir?

Mr. PRUITT. The inspector general.

Ms. MCCOLLUM. Is it issued by Elkins? I just want to make sure we are looking at the same thing.

Mr. PRUITT. I am just looking at the document that says inspector general. I would like to highlight just two examples. There are many on this page, but just two with respect to the threat assessments.

The EPA Administrator was receiving threats on a Facebook account. The threats were directed toward me, the father. The threat stated: "I hope your father dies soon, suffering as your mother watches in horror for hours on end."

A second one, a correspondence between the subject and an EPA employee. OIG investigators found the following post tweeted, which states: "Pruitt, I am going to find you and put a bullet between your eyes. Don't think I am joking. I am planning this."

Those are just two examples of what the inspector general—

Ms. MCCOLLUM. Can I see the letter, please, and see who it was issued by?

Mr. CALVERT. If you like, you can submit that to the record.

Ms. MCCOLLUM. That would be great, because, you know, we all receive death threats on our Facebook page.

Mr. CALVERT. Without objection.

[The information follows:]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
 1301 CONSTITUTION AVE., NW
 WASHINGTON, DC 20004
AUG 16 2017

MEMORANDUM

SUBJECT: Summary of Pending and Recent Threat Investigations

FROM: Patrick F. Sullivan *Patrick F. Sullivan*
 Assistant Inspector General for Investigations
 Office of Inspector General
 Environmental Protection Agency

TO: [REDACTED]
 Acting Special Agent in Charge
 Protective Services Detail
 Environmental Protection Agency

Per your request, I have attached for you a summary of pending and recent threat investigations being conducted by the OIG Office of Investigations (OI).

I have formatted the attached document as follows:

- Summary and Threat Statistics
- Threats Directed Against Administrator Scott Pruitt and/or his Family
- Threats directed Against Former Administrator Gina McCarthy
- Threats Directed Against Other EPA Employees

The attached document is Law Enforcement Sensitive and should not be further disseminated without the concurrence of the OIG. I understand that you will be providing this information to

[REDACTED]

Please contact me if you have any questions. I can be reached at my desk (202) 566-0308, my cell phone [REDACTED] or via email sullivan.patrick@epa.gov.

cc: [REDACTED] - OCEFT
 [REDACTED] - OCEFT
 [REDACTED] - CID
 Ryan Jackson - Chief of Staff
 Kevin Chmielewski - Deputy Chief of Staff
 [REDACTED] - PSD
 [REDACTED] - OHS

AUG 16 2017

The EPA OIG statutory authority under the Inspector General Act of 1978 authorizes EPA OIG special agents full law enforcement authority to (1) carry firearms, (2) serve subpoenas, (3) make arrests, (4) execute search and seizure warrants (5), administer and take oaths, (6), unrestricted access to all EPA records, information, facilities, and personnel per U.S. law and EPA regulations.

Current EPA OIG Statistics for Fiscal Year 2017:

FY 17 Total Threat Investigations Opened: 49
FY 17 Total Current Open Cases & Complaints: 28
FY 17 Actions: 7 Bar Notices Issued/ 1 BOLO Issued
FY 17 Employee Admin Action – 1
FY 17 Protection Orders – 0
FY 17 Search Warrants – 2
FY 17 Arrests – 2
FY 17 Unusual Direction of Interest Correspondence directed to Administrator Pruitt – 13

1. COMP-2017-75: This investigation was predicated upon an investigative referral which stated that the [REDACTED] of the EPA Administrator was receiving threats on [REDACTED] Facebook account. The threats were directed toward [REDACTED]. The threat stated "I hope your [REDACTED] dies soon, suffering as your [REDACTED] watches in horror for hours on end." This investigation is ongoing.

2. OL-HQ-2016-CAC-0032; [REDACTED]

- [REDACTED]
- [REDACTED]
3. 01-DA-2017-CAC-0096: OIG agents discovered a threatening Twitter post directed towards Senate Majority Leader Mitch McConnell and EPA Administrator Scott Pruitt. Investigators interviewed the subject, who admitted to posting the tweets in question. This investigation was presented to the United States Attorney's Office and subsequently declined for prosecution. This case was worked jointly with FBI and U.S. Capitol Police (USCP).
 4. 01-DA-2017-CAC-0102: The EPA OIG was notified that an email had been received in the Capitol Hill office of Oklahoma Senator, James Lankford threatening to assassinate EPA Administrator Scott Pruitt, President Donald Trump and Vice President Mike Pence. The subject was interviewed and stated [REDACTED] intended no harm. This investigation was presented to the United States Attorney's Office and subsequently declined for prosecution. The EPA, Security Management Division issued a Bar Notice for the subject. This case was worked jointly with U.S. Secret Service (USSS) and USCP.
 5. 01-CH-2017-CAC-0101: The EPA OIG received notification of a potential threat on social media against the EPA Administrator. The subject stated [REDACTED] is not happy with some of the Administrator's policies and wanted to express [REDACTED] displeasure. This investigation was presented and declined by the United States Attorney's Office.
 6. COMP-2017-47: The EPA OIG received a letter addressed to the EPA Administrator. Special agents conducted a review of the contents of the letter. The letter did not reveal any overt threatening language. An open source search of the subject revealed that the subject is currently incarcerated. This a copy of the letter was forwarded back to prison officials.
 7. 01-HQ-2017-CAC-0095: [REDACTED]
 8. 01-HQ-2017-CAC-0093: [REDACTED]
 9. 01-HQ-2017-CAC-0078: [REDACTED]
 10. 01-CH-2017-CAC-0077: The subject of the investigation sent a potentially threatening postcard to the EPA Administrator. EPA OIG interviewed the subject who expressed regret and apologized for sending the postcard. During the interview which took place at the subject's residence, [REDACTED] was wearing two handguns on [REDACTED] waist. This investigation was presented to the United States Attorney's Office and subsequently declined for prosecution.

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11. OL-BO-2017-CAC-0076: The EPA Administrator received a potentially threatening postcard which states: "Get out while you still can. Scott, you are evil incarnate you ignorant fuck." The investigation was unable to determine a subject and the case was not presented to the United States Attorney's Office for prosecution.
12. OL-SF-2017-CAC-0073: [REDACTED]
13. OL-HQ-2017-CAC-0069: [REDACTED]
14. OL-NE-2017-CAC-0029: A letter was received by the EPA OIG and reviewed by Special Agents. It was determined that while the letter was full of disjointed thoughts, the letter was not considered by the EPA OIG to contain an actual threat. The investigation was closed.

Threats Directed Against Former EPA Administrator Gina McCarthy

1. OL-HQ-2017-CAC-0043: [REDACTED]
2. OL-DA-2017-CAC-0021: The EPA Administrator received a potentially threatening email which stated in the subject line: "Ban glyphosate or die you haggard nazi bitch! DIEDIEDIEDIEDIEDIEDIE." Investigations further revealed the subject had sent threatening emails to then Presidential candidate Hillary Clinton. Investigators interviewed the subject who admitted to sending the threatening emails, but stated that [REDACTED] would not hurt anyone because [REDACTED] does not leave [REDACTED] house. During the interview, the subject had an SK-47 assault rifle standing in the corner of the room. Investigators coordinated with other law enforcement officials regarding the past and current mental instabilities displayed by the subject. This investigation was presented to the United States Attorney's Office for prosecution and subsequently declined. This case was worked jointly with the USSS.

Threats Directed Against EPA Employees or Facilities

1. OL-CH-2017-THT-0137: The subject in this investigation discussed committing suicide with another employee while at an EPA facility. The subject was barred from the facility until further notice. The investigation is ongoing.
2. COMP-2017-51: A security officer assigned to monitor EPA facilities was terminated following an online threat to a coworker. The employee was subsequently barred from all EPA facilities by the EPA Security Management Division.
3. OL-HQ-2017-THT-0140: [REDACTED]
4. OL-DE-2017-CAC-0118: [REDACTED]
5. OL-AI-2017-CAC-0109: A former EPA contractor threatened to cause "bodily harm" to former supervisor. The evidence gathered was inconclusive and was not presented for prosecution. A bar notice was issued by the EPA, Security Management Division.
6. OL-HQ-2017-ADM-0071: [REDACTED]
7. OL-DE-2017-CAC-0063: The EPA OIG was notified of a suspicious package later identified as an ammunition canister found approximately 20 feet from the handicap entrance of an EPA regional office. A review of the surveillance video and subsequent interviews provided no leads to identify a suspect. The United States Attorney's Office declined prosecution of this investigation. This case was worked jointly with Federal Protective Service (FPS).
8. OL-DE-2017-CAC-0065: The EPA OIG initiated an investigation due to an altercation in which the subject may have verbally threatened EPA personnel. The allegation in this investigation is not supported and the United States Attorney's Office declined prosecution.
9. OL-AT-2017-CAC-0064: [REDACTED]

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10. OI-HQ-2017-CAC-0059: Following a sentencing for an environmental crime investigation conducted by the Criminal Investigations Division (CID), the subject of this investigation entered an elevator with an EPA employee [REDACTED] and stated, "I hope to see you again real soon." An interview of the subject revealed that [REDACTED] did not mean for [REDACTED] comment to be taken as threatening. The United States Attorney's Office declined prosecution of this matter. This case was worked jointly with the FBI.
11. OI-SE-2017-CAC-0058: [REDACTED]
12. OI-DI-2017-CAC-0055: An EPA employee received a potentially threatening social media message by a former EPA employee. The former employee was interviewed, admitted to the social media posting and subsequently apologized for the posting. A bar notice was issued by Security Management Division denying the subject access to the EPA regional facility. The United States Attorney's Office declined prosecution of the investigation.
13. OI-SE-2017-CAC-0038: This investigation was initiated in regards to violence in the workplace. A family member potentially made threatening remarks against an EPA employee. The subject stated that [REDACTED] was prepared to come to the EPA facility and claimed that [REDACTED] was also prepared to get arrested. A bar notice was issued by the EPA Security Management Division for the subject. This investigation was presented to the United States Attorney's Office and subsequently declined.
14. OI-HQ-2017-CAC-0020: The EPA OIG received notice of termination for an EPA employee. As the employee was escorted to [REDACTED] office to remove personal items, [REDACTED] made a potentially threatening gesture and comment toward [REDACTED] supervisor. The investigation supported the allegation and this investigation was presented to the United States Attorney's Office for prosecution and subsequently declined. The subject was removed from Federal service.

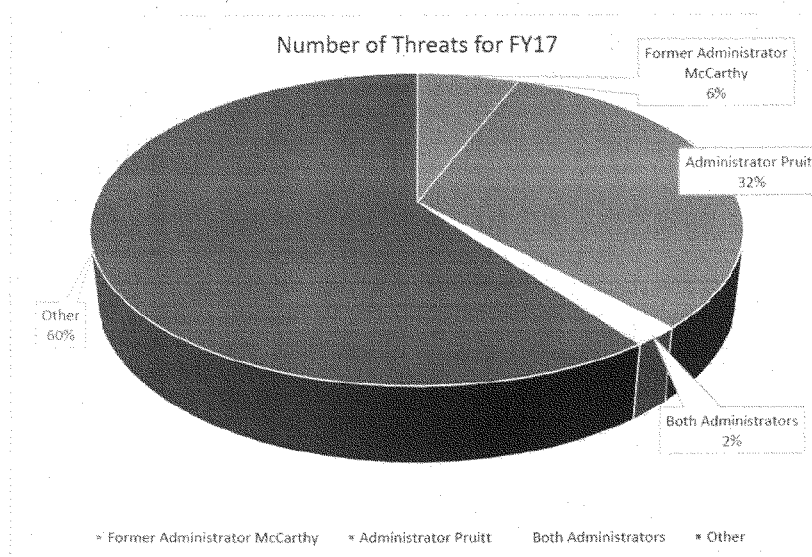
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FY17 Total number of Threats (so far): 50

Entity	Number of Threats
Administrator Pruitt	16
Former Administrator McCarthy	3
Both Administrators	1
Other	30

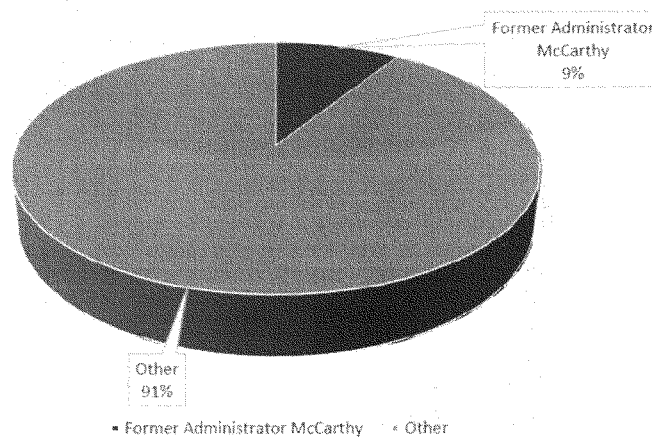


Total Threats for FY16: 44

Former Administrator McCarthy – 4

Other - 40

FY16 Threat breakdown



Ms. MCCOLLUM. We all do.

Thank you, Mr. Chair.

Mr. PRUITT. That is what I was referring to, Ranking Member McCollum, this morning in my testimony.

Ms. MCCOLLUM. But I am quoting. You said the inspector general himself has noted threats, so——

Mr. PRUITT. Well, that is what I was just reading for you.

ETHICS REVIEW: CONDO LEASE

Ms. MCCOLLUM. And we will look at exactly who issued that.

The other thing that I would like to clear up was the lease with the condo where you were staying. This morning, you said that everything had been approved by Ethics. Is it not true that the Ethics check was done after the lease was signed? And is it not also true that the Ethics attorney at the EPA said she had not been given the full picture when she signed off on the Ethics ruling about your condo? And she said, and I quote that individual: "Advice that is given by Ethics officials is only as good as the information that is provided."

Was the Ethics review done after the lease was signed?

Mr. PRUITT. There were actually two, and I did say this morning they were done afterwards. But there were actually two Ethics reviews. I think you are referring to Justina Fugh with respect to her comments. But there was a second one, more fulsome, more complete, where there were actually comparables of similar arrangements where they looked at the numbers.

PROPOSED RULE: TRANSPARENCY IN SCIENCE

Ms. MCCOLLUM. Thank you. I don't want to waste all my time on your ethical lapses.

Mr. Chair, I would like to ask a question.

I am very disturbed by your efforts to undermine the integrity of the EPA's science programs. You are aware of all the drastic cuts, the cuts to the advisory boards, how the advisory boards have been changed to favor industry.

Currently, the EPA bases its regulations on well-established peer-reviewed research that tracks the public health of patients over decades. One of them is this groundbreaking 6-page study from the New England Journal and the Harvard School of Public Health. They show a strong link between air pollution and mortality risk, leading the EPA to regulate fine particulate matter.

So scientists have collected this information. They have pledged to keep patients' names and personal information confidential. That is the way that medical research moves forward.

Do you think it is appropriate, with what you are looking to do, to ask Americans to give up their personal health information for public consumption? Would you be willing to share your family's health information?

Mr. PRUITT. I think perhaps there is a misunderstanding in the sense that we are not requiring that actually. We are protecting that. The changes that we have made this week, it is a proposed rule where we are saying that the third-party science that we use in support of rulemaking cannot just provide us the conclusions. It

has to provide the methodology and data that supports those conclusions to ensure transparency.

Under the APA, as you are aware, Ranking Member McCollum, individuals have the opportunity to receive a proposed rule and then to review it to make comments. If they cannot look at the data and the methodology and how conclusions were drawn, their ability to provide and form comments is actually prevented.

Ms. MCCOLLUM. Reclaiming my time, Mr. Chair, I would like to put the New England Journal of Medicine in the report to point out how you can collect——

Mr. CALVERT. Without objection.

[The information follows:]

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AN ASSOCIATION BETWEEN AIR POLLUTION AND MORTALITY IN SIX U.S. CITIES

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Abstract Background. Recent studies have reported associations between particulate air pollution and daily mortality rates. Population-based, cross-sectional studies of metropolitan areas in the United States have also found associations between particulate air pollution and annual mortality rates, but these studies have been criticized, in part because they did not directly control for cigarette smoking and other health risks.

Methods. In this prospective cohort study, we estimated the effects of air pollution on mortality, while controlling for individual risk factors. Survival analysis, including Cox proportional-hazards regression modeling, was conducted with data from a 14-to-16-year mortality follow-up of 8111 adults in six U.S. cities.

Results. Mortality rates were most strongly associated with cigarette smoking. After adjusting for smoking and

other risk factors, we observed statistically significant and robust associations between air pollution and mortality. The adjusted mortality-rate ratio for the most polluted of the cities as compared with the least polluted was 1.26 (95 percent confidence interval, 1.08 to 1.47). Air pollution was positively associated with death from lung cancer and cardiopulmonary disease but not with death from other causes considered together. Mortality was most strongly associated with air pollution with fine particulates, including sulfates.

Conclusions. Although the effects of other, unmeasured risk factors cannot be excluded with certainty, these results suggest that fine-particulate air pollution, or a more complex pollution mixture associated with fine particulate matter, contributes to excess mortality in certain U.S. cities. (N Engl J Med 1993;329:1753-9.)

SEVERAL cross-sectional investigations have found associations between mortality rates and particulate air pollution in U.S. metropolitan areas.¹⁻³ A recent study reported associations between infant mortality and particulate air pollution in the Czech Republic.⁴ These studies have often been criticized because they did not control directly for cigarette smoking or other covariates. Recent daily time-series studies, which are likely to be free of confounding by individual characteristics, have reported associations between daily mortality rates and changes in air pollu-

tion, specifically particulate pollution, in London⁵ and in several cities in the United States.⁶⁻¹²

Particulate air pollution is a mixture of solid particles and liquid droplets that vary in size, composition, and origin. Because only very small particles can be inhaled into the lungs, U.S. national health standards for the quality of ambient air are based on the mass concentration of "inhalable particles," defined to include particles with an aerodynamic diameter of less than 10 μm .¹³ Fine-particulate air pollution includes particles with an aerodynamic diameter equal to or below 2.5 μm . Whereas larger particles are derived chiefly from soil and other crustal materials, fine particles are derived primarily from the combustion of fossil fuels in transportation, manufacturing, and power generation. Fine-particulate pollution typically contains a mixture of particles including soot, acid condensates, and sulfate and nitrate particles. Fine particles are thought to pose a particularly great risk to health because they are more likely to be toxic than larger particles and can be breathed more deeply into the lungs.¹⁴

In this study, a well-characterized cohort of adults participating in the Harvard Six Cities Study of the health effects of air pollution was followed prospectively, beginning in 1974.¹⁵ The objective of this study

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was to estimate the effects of air pollution on mortality, with control for individual smoking status, sex, age, and other risk factors.

METHODS

Study Population

We selected random samples of adults from six communities¹⁵: Watertown, Massachusetts (where study enrollment was conducted in 1974); Harriman, Tennessee, including Kingston (1975); specific census tracts of St. Louis (1975); Steubenville, Ohio (1976); Portage, Wisconsin, including Wyocena and Pardeeville (1976); and Topeka, Kansas (1977). The sample was restricted to the 8111 white subjects who were 25 through 74 years of age at enrollment, had undergone spirometric testing, and had completed a standardized questionnaire. The questionnaire included questions about age, sex, weight, height, education level, complete smoking history, occupational exposures, and medical history.

Informational letters and postage-paid return postcards including a question on vital status were mailed to the subjects annually. The vital status of the subjects who did not respond was determined by questioning family members, friends, or neighbors. In addition, we searched the National Death Index¹⁶ for the years 1979 through 1989. Death certificates were obtained for 1401 of the 1430 subjects who had died (98 percent); the causes of death were coded according to the *International Classification of Diseases, 9th Revision* (ICD-9) by an independent certified nosologist who was blinded both to pollution levels and to the study design and objectives. The ending date of the study for each city was March or June of 1991, depending on the date of the last follow-up contact; the total duration of follow-up was 14 to 16 years (111,076 person-years).

For subjects who died, survival times were calculated by subtracting the date of enrollment from the exact date of death. For surviving participants who were not lost to follow-up, censored survival times were defined as the date of the end of the study minus the enrollment date. For those who were lost to follow-up before the period covered by our National Death Index search (i.e., before 1979), censored survival times were estimated by subtracting the enrollment date either from the date of the last follow-up contact plus six months or from the first day of the National Death Index search period (January 1, 1979), whichever came first. For those who were lost to follow-up after the National Death Index search period (i.e., after 1989), censored survival times were estimated by subtracting the enrollment date either from the date of the last follow-up contact plus six months or from the last day of the study period, whichever came first. For those who were lost to follow-up during the period covered by the National Death Index search, the censored survival times were estimated by subtracting the date of enrollment from the last date in the search period (December 31, 1989).

Air-Pollution Data

As part of the original study design, ambient (outdoor) concentrations of total suspended particulate matter, sulfur dioxide, ozone, and suspended sulfates were measured in each community at a centrally located air-monitoring station.¹⁵ Size-selective aerosol samplers were placed at these sites in the late 1970s; data were collected for two classes of particle: fine particles (aerodynamic diameter $<2.5 \mu\text{m}$) and inhalable particles (aerodynamic diameter, $<15 \mu\text{m}$ before 1984 and $<10 \mu\text{m}$ starting in 1984). In the mid-1980s, supplemental 24-hour integrated sampling of aerosol acidity by the measurement of hydrogen ion concentrations¹⁷ was conducted for approximately one year in each city. Mean pollution levels for each pollutant were calculated for periods that were consistent and comparable among the six cities.

Statistical Analysis

Life-table survival probabilities for each year of follow-up were estimated for each city, and differences between city-specific mortality rates were assessed with a log-rank test.¹⁸ We estimated adjusted mortality-rate ratios for air pollution by simultaneously adjusting

for other risk factors in Cox proportional-hazards regression models.¹⁸⁻²² In these models the subjects were stratified according to sex and five-year age groups, and each sex-age group had its own baseline hazard. Each model also included indicator variables for current or former smokers, the number of pack-years of smoking (evaluated separately for current and former smokers), an indicator variable for less than a high-school education, and body-mass index (defined as the weight in kilograms divided by the square of the height in meters).

Two approaches were used to evaluate the effects of air pollution in the Cox proportional-hazards models. First, indicator variables for the city of residence were included, with Portage, Wisconsin, the city with the lowest levels of particulate air pollution, as the reference category. Adjusted mortality-rate ratios for each of the six cities were then compared graphically with the mean pollution levels in those cities. Next, adjusted mortality-rate ratios were estimated by including city-specific pollution levels directly in the Cox proportional-hazards models. Adjusted rate ratios were calculated and reported for a difference in air pollution equal to that between the city with the highest levels of air pollution and the city with the lowest levels — that is, the adjusted rate ratios across the range of exposure for each pollutant among the six cities.

Analyses were conducted to evaluate the robustness of the models and the possibility of residual confounding. Models were estimated after the data were separated according to the subjects' smoking status, sex, and occupational exposure to dust, gases, or fumes. The effect of the inclusion of different covariates on the estimated effect of pollution was evaluated. Models were also estimated after the exclusion of subjects who had been treated for high blood pressure within 10 years of enrollment in the study and subjects who had ever been told by a doctor that they had diabetes, had glucose in their urine, or had too much glucose in their blood. We also used a variety of approaches to estimate censored survival times.

Mortality-rate ratios from the Cox proportional-hazards models (with adjustment for cigarette smoking, education, and body-mass index) were estimated separately for the following cause-of-death categories: cardiopulmonary (ICD-9 codes 400 through 440 and 485 through 496), lung cancer (162), and all others. For each cause-of-death category, data on subjects whose deaths were not in that specific category were censored at the time of death.

RESULTS

Characteristics of the Cohort and Air-Pollution Data

The characteristics of the cohort and the values for air-pollution measures are summarized in Table 1. For all measures of air pollution except the ozone level and aerosol acidity, ambient concentrations were highest in Steubenville and lowest in Portage or Topeka. The mean acidity of the aerosol was highest in Harriman, but second-highest in Steubenville. The mean ozone concentrations were highest in Portage and Topeka. The concentrations of total particles declined during the study period, especially in Steubenville and St. Louis; the annual average concentrations of fine and sulfate particles varied relatively little during the study period (Fig. 1). Crude mortality rates (Table 1) and survival curves (Fig. 2) both show that mortality was highest in Steubenville and St. Louis and lowest in Portage and Topeka. Differences in the probability of survival among the cities were statistically significant ($P<0.001$).

Adjusted Mortality Rates

On the basis of the proportional-hazards model, mortality was most strongly associated with cigarette smoking (Table 2). Increased mortality was also associated with having less than a high-school educa-

Table 1. Characteristics of the Study Population and Mean Air-Pollution Levels in Six Cities.*

CHARACTERISTIC	PORTAGE, WIS.	TOPEKA, KANS.	WATERTOWN, MASS.	HARRIMAN, TENN.	ST. LOUIS	STEUBENVILLE, OHIO
No. of participants	1,631	1,239	1,336	1,258	1,296	1,351
Person-years of follow-up	21,618	16,111	19,882	17,836	17,715	17,914
No. of deaths	232	156	248	222	281	291
Deaths/1000 person-years	10.73	9.68	12.47	12.45	15.86	16.24
Female sex (%)	52	56	56	54	55	56
Smokers (%)	36	33	40	37	35	35
Former smokers (%)	24	25	25	21	24	23
Average pack-years of smoking						
Current smokers	24.0	25.6	25.2	24.5	30.9	28.0
Former smokers	18.0	19.7	21.8	21.1	22.0	25.0
Less than high-school education (%)	25	12	22	35	45	30
Average age (yr)	48.4	48.3	48.5	49.4	51.8	51.6
Average body-mass index	26.3	25.3	25.5	25.1	26.0	26.4
Job exposure to dust or fumes (%)	53	28	38	50	40	48
Total particles ($\mu\text{g}/\text{m}^3$)	34.1	56.6	49.2	49.4	72.5	89.9
Inhalable particles ($\mu\text{g}/\text{m}^3$)	18.2	26.4	24.2	32.5	31.4	46.5
Fine particles ($\mu\text{g}/\text{m}^3$)	11.0	12.5	14.9	20.8	19.0	29.6
Sulfate particles ($\mu\text{g}/\text{m}^3$)	5.3	4.8	6.5	8.1	8.1	12.8
Aerosol acidity (nmol/m^3)	10.5	11.6	20.3	36.1	10.3	25.2
Sulfur dioxide (ppb)	4.2	1.6	9.3	4.8	14.1	24.0
Nitrogen dioxide (ppb)	6.1	10.6	18.1	14.1	19.7	21.9
Ozone (ppb)	28.0	27.6	19.7	20.7	20.9	22.3

*Air-pollution values were measured in the following years: total particles, sulfur dioxide, nitrogen dioxide, and ozone, 1977 through 1985; inhalable and fine particles, 1979 through 1985; sulfate particles, 1979 through 1984; and aerosol acidity, 1983 through 1988.

tion and with increased body-mass index (the latter was especially true for women). After simultaneous adjustment for these other risk factors, the differences in mortality among the six cities remained significant.

City-specific mortality rates, adjusted for a variety of health risk factors, were associated with the average levels of air pollutants in the cities (Fig. 3). The small differences in ozone levels among the cities (Table 1) limited the power of the study to detect associations between mortality and ozone levels. Mortality was more strongly associated with the levels of inhalable, fine, and sulfate particles than with the levels of total suspended particles, the sulfur dioxide levels, the nitrogen dioxide levels, or the acidity of the aerosol.

When the mean concentrations of each pollutant were included individually in the proportional-hazards model, we found significant associations between mortality and inhalable, fine, or sulfate particles ($P < 0.005$). For a difference in the air-pollution level equal to that between the most polluted city and the least polluted city and with inhalable particles (range, 18.2 to 46.5 μg per cubic meter), fine particles (range, 11.0 to 29.6 μg per cubic meter), and sulfate particles (range, 4.8 to 12.8 μg per cubic meter) used as indicators of air pollution, the adjusted rate ratios were nearly equal at 1.27 (95 percent confidence interval, 1.08 to 1.48), 1.26 (95 percent confidence interval,

1.08 to 1.47), and 1.26 (95 percent confidence interval, 1.08 to 1.47), respectively.

Sensitivity

Estimates of the association between mortality and fine-particle pollution among subjects with different smoking status and among men and women (Table 3) showed only small and nonsignificant differences between subgroups. Associations with air pollution were somewhat stronger among subjects with occupational exposure to dust, gases, or fumes (Table 3). However, positive associations between mortality and air-pollution levels were observed in all subgroups defined by occupational exposure and sex, and differences among the subgroups were not statistically significant.

Although cigarette smoking and other risk factors were associated with mortality, our estimates of pollution-related mortality were not significantly affected by the inclusion or exclusion of these variables in the models (Table 4). The estimated association of air pollution and mortality was unchanged when subjects who had been treated for high blood pressure or subjects with diabetes were excluded from the analysis (Table 4). When censored survival times were recalculated as the date of the last follow-up contact minus the enrollment date, or when the analysis was restricted to data on deaths in 1979 through 1989 (the years of the National Death Index searches), no appreciable differences in the estimated association between air pollution and mortality were observed.

Causes of Death

The estimated effects of air pollution on mortality varied among causes of death (Table 5). For comparison, rate ratios were estimated for current smokers and for former smokers with approximately the average number of pack-years of smoking at enrollment (Table 5). Smoking was most strongly associated with mortality due to lung cancer, significantly associated with mortality due to cardiopulmonary disease, but not associated with mortality from all other causes. Similarly, air pollution was positively associated with mortality due to lung cancer and cardiopulmonary disease but not with mortality from all other causes. Only 98 deaths were coded on the death certificates as due to nonmalignant respiratory disease (ICD-9 codes 485 through 496), as compared with 646 deaths due to cardiovascular disease (codes 400 through 440). An analysis restricted to deaths from nonmalignant respi-

ratory disease produced unstable and statistically nonsignificant estimates of the association with air pollution. When mortality from all causes was considered, or when deaths due to cardiovascular and respiratory diseases were grouped together, the effects of air pollution were consistent and the association was robust.

DISCUSSION

In this prospective cohort study, the mortality rate, adjusted for other health risk factors, was associated with the level of air pollution. Mortality was more strongly associated with the levels of fine, inhalable,

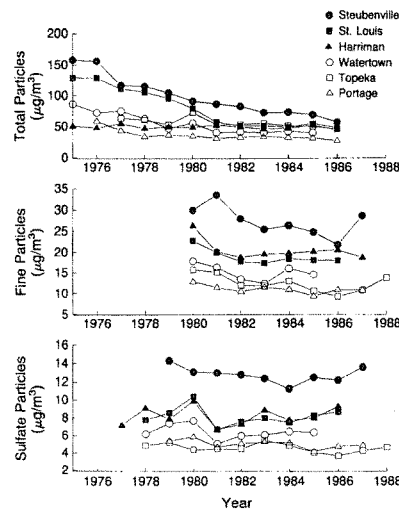


Figure 1. Annual Average Concentrations of Total Particles, Fine Particles, and Sulfate Particles in the Six Cities.

and sulfate particles than with the levels of total particulate pollution, aerosol acidity, sulfur dioxide, or nitrogen dioxide. As with all other epidemiologic studies, it is possible that the observed association was due to confounding — that is, that it resulted from a risk factor that was correlated with both exposure and mortality. Potential confounders of the effects of air pollution include cigarette smoking and occupational exposure to pollutants. In our study, however, the association of air pollution with mortality was observed even after we directly controlled for individual differences in other risk factors, including age, sex, cigarette smoking, education level, body-mass index, and occupational exposure.

The estimated effect of air pollution on mortality was not altered by the inclusion or exclusion of indica-

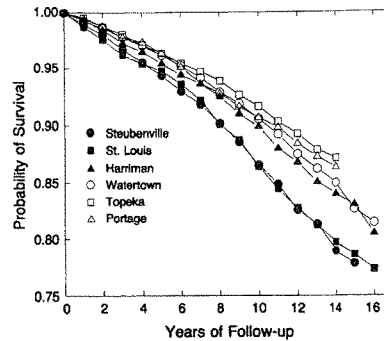


Figure 2. Crude Probability of Survival in the Six Cities, According to Years of Follow-up.

tor variables for other risk factors in our models. Analyses were conducted for subgroups defined according to sex, smoking status, and occupational exposure. Although the effects of pollution were somewhat stronger among subjects occupationally exposed to dust, gases, or fumes, positive associations between mortality and air pollution were observed among all the smoking-status, occupational-exposure, and sex groups, and the differences among these subgroups were not statistically significant. The estimated association of pollution and mortality remained essentially unchanged when subjects who had been treated for high blood pressure or who had diabetes were excluded from the analysis.

In our analysis, the mortality-rate ratios have been expressed in terms of the range of exposure to air pollutants in the six cities. When the range of expo-

Table 2. Adjusted Mortality-Rate Ratios Estimated from Cox Proportional-Hazards Models.*

VARIABLE	ALL SUBJECTS	rate ratio (95% CI)	
		MEN	WOMEN
Current smoker	1.59 (1.31–1.92)	1.75 (1.32–2.32)	1.54 (1.16–2.04)
25 Pack-years of smoking	1.26 (1.16–1.38)	1.25 (1.12–1.39)	1.18 (1.00–1.41)
Former smoker	1.20 (1.01–1.43)	1.17 (0.93–1.48)	1.34 (1.02–1.77)
10 Pack-years of smoking	1.15 (1.08–1.23)	1.16 (1.09–1.25)	1.15 (0.97–1.36)
Less than high-school education	1.19 (1.06–1.33)	1.22 (1.06–1.41)	1.13 (0.95–1.35)
Body-mass index	1.08 (1.02–1.14)	1.03 (0.95–1.12)	1.11 (1.03–1.20)
City			
Portage, Wis.†	1.00 (—)	1.00 (—)	1.00 (—)
Topeka, Kans.	1.01 (0.82–1.24)	1.04 (0.79–1.36)	0.97 (0.71–1.34)
Harriman, Tenn.	1.17 (0.97–1.41)	1.21 (0.96–1.54)	1.07 (0.79–1.45)
Watertown, Mass.	1.07 (0.89–1.28)	0.94 (0.73–1.20)	1.22 (0.93–1.61)
St. Louis	1.14 (0.96–1.36)	1.15 (0.91–1.44)	1.13 (0.86–1.50)
Steubenville, Ohio	1.26 (1.06–1.50)	1.29 (1.03–1.62)	1.23 (0.93–1.61)

*Rates have been adjusted for age, sex, and all other variables listed in the table. The rate ratios for body-mass index are for an increase of 4.52 (1 SD). CI denotes confidence interval.

†City-specific rate ratios are all expressed in relation to Portage.

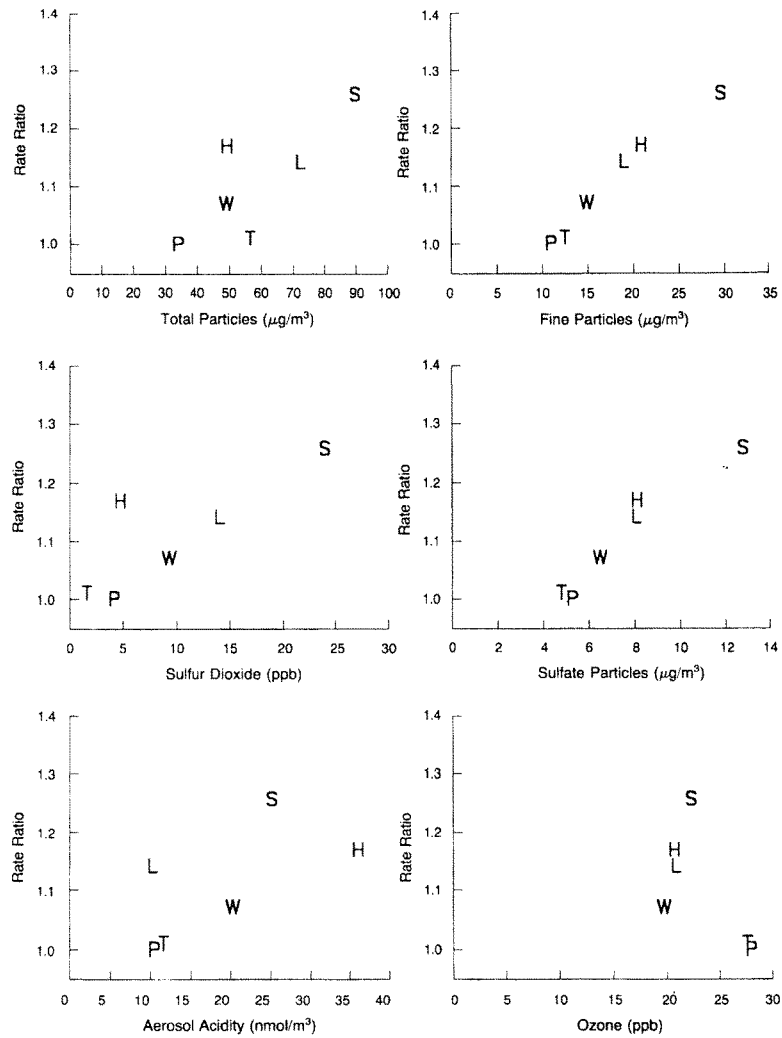


Figure 3. Estimated Adjusted Mortality-Rate Ratios and Pollution Levels in the Six Cities. Mean values are shown for the measures of air pollution. P denotes Portage, Wisconsin; T Topeka, Kansas; W Watertown, Massachusetts; L St. Louis; H Harriman, Tennessee; and S Steubenville, Ohio.

Table 3. Adjusted Mortality-Rate Ratios for the Most Polluted and Least Polluted Cities Studied, According to Smoking Status, Sex, and Occupational Exposure, with Fine Particles Used as the Indicator of Air Pollution.*

GROUP OF SUBJECTS	NO. OF SUBJECTS	NO. OF DEATHS	RATE RATIO (95% CI)†
All	8096	1429	1.26 (1.08–1.47)
Nonsmokers	3266	431	1.19 (0.90–1.57)
Women	2280	292	1.15 (0.82–1.62)
Men	986	139	1.29 (0.80–2.09)
Former smokers	1934	432	1.35 (1.02–1.77)
Women	670	106	1.48 (0.82–2.66)
Men	1264	326	1.31 (0.96–1.80)
Current smokers	2896	566	1.32 (1.04–1.68)
Women	1478	201	1.23 (0.83–1.83)
Men	1418	365	1.42 (1.05–1.92)
No occupational exposure‡	4455	686	1.17 (0.93–1.47)
Women	3151	417	1.13 (0.85–1.50)
Men	1304	269	1.27 (0.85–1.92)
Occupational exposure‡	3641	743	1.35 (1.10–1.65)
Women	1277	182	1.32 (0.86–1.50)
Men	2364	561	1.35 (1.07–1.69)

*The city with the highest level of fine-particulate air pollution was Steubenville, Ohio, and that with the lowest was Portage, Wisconsin. Rates have been adjusted for age, sex, smoking, education, and body-mass index. Fifteen subjects were excluded because of missing data on weight.

†CI denotes confidence interval.

‡To gases, fumes, or dust.

Table 4. Estimated Mortality-Rate Ratios for the Most Polluted City as Compared with the Least Polluted City, with Fine Particles Used as the Indicator of Air Pollution, in Selected Models.*

MODEL NO.	VARIABLES INCLUDED	RATE RATIO (95% CI)†
1	Fine particles	1.31 (1.13–1.52)
2	Model 1 + all smoking variables	1.29 (1.11–1.49)
3	Model 2 + high-school education	1.26 (1.08–1.47)
4	Model 3 + body-mass index	1.26 (1.08–1.47)
5	Model 4 + occupational exposure	1.26 (1.08–1.46)
6	Model 5, excluding 1439 subjects with hypertension	1.25 (1.04–1.50)
7	Model 5, excluding 561 subjects with diabetes	1.29 (1.09–1.52)

*The city with the highest level of fine-particulate air pollution was Steubenville, Ohio, and that with the lowest was Portage, Wisconsin. In addition to the variables specified, rates have been adjusted for age and sex.

†Subjects with hypertension were those who had been treated for high blood pressure within 10 years before enrollment; subjects with diabetes were those who had ever been told by a doctor that they had diabetes, had glucose in their urine, or had too much glucose in their blood.

‡CI denotes confidence interval.

Table 5. Adjusted Mortality-Rate Ratios for Current and Former Cigarette Smokers and for the Most Polluted City as Compared with the Least Polluted, According to Cause of Death.*

CAUSE OF DEATH	PERCENTAGE OF TOTAL	CURRENT SMOKERS†	FORMER SMOKERS‡	MOST VS. LEAST POLLUTED CITY
		rate ratio (95% CI)		
All	100	2.00 (1.51–2.65)	1.39 (1.10–1.75)	1.26 (1.08–1.47)
Lung cancer	8.4	8.00 (2.97–21.6)	2.54 (0.90–7.18)	1.37 (0.81–2.31)
Cardiopulmonary disease	53.1	2.30 (1.56–3.41)	1.52 (1.10–2.10)	1.37 (1.11–1.68)
All others	38.5	1.46 (0.89–2.39)	1.17 (0.80–1.73)	1.01 (0.79–1.30)

*The city with the highest level of air pollution (indicated by the level of fine particles) was Steubenville, Ohio, and that with the lowest was Portage, Wisconsin. CI denotes confidence interval. Rates have been adjusted for age, sex, smoking, education, and body-mass index.

†The risk of death for a current smoker with approximately the average number of pack-years of smoking at enrollment (25 pack-years), as compared with that for a nonsmoker.

‡The risk of death for a former smoker with approximately the average number of pack-years of smoking at enrollment (20 pack-years), as compared with that for a nonsmoker.

sure was used, the estimated relative rate ratios for inhalable, fine, and sulfate particles were nearly equal at 1.27 (95 percent confidence interval, 1.08 to 1.48), 1.26 (95 percent confidence interval, 1.08 to 1.47), and 1.26 (95 percent confidence interval, 1.08 to 1.47), respectively. Because the six cities were selected as representative of the range of particulate air pollution in the United States, these rate ratios roughly represent the relative risk associated with that range.

In this study, exposure to air pollution was estimated by monitoring outdoor air pollution at a central site in each of the six cities. Long-term transport and large-scale mixing of combustion products play a large part in establishing the levels of sulfate and fine-particulate air pollution. Therefore, concentrations of sulfates and fine particles are relatively uniform within each of these communities.²³ Furthermore, sulfate and fine-particulate air pollution penetrates indoors, resulting in strong correlations between indoor and outdoor concentrations.^{24–26} Thus, measurements of the outdoor concentrations of sulfate and fine particles may be better indicators of individual exposure than the other pollutants we considered.

The associations observed in this study between air pollution and mortality are consistent with associations observed in recent time-series studies, including studies from three of these six cities.^{5–12} Because the daily time-series studies evaluated only the effect of short-term changes in pollution levels, whereas our study evaluated associations with long-term exposure (including recurring episodes of relatively high pollution), quantitative comparisons with these investigations are difficult to make. Nevertheless, as was found in the time-series studies, particulate air pollution was associated with death due to cardiopulmonary causes. In our study, in which we evaluated the effects of long-term exposure, lung cancer was associated with particulate air pollution; such an association with lung cancer was not observed in the daily time-series studies. Little or no association with other causes of death was evident in our study or the time-series studies. The small number of reported deaths due to nonmalignant respiratory disease and the potential for misclassification of primary causes inherent in the use of death-certificate data limited our ability to evaluate cause-specific mortality in more detail.

The pollution concentrations used in our analysis represent only exposures monitored during the study period. Increased mortality, however, may reflect the cumulative burden of a lifetime of exposure. Concentrations of total particles clearly declined during the study period (especially in Steubenville and St. Louis), whereas concentrations of fine particles and sulfate particles were relatively stable. Given the lack of data on pollution levels before the study period and in view of the fact that the relative

ranking of the cities in terms of air-pollution levels did not change during the study period, it is not possible to differentiate the influences of historical exposure from those of recent exposure. The observed association between mortality and mean exposure to fine-particulate and sulfate air pollution during the study period may also partially reflect exposure to air pollution before the study period.

The strength of the observed association between air pollution and mortality is confirmed by previous observations of associations between particulate air pollution and other health end points. Elevated levels of particulate air pollution have been associated with declines in lung function or with increases in respiratory symptoms such as cough, shortness of breath, wheezing, and asthma attacks.²⁷⁻³⁶ Other studies have found associations between particulate air pollution and rates of hospitalization,³⁷⁻⁴¹ chronic obstructive pulmonary disease,⁴² and restricted activity due to illness.^{43,44}

A large and growing body of literature documents the adverse health effects associated with particulate air pollution. Although the effects of unmeasured risk factors cannot be controlled for, in this prospective cohort study we observed significant effects of air pollution on mortality even when we controlled for sex, age, smoking status, education level, and occupational exposure to dust, gases, and fumes. The compatibility of the effects of air pollution on mortality in this study with those observed in population-based cross-sectional studies and daily time-series studies provides further evidence for the conclusion that exposure to air pollution contributes to excess mortality. This study, therefore, provides additional impetus to the development of strategies to reduce urban air pollution.

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Ms. MCCOLLUM. How they go about collecting medical data without putting individual public medical records at risk.

Thank you, Mr. Chair.

Mr. PRUITT. May I, Mr. Chairman?

Just to be clear, in this proposed rule, confidential business information as well as personal information would be redacted and protected with respect to the transparency that we are requiring. That is actually in the proposal.

Ms. MCCOLLUM. Mr. Chair, not to belabor the point, but if you are from a small rural town, you can still be identified. All of us who have worked on public healthcare records know that. We work on that. I worked on privacy issues when it comes to healthcare at the State of Minnesota for years serving there.

Thank you, Mr. Chair.

Mr. CALVERT. I thank the gentlelady.

I know one thing, we are very good at redacting things around here.

Mr. Simpson.

STATE AND TRIBAL ASSISTANCE GRANTS

Mr. SIMPSON. Thank you.

I wasn't going to mention this, but I happen to agree with what you have been doing recently with making available the studies and so forth that created the science, because I can tell you for years what I have heard from, whether it is organizations, individuals, associations, whatever, they come in and say: EPA came up with this rule. We have no idea how they came up with this rule. We don't know what science they used. We don't know how it was done. Our science doesn't show the same thing.

And the basis of science is that if you do something and come to a conclusion, I ought to be able to look at how it was done and the factors that were used and be able to come up with the same conclusion. Then you have science. But right now, nobody knows how the EPA comes up with a lot of the information that they come up with.

So I applaud the transparency that you are trying to create there as long as we can maintain that privacy of people's medical records and those other things that ought to be kept confidential. So I just wanted to throw that in there.

Let me ask you a couple of questions on your budget, actually, since this is a budget hearing.

One of the concerns I have and one of the things this committee has tried to do, we actually reduced the EPA's budget over the years, and one of the things we have tried to do, to the extent possible, is protect STAG grants, very important programs for State and local communities, Indian tribes, in addressing wastewater and clean drinking water standards.

Several years ago, when I chaired this committee, the backlog of maintenance was like \$700 billion. I think it has gone over a trillion dollars now of backlog maintenance. We appropriated \$3.56 billion last year for STAG grants. The budget request is \$2.9 billion or about \$600 million less.

How do you plan to address the backlog of maintenance to address the clean drinking water standard in this country?

Mr. PRUITT. If I may, I want to commend Congress, obviously, for the omnibus that was passed recently, providing clarity on our budget. These are very important areas that you described.

About half our budget historically has been focused upon these grant programs, to assist the States in implementation and critical infrastructure. It is something that I am committed to and will continue to convey that to the individuals I work with at OMB, and to hopefully see different objectives in the future.

But I really appreciate the work of Congress to restore those levels of funding around those grants.

RURAL WATER ASSISTANCE PROGRAM

Mr. SIMPSON. One of the other important programs that was actually zeroed out in last year's budget that we didn't zero out and is zeroed out again in this year's budget is Rural Water Assistance. With a lot of small communities in Idaho and in other States, they depend on this Rural Water Assistance Program to help them learn how to address the standards that are necessary under the Clean Drinking Water Act.

Is it wise to eliminate that program? And what coordination have you had with those local communities about how best to spend that money?

Mr. PRUITT. Well, in my view, it is not wise. I think that the collaboration with the States and localities is really the heart of federalism on these issues.

We have critical water infrastructure needs across this country. I mentioned lead in my opening statement. We have an opportunity as a country to take steps over the next 10 years to truly allocate resources to replace those lead service lines.

I was in Cincinnati Monday of last week. They are leading the country with respect to leadership at the local level to replace lead service lines.

I can only say to you that it is a commitment of mine and it is something that I want to see the Agency emphasize going forward. I am hopeful that we will have good outcomes as we go through the budgeting process.

CLEAN WATER ACT: SNAKE RIVER

Mr. SIMPSON. One final really quick question. Long introduction maybe.

In 2012, the Idaho DEQ received approval from the State legislature for site-specific temperature standards for the salmonid spawning below Hells Canyon Dam on the Snake River. The rule was submitted to Region 10 EPA.

In March of 2014, EPA Region 10 asked for more information on the rule, which Idaho DEQ supplied. To date, no further action has been taken on the rule.

The Clean Water Act states that EPA is required to respond within 60 days on approving this rule or 90 days if it would like to see changes to the rule. Since the rule was submitted in 2012, we are now more than 2,000 days beyond that requirement.

The rule is a science-based standard that NOAA Fisheries has encouraged EPA to adopt, concluding that it would not hurt fall chinook or their habitat.

Will you commit to us to working with the State of Idaho and Region 10 so that we can resolve this impasse that has been going on for several years?

Mr. PRUITT. It sounds like we have work to do as far as responding, and I apologize for that delay as it relates to our part of that.

Chris Hladick is the new Regional Administrator in Region 10. He was one of the last that was actually approved. I think he is catching up to a certain degree. But I will be in conversations with the regional administrator to address this issue promptly.

Mr. SIMPSON. Thank you.

WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT

Mr. CALVERT. Thank you. Just a comment on your question, Mr. Simpson, on infrastructure. Don't forget WIFIA, because I think WIFIA is going to be a great tool to help leverage moneys to go into these various programs.

Mrs. LOWEY.

PROPOSED RULE: METHYLENE CHLORIDE

Mrs. LOWEY. Thank you, Mr. Chairman.

Administrator Pruitt, I would like to follow up with two questions.

Based upon my review, you are strategically starving programs that identify chemicals that could be harmful to children, while rolling back and delaying regulations for deadly chemicals. In December, you indefinitely delayed the proposed rule to ban paint strippers containing methylene chloride.

This chemical has killed 50 Americans since 1980. Three have died since EPA first proposed to ban it. Just this past October, Drew Wynne, a 31-year-old small business owner, was killed when he was overcome by the fumes from the chemical stripper he used on the floor at his business. He bought that paint stripper at a home improvement store.

When EPA conducts a cost-benefit analysis of rule promulgation, what value does it place on human life? And which is more important to you, the happiness of the industry you regulate or the safety and well-being of Americans? And what will it take for you to finalize this rule to save lives?

Mr. PRUITT. So I appreciate the question, because I think there is some misinformation in the marketplace about what we have done and not done with respect to that proposed rule. As you know, the Obama administration in January as they were leaving office, proposed that ban. We have actually submitted that for comment, have received comments, and are reviewing those comments now.

There has been no decision to deny that ban. I mean, that is something that is under consideration presently. It is actually one of the solvents that make up the list of 10 priorities under TSCA.

So I take this issue very seriously. We are working on, obviously, the prioritization of that. Also there will be a decision on the ban, but there hasn't been a decision yet.

Mrs. LOWEY. Well, I appreciate your comment, and I look forward to a very clear decision, because it is costing lives.

Mr. PRUITT. If I may, about the chemicals generally. We had a backlog. As you know, under TSCA, before new chemicals enter the flow of commerce, we have to approve those new chemicals.

When I came into office, there were over 700 of those chemicals that formed the backlog. I actually prioritized resources at the Agency, utilizing the Office of Research and Development, to assist the programmatic office to undo that backlog, and we did, to ensure clarity going forward on those chemicals.

So we have tried to make progress at prioritization around these issues and will continue to do that, but wanted to share that with you as well.

Mrs. LOWEY. Thank you. And I have one more question. Perhaps, though, you can discuss with us or just tell us how long that process will take, because lives are being lost in the interim.

Mr. PRUITT. On the proposed ban?

Mrs. LOWEY. Yes.

Mr. PRUITT. The comments, I actually asked earlier how many comments we had received, and I didn't get the official number. It depends on the volume of comments. But I would imagine that it is something that we can do this year.

ENDOCRINE DISRUPTORS PROGRAM

Mrs. LOWEY. I appreciate that, and the sooner the better.

I have one other question now. Your budget proposal prioritizes industry over the health of the American people, in my judgment. Last year, I asked you about the proposed elimination of the Endocrine Disruptors Program, which is critical to protecting against negative effects on public health caused by various chemical exposures.

You assured me that you shared my concern and would work with us on restoring it. Yet once again you have proposed its elimination.

How can you say that you will work to restore funding and then propose elimination?

Mr. PRUITT. I think, Congresswoman, one of the things that I would share is that the absorption of those functions has actually gone to the Chemical Office, and we are using current available testing to address those issues.

Mrs. LOWEY. I am not sure what you are responding to me. Are you working on it? When can we expect a clear decision?

Mr. PRUITT. Well, there is an available—

Mrs. LOWEY. I can remember, frankly, when that first issue was brought to my attention, it must have been 20 years ago, by the woman who discussed it. And this is really problematic. They have found all kinds of materials put in plastic. You know the whole story and I won't go into it. But I think a decision has to be made sooner rather than later.

Mr. PRUITT. Yes, ma'am.

Mrs. LOWEY. Yes?

Mr. PRUITT. Yes. I mean the testing battery is a tiered testing methodology that our Chemical Office has in place. That is being used to absorb the requirements of the program that you have referenced in the interim until we get clarity on the budgeting aspect.

Mrs. LOWEY. I would be most appreciative, because this is an issue I have been following for more than 25 years. And I would appreciate it if you would give me a timeline, tell me what is happening, and as soon as possible, I hope coming to the right decision.

Mr. PRUITT. With respect to the funding or what is happening in the interim until the funding is addressed?

Mrs. LOWEY. Both.

Mr. PRUITT. Both? OK, we will do both of those things.

[The information follows:]

ENDOCRINE DISRUPTORS

The Endocrine Disruptor Screening Program (EDSP) has a universe of approximately 10,000 chemicals. Tier 1 screening determines whether a chemical has the potential to interact with the endocrine system and requires more thorough testing. Tier 2 testing is conducted to rule out bioactivity for chemicals that show more potential for endocrine bioactivity. If a chemical is determined to indeed have endocrine bioactivity after completing EDSP Tier 2 testing, EPA would most likely conduct a complete risk assessment and risk mitigation exercise for that chemical.

The EDSP has completed Tier 1 screening for List 1 chemicals, and identified 18 chemicals for Tier 2 screening. The EDSP has met statutory requirements for developing a tiered testing strategy (FQPA Amendments to FFDCA section 408(p)(1)) for estrogen and other endocrine activities as determined by the Administrator). The EDSP has also met the statutory requirements to take public comment on the tiered testing battery with FIFRA SAP under section 408(p)(2).

EDSP is still implementing testing of all pesticides and inert ingredients with the tiered testing battery required under section 408(p)(3)(A).

Mrs. LOWEY. Thank you.

Mr. CALVERT. Thank you.

Mr. Cole.

FISCAL YEAR 2019 BUDGET

Mr. COLE. Thank you very much, Mr. Chairman.

My friend, good to see you again. Sorry it has been a long day.

But as this committee knows, I have known the Administrator for over 20 years, and I have high confidence in his personal integrity and ability.

And certainly if a mistake was made, I am sure it will be acknowledged and corrected, because I have seen you do it over and over again in the course of a long and very distinguished career of service.

I want to move quickly, because there are some things I want to get at. I want to first thank you and the President for getting us out of the Paris climate accord. Congress never approved that, because it would not have gotten the votes in either house. And if you have got confidence in an agreement and you want it to be permanent, you need to bring it before the Congress of the United States.

The last President chose not to do that. So I think this President, and on your advice, acted wisely in that area.

I also want to thank you for the deregulatory thrust of your office. I hear it over and over again from farmers, ranchers, all sorts of people, how grateful they are for what your department is doing to free them up from burdensome regulations.

Now, I have been fulsome enough in my praise, but I have one other point to make first.

On the budget, to be fair to you and the administration, we passed the omnibus budget a month ago, roughly. I assume your

budget for 2019 was prepared before we had come to a bipartisan agreement. Is that the case?

Mr. PRUITT. I think that is right, Congressman.

Mr. COLE. So, I mean, that suggests to me that you have to adjust the budget. We didn't give you time to do it. Frankly, we were late getting our work done. And I have seen this in agency after agency. They are sort of caught with budgets that were prepared before Congress agreed to higher spending levels. And so this is a pretty common sight in every one of the subcommittees right now.

The other thing I would say, and I wouldn't have put you on the spot on this, but I have never met anybody that got to fully prepare their own budget. Usually it has to go to the OMB. One of our former colleagues, named Mr. Mulvaney, operates that. He was a pretty famous budget-cutter here.

So I expect you, as always, to defend the President's budget, that is your obligation as his appointee, but you don't always get to make those final calls. And I am not going to press you on it, but the budget you submitted probably didn't come back exactly as you submitted it.

Mr. PRUITT. No, there is always an active dialogue there. I appreciate your comments.

STATE AND TRIBAL ASSISTANCE GRANTS

Mr. COLE. OK.

Now, there is one area that I do have a special concern in, and that is the cuts in the State and the Tribal grant programs. Those, as my colleague suggested, are extraordinarily important and particularly in the Tribal areas. These are not governments in many cases with much in the way of independent revenue, they don't have the ability to tax, and they are in some of the most remote and difficult sites in the country.

So I would just tell you we are going to probably always be pretty aggressive at pushing back in cuts in those areas, because that is really not the Federal bureaucracy, that is money going right out directly to help the people that we all represent. So I would ask you to revisit that with the powers that be inside the administration.

Mr. PRUITT. As you know, Congressman, we have an International and Tribal Affairs Office that works with those sovereign nations across the country with respect to implementation of environmental statutes and regulations. It is something that is very, very important to our efforts. So I agree with your assessment.

KERR WATER LAB, ADA, OKLAHOMA

Mr. COLE. I have one particularly local matter to ask you to look into.

As you know, the Kerr water lab is located in Ada, Oklahoma. It has long been an EPA facility. It is a very good facility, does groundbreaking work in groundwater issues.

We recently had an administrator that left there, nothing inappropriate about that, but the one before him, that was allowed to stay vacant for 4 years. We had acting administrators.

So I would just ask you and your office to put some attention to that. I don't have any candidate. I just don't want the administra-

tive post at an important national laboratory left vacant for 4 years. And, frankly, it does disadvantage us when we are actually competing for part of the budget for research and science inside the EPA.

Mr. PRUITT. I hear you and I appreciate the comment. It is something that I will visit with the ORD to make sure that there are ongoing efforts to fill that position.

I think those labs regionally are very, very important to the work that is done by States across the country. Because those State Implementation Plans, water quality standards, and various steps that are being taken by the States to actually implement the regulations that we are setting, they need that technical assistance. Those regional labs matter substantially to helping them do that.

Mr. COLE. I would just ask that you keep us posted on the process. Again, I don't have a candidate. I just want to make sure that from a personnel standpoint that that facility has the appropriate leadership, and I would appreciate your help.

With that, I yield back, Mr. Chairman.

Mr. CALVERT. Thank you.

Ms. Pingree.

FISCAL YEAR 2019 BUDGET

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

Thank you, Administrator Pruitt. Clearly, you have had a long day and it is not over yet, but thank you for being in front of our committee.

I have had a chance to listen to a lot of the dialogue earlier this morning. I am not going to ask you to repeat every single question. But I do have concerns about the many things that have been raised about how you have administered the organization, some of those things that have already been brought up, some others about retaliation of whistleblowers, your housing issues, abuse of hiring authority, violations of the Hatch Act. There is really quite a list.

But I have to say, I want to focus my concerns on some of the severe policy disagreements that I have with you.

First off, I had hoped you would spend a little more time defending a reasonable budget. I know my colleagues mentioned it is not easy when you are the appointee. You have a budget, you have to sort of take a little bit of what is given to you.

But to have the 30 percent cuts, the dramatic cuts that we have actually bailed you out of, I think, twice now in the budget processes, they don't stand. Programs are being eliminated. This just couldn't possibly go on. I would like to see you be a little bit more rigorous in your defense.

But I want to focus a little bit on a couple of issues that concern me.

I have a sense that some of the appointments of this Administration don't have the same view of how they should administrate the organizations as maybe some of us do, but are somewhat there to dismantle it or to look at a different purpose.

MOROCCO TRIP

I know I hear praise on the other side of the aisle. But one of the concerns that I had was how you oversee the EPA, the Envi-

ronmental Protection Agency. A lot of concerns have already been raised about whether you have too much of a bent towards industry, towards fossil fuels.

There were concerns raised about your trip to Morocco and the idea that you were there to promote LNG sales. I can't for the life of me imagine why an EPA administrator would be over there promoting energy sales. We have a Department of Energy. You should be thinking much more about some of the challenges with LNG and why you would be on the other side.

The second—

Mr. PRUITT. If I may.

Ms. PINGREE. Quickly.

Mr. PRUITT. So there is a free trade agreement. The Ambassador of Morocco actually met with me in advance of a free trade agreement that was being negotiated and completed in February this year. We were there in December to negotiate the environmental chapter. That was the focus of the trip. There was a lot of reference made to LNG only because the ambassador asked me to share that with the individuals when I was in the country.

CLIMATE CHANGE

Ms. PINGREE. Well, it has certainly been portrayed in another way, and it certainly raised a lot of concerns. I would not want to think that you saw yourself as promoting fossil fuels or fossil fuel sales outside the country.

I am also really concerned about how you talk about climate change. It has been widely reported that you do not agree with the issues around climate change. You call it something that has been far from settled. This is a quote from you: "I think that measuring with precision human activity on the climate is something very challenging to do and there is tremendous disagreement about the degree of impact."

You have also been known to say that there are assumptions being made that because the climate is warming that it is necessarily a bad thing. A recent article just showed that EPA staffers are given talking points to play down climate change, to say it is not clear that there is a man-made impact, to raise uncertainty.

I think we could all give a tremendous number of examples why this is on us and on us faster than we ever imagined, that scientists from around the world are talking to us about this. I thought I might just quote from a couple of letters I got actually this week.

I represent the State of Maine. We are part of the Gulf of Maine, which is warming at a rate about 99 percent faster than the oceans around the world. Lobster fishing is critical both to our economy, to our tourism business, to our culture. I get these letters from kids who live in fishing communities.

Here is one that said: "One of the changes from climate changes is warming waters, rising sea levels, and the migration of lobsters. In around 50 years, the water level will rise and the coast of Maine will be having tropic temperatures and there will be many new types of fish."

"There will also be no more native species that were once here, because the global temp is going up by 1.8 percent Fahrenheit

since 1880. Climate change is a real thing. It will affect the coast of Maine.”

Here is another kid who said: “My grandfather is a second-generation fisherman who lives on one of the islands. Every summer my cousins come up, we always take a trip out to the island to eat lobsters and camp out.

“It is a tradition I know and would like to carry on with my children, but it might not be possible. If the oceans keep warming and pushing lobsters north, there will most likely not be the same island culture that there is today. Lobster fishermen will be replaced by tourists. There will be no reason for me to return to the island with my children.”

That might be through the eyes of children, but if you are not going to listen to scientists, who are you going to listen to? This is what is going on in my State. How do I go home and tell them that the Administrator of the EPA doesn’t want to put resources in this, doesn’t actually believe in it, and said: Oh, maybe we are getting some benefit out of this. How do you defend that?

Mr. PRUITT. Well, I have indicated many times, and have said it over and over again, the climate is warming and we contribute to it. But what is lost in this discussion is what authority does the EPA have to regulate?

The Clean Air Act was last amended——

CAFE STANDARDS

Ms. PINGREE. But with all due respect, I mean, we are going to talk about a lot of things, CAFE standard, Clean Power Rule. There are a lot of things that you are rolling back actively that I think would have a huge impact if you would stay on the other side.

Mr. PRUITT. So there were two efforts made by the previous administration to regulate CO₂, and both of them were struck down by the courts.

Ms. PINGREE. Well, get creative. There is a lot more we could be doing.

Mr. PRUITT. They were creative.

Ms. PINGREE. CAFE standards were not struck down by the courts.

Mr. PRUITT. That is not the issue we are talking about here.

Ms. PINGREE. Auto emissions?

Mr. PRUITT. The Tailoring Rule that the previous administration adopted with respect to CO₂ and then the Clean Power Plan was stayed by the U.S. Supreme Court, and it was unprecedented. That had never happened, for the U.S. Supreme Court to issue a stay while a case was pending at a lower court level.

Ms. PINGREE. That doesn’t allow us to say we are not going to deal with this issue.

Mr. PRUITT. I haven’t said that. I can only take the steps that Congress authorizes me to take. The faults of the last administration on this issue is they tried to pinch hit for Congress.

I have taken the additional step that no previous Republican administration has actually taken. I have actually introduced an advance notice of proposed rulemaking in the marketplace to solicit comment on our authority to regulate GHG under——

Ms. PINGREE. Excuse me. I want to finish my comment here.

You can say that the fault is the last administration, that they didn't do it right, they were pinch hitting for Congress. To actively deny that we are now experiencing the effect of climate change, whether it is unexpected weather, whether it is something farmers or fishermen or anyone is experiencing right now, and that we don't have to start preparing for that, and to say that there might be some benefit, which I haven't heard you justify what those benefits are, we don't have time to blame the last Congress. I want to hear some leadership out of you about what we are going to do about it.

Mr. PRUITT. We have actually, as a country, reduced our CO2 footprint by almost 20 percent from the years 2000 to 2014. There was a GHG report that recently came out that showed an additional 2 percent reduction. We have led—

Ms. PINGREE. Well, if it has gone down from 2000 to 2014 and you are rolling back the standards, we are not moving in the right direction.

Mr. PRUITT. The other report recently came out, another 2 percent reduction, and that is largely through innovation and technology.

Ms. PINGREE. Not since you got there.

Mr. PRUITT. Actually, it was just in the last couple of weeks that it occurred.

Ms. PINGREE. I yield back. I don't need to keep going on this.

But I just want to be clear, I find those statements unacceptable. I can't go home and tell my district or people that I serve with or young kids in elementary school who are writing me letters that there might be some good impacts to climate change and it is OK to do nothing about it.

Mr. CALVERT. I thank the gentlelady.

Mr. Joyce.

GREAT LAKES RESTORATION INITIATIVE

Mr. JOYCE. Thank you, Mr. Chairman.

Administrator Pruitt, the subcommittee as a whole recognizes the importance of the Great Lakes Restoration Initiative and the role it plays in our ability to protect and preserve the Great Lake ecosystem. On a bipartisan basis, we have rejected proposals that have cut, whether it was the previous administration or the current administration, funding for the GLRI.

Unfortunately, the Administration's 2019 budget would once again cut GLRI funding from \$300 million to \$30 million. Last year the proposal was zero, so I guess in some ways it was an improvement, but I don't see it that way.

Have you ever personally visited the Great Lakes region to see how GLRI projects are helping us address regional concerns like invasive species and nonpoint source pollution?

Mr. PRUITT. I was actually in Region 5 this past week. Obviously, that has been a major issue for Region 5 in Chicago and the States in that region.

I think the Great Lakes Initiative represents something that is very, very good for the rest of the country. You have a collection of States that have joined together to advance issues of environ-

mental concern—invasive species is an example—and taken steps locally. They have partnered with the Federal Government to achieve better efforts. I think it is the true example of federalism.

I have expressed that in these discussions internally. I will continue to do that. I really appreciate Congress restoring that \$300 million for the omnibus that you just passed.

Mr. JOYCE. I appreciate that, because I heard that from you last year. I didn't have the opportunity to go with you when you were in Region 5, but certainly I want to extend, on behalf of Ms. Kaptur and myself, an invitation to come to the Great Lakes—and certainly a number of members—

Ms. MCCOLLUM. I have Lake Superior.

Mr. JOYCE. Well, ours is Erie. They are all good lakes. As I try to tell people, it is not a lake or a series of lakes; it is a national treasure, containing 85 percent of the fresh surface water in North America. So we would love to take you out there and show you firsthand some of the ways in which the GLRI has been working.

Mr. PRUITT. These are regional investments. I think these regional grants and investments matter. But I appreciate your comments.

Mr. JOYCE. I agree on that. I strongly support increased coordination between the Federal agencies, States, Tribes and local entities. However, given the national significance of the Great Lakes, is it fair to expect the States and local communities to continue to shoulder the burden of caring for the Great Lakes?

Mr. PRUITT. Hopefully, I have addressed that question as far as my commitment. I can only say to you, Congressman, that it is my belief, my conviction that we should work together to keep funding levels consistent with the omnibus level which you passed.

Mr. JOYCE. I thought I heard you say that the responsibility would come back to the localities. It is important that we all work together. That is the point I want to make clear.

Mr. PRUITT. No, if I gave you that impression, I am sorry. I think it is a partnership that should exist between both the U.S. Government and those States and localities.

GREAT LAKES ADVISORY BOARD

Mr. JOYCE. As part of that, there is the Great Lakes Advisory Board. Are you familiar with the Board?

Mr. PRUITT. I am familiar with it, yes.

Mr. JOYCE. It would appear that—and I would, if I may, pass a letter to you, on behalf of Ms. Kaptur and I.

Mr. CALVERT. The gentleman wants to submit that for the record. Without objection.

[The information follows:]

Congress of the United States
Washington, DC 20515

April 26, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to request that you maintain the Great Lakes Advisory Board (Board).

The Environmental Protection Agency (EPA) created the Board to ensure transparent, credible, and diverse views in guiding the Great Lakes Restoration Initiative's (GLRI's) investments. The Board—comprised of many of the region's most respected experts—has provided invaluable advice for the guidance of the GLRI to the Great Lakes Interagency Task Force and its Great Lakes Regional Working Group. The Board was created under the Federal Advisory Committee Act (FACA) so that input could be provided in compliance with federal law.

During last year's House Interior, Environment, and Related Agencies Appropriations Subcommittee hearing, we asked you whether the Board would be maintained. You responded that EPA would work with Congress in addressing this matter. However, we now understand that EPA is considering abolishing or replacing the Board.

We wish to reiterate, as we have done in past appropriations reports, that we support the establishment and maintenance of the Board. We urge you to maintain the Board and request that you seek our input should EPA consider any changes to this important entity.

Sincerely,



David P. Joyce
Member of Congress



Marcy Kaptur
Member of Congress

Mr. JOYCE. Thank you very much.

I want to know if there is any concern that we should have regarding whether or not you are considering to disband the Great Lakes Advisory Board?

Mr. PRUITT. I don't know of any current consideration to ban the board, if that is your question, Congressman.

Mr. JOYCE. Have you assessed whether the EPA may receive advice from our stakeholders using a mechanism other than the Federal Advisory Committee Act without violating FACA, especially when Congress has an interest in ensuring that the \$300 million we appropriate annually for the GLRI should have strong public advice, support, and input to you?

Mr. PRUITT. That should be reviewed as well.

Mr. JOYCE. Great.

With that, I yield back, Mr. Chairman.

Mr. CALVERT. I thank the gentleman.

Mr. Kilmer.

CLIMATE CHANGE

Mr. KILMER. Thanks, Chairman.

Thanks for being with us.

Before I came to Congress, I worked in private industry. I worked in business and then in economic development. And here is what I will tell you. We saw when you do brownfield restoration, when you clean up Puget Sound, it is actually good for business. Tacoma is a more vibrant city because we remediated the surrounding lands and waters. It is a place people want to live. It is a place where businesses want to invest and can profit.

But the "P" in EPA doesn't stand for profit, it doesn't stand for personal gain, it stands for protection. And sadly, there are far too many examples where the environmental protections that motivated the creation of this Agency have been ignored under your leadership.

And a paramount example of that is climate change. So I want to follow up on Ms. Pingree's line of questioning.

I would invite you to visit our region. We are seeing the impacts of climate change firsthand. You can come and see catastrophic wildfires. You can see changing ocean conditions that are impacting fishermen and shellfish growers, not just in Maine but in Washington State.

Come visit our coastal communities. I represent 11 Native American Tribes. Four are coastal Tribes that as we sit here today are in the process of trying to move to higher ground because of persistent flooding.

When the EPA doesn't act, the conditions on the ground in Washington State get worse. And the folks in my neck of the woods depend on your Agency to be the first line of defense, and you have let them down.

You know, 3 months ago, to Ms. Pingree's point, you said: "I think there are assumptions made that because the climate is warming that that is necessarily a bad thing. We know that humans have most flourished during these times of warming trends."

If you came to my district, I would introduce you to Fawn Sharp, the president of the Quinault Indian Nation, who told me that the

ocean was once a football field's length away from her village and now it is their front porch. You could talk to the Army Corps of Engineers in our region who have responded every time their seawall breaches and their village floods.

You can visit with our shellfish growers, Bill Taylor, whose business is constantly threatened by harmful algal blooms and by increasingly acidic waters that have been so bad that our government actually declared a disaster as a consequence of it.

I could introduce you to a whole bunch of folks who are impacted by this.

So I am not going to ask you to defend industry relationships or your views on climate science that you just articulated. I guess I want to ask for your help.

What would you say to the coastal communities I represent that face an existential threat to our fisheries that are dealing with this, with ocean acidification? Do you really think they are going to flourish because of this?

Mr. PRUITT. Well, as I indicated earlier, I think there are a couple of questions with respect to this issue. The one that does get lost in the discussion quite a bit is the process and the response opportunities we have as an Agency.

We are looking at those options, on what steps we can take to regulate CO₂ for stationary sources. And, Congressman, that has not been done before.

GREENHOUSE GAS EMISSIONS

Mr. KILMER. So let me speak to that, because you question whether you have the legal authority to do that. Even the late Justice Scalia held the opinion that you do. In a 2014 Supreme Court decision, Justice Scalia's opinion, he wrote: The EPA sought to regulate sources that it said were responsible for 86 percent of all the greenhouse gas emissions emitted from stationary sources nationwide. Under the Court's holdings, the EPA will be able to regulate sources responsible for 83 percent of those emissions.

Mr. PRUITT. We are considering that as we speak. We have an advance notice of proposed rulemaking in the marketplace, soliciting comment on regulating stationary sources for greenhouse gases. That is in the marketplace today.

NO DISCHARGE ZONE

Mr. KILMER. And I know my colleagues touched on this, but also, in light of the challenges in these communities, what do you say to a poor Tribal community that is trying to move?

I visited a Head Start facility in La Push, Washington, at the Quileute Tribe, that they are trying to move to higher ground because of the impacts of sea level rise. And they are struggling to find a dollar. And they are seeing this issue get worse when it is ignored in this town.

How do you explain, when you spend tens of thousands of dollars on travel and thousands of dollars on soundproofing? They don't have the luxury of spending thousands of dollars on soundproofing. They can't even spend thousands of dollars on waterproofing when they are getting washed out.

Mr. PRUITT. We granted the No Discharge Zone, and I think that provided environmental benefits to your community. We are taking Superfund actions.

We are taking a host of actions that I think benefit those local communities with respect to environmental protection. And this issue that we are talking about here, we are evaluating our authority to address that going forward.

Mr. KILMER. I am at my 5 minutes. Thank you, Chairman, I yield back.

Mr. CALVERT. Thank you.

Next, Mr. Amodei.

FISCAL YEAR 2018 APPROPRIATION

Mr. AMODEI. Thanks, Mr. Chairman.

Good afternoon, Mr. Administrator.

I want to start with a few things. I know it is kind of thin ice to be talking about the Sooner State and stuff like that, but I do want to correct one thing that was said earlier by a member of this committee when he was referring about your budget and he said we were a little late in getting our work done.

With all due respect, we weren't, those folks on the north end of the building were. I would just like the record to reflect that.

Mr. COLE. I stand corrected, and I am grateful for you pointing it out.

Mr. AMODEI. That is good enough then. I will stop there on that one. I appreciate it.

WASTEWATER AND SUPERFUND ACTIVITIES

Mr. AMODEI. And then the only other one—I guess the other thing I want to say as a lead-in is, on behalf of the other 40-some-odd States who have, I guess, modest and humble lakes instead of Great Lakes, thank you for your consideration, you doing those lakes also. No offense to the people from Ohio or the Superior.

I want to talk with you a little bit about kind of some meat-and-potatoes stuff for the Agency and that is this. It has been my experience that when we have visited your folks in Region 9 in San Francisco, in the prior administration and in this administration they have been very helpful.

And so, I don't want that to go without mention in terms of what is going on, because even though we may not be blessed with a lot of water in my neck of the woods, our issues with respect to water are still very, very important.

Your Agency has done a good job of partnering with the Nevada Division of Environmental Protection, working together in terms of how your jurisdiction is shared with them and how you folks end up of achieving the goals of maintaining clean water for those of us where it predominantly comes from groundwater systems. So I want to put that on the record and thank you.

We want to visit just a couple things. And I am not going to take your time today, because I know you have been fully employed so far today and I know you probably have plenty of fun things to do tonight in terms of overtime.

So I just want to put on the record with your folks that we are going to be getting ahold of you and we want to talk about a couple

of wastewater situations that are the result of the huge winter that we had on the eastern slope of the Sierra that are not under your direct control, but it kind of gets into your jurisdiction.

One of them is north of Reno in a place called Swan Lake, if you can believe that there are swans in the desert.

Another one is an update on your Superfund activities in the State, because while you don't have a lot of them, some of them are kind of long range. By necessity we just kind of want to see where we are and what the status is under your administration in going forward in that.

So with that, we will look forward to getting ahold of your legislative liaison folks. Thank you for your service.

I yield back and thank the gentleman from Oklahoma for his contrition on that one.

Mr. PRUITT. Mr. Chairman, may I first?

Mr. CALVERT. Mr. Pruitt.

Mr. PRUITT. I just want to offer, because I think the point the Congressman makes about the State DEQs, the Departments of Environmental Quality and Departments of Natural Resources across the country, that has been an emphasis of ours at the Agency, to work with our State partners in a very, very close way with respect to these, technical assistance. We were talking about that earlier.

So I really appreciate hearing that Region 9 and others are doing that effectively because it has been a point of emphasis.

Mr. CALVERT. I want to point out, too, that the lake that the gentleman is referring to is shared with the great State of California.

Mr. AMODEI. Thank you, Mr. Chairman. I was just referring to the better part of the lake.

Mr. CALVERT. Ms. Kaptur.

TOXIC ALGAL BLOOMS

Ms. KAPTUR. Thank you, Chairman Calvert and Ranking Member McCollum.

Welcome back, Administrator Pruitt.

I wore this color today for a reason. Last June I invited you, and I think it is fair to say Congressman Joyce joined me in this, to visit Lake Erie, the 12th-largest freshwater lake in the world and the shallowest of the five Great Lakes. That lake is choking, and it is choking deeply, due to phosphorus and manure runoff. In fact, 4 years ago the city of Toledo had to shut off its freshwater system to half a million people for 3 days because of what is happening with toxic algal blooms.

Now, I am a little offended you couldn't accept our invitation. I know you are a busy man, but I read in the paper that you in the past year traveled to Italy and Morocco, and that the trip to Italy alone cost more than \$120,000.

Did you travel to those two countries last year?

Mr. PRUITT. I did, Congresswoman.

Ms. KAPTUR. You did.

Mr. PRUITT. And to the G7 in Italy.

Ms. KAPTUR. Do you have any idea what a plane ticket to Cleveland, Ohio, might cost you to come and visit?

Mr. PRUITT. Probably less than the trip to Italy.

GREAT LAKES RESTORATION INITIATIVE

Ms. KAPTUR. It would cost you a great deal less, yes. It would be about \$200, \$250, somewhere in that range.

According to a Federal judge, who ruled just recently, you have ignored your duty as the Administrator of the Environmental Protection Agency for this Nation under the Clean Water Act. I am sure that court proceedings will bring out the truth in all of that.

The President's budget for this year recommended elimination, zeroing out of the Great Lakes Restoration Initiative. What I would like to know is, did you recommend that to the President?

Mr. PRUITT. I did not.

Ms. KAPTUR. All right. The budget you are submitting this year cuts the Great Lakes Restoration Initiative by 90 percent, \$270 million, which isn't even enough. Even if we got \$300 million, which we have had in the past, it wouldn't be enough to deal with what we are struggling with right now.

Your budget cuts our Section 106 pollution grants by 33 percent. You eliminate Section 319 nonpoint source pollution management grants. I want you to know that all of those cuts and programs, if they were funded, represent half of Ohio EPA's budget, half.

All right. So our States depend on this funding. I would like to know if you recommended to the President to cut those programs?

Mr. PRUITT. I did not.

REGION 5 STAFFING

Ms. KAPTUR. I also want to let you know that the Superfund program, which is very important to us, is terribly short-staffed in Region 5. And I am sorry to be provincial, but we have all talked about our parts of America. That is what the House does, we represent all places in our Nation.

In that region there are zero hydrogeologists, who are the people who determine how the toxins may spread and endanger other citizens. Also, there are zero civil investigators, who find out who is responsible for these billion-dollar messes that we have to clean up, and require them to fund the cleanup.

As we sit here today, just so you know, Region 5 has lost at least 90 employees under your leadership, and there have been only two hires that you have made, and they are both political.

What I want to know is, do you have any intention, and can you fully commit, to fully staffing Region 5, not just for Superfund, but for all of the programs to protect human health and the environment in our fragile region?

Mr. PRUITT. The good news is that OMB has actually lifted the hiring freeze. For Region 5, we can act with respect to those deficiencies that you have identified.

Ms. KAPTUR. So what are you going to do for Region 5?

Mr. PRUITT. The OMB has lifted the hiring freeze. For Region 5 specifically, we can act to address the deficiencies that you have raised.

Ms. KAPTUR. At what level do you expect you will be able to employ individuals to do the job?

Mr. PRUITT. Well, with the omnibus I am sure that we are going to have more flexibility.

CLEAN WATER ACT

Ms. KAPTUR. All right. Now, do you understand that one of the reasons that the court is questioning your duty under the Clean Water Act is because, in terms of cleaning up Lake Erie, we needed to hear from Federal EPA because we have various States involved in this: Indiana, Ohio, Michigan, and actually Ontario, Canada. And the EPA sat on the bench, didn't do a thing.

Mr. PRUITT. I don't know if you are referring to, Congressman, the water quality standards that Ohio submitted. We have been very diligent in responding to Ohio. In fact, we have asked for the data from the State of Ohio about those issues.

Ms. KAPTUR. You dragged your feet on declaring impaired status. The National EPA made our entire marine community, a \$7 billion industry, terribly worried. This is what it looks like.

We invite you out. I invite you out this year. I will drive you myself if you don't like airplanes, but apparently you fly.

For us this is a life-and-death issue, and I just don't see that the EPA is serious. I am old enough, I've been around when we past Earth Day. I remember Gaylord Nelson. I remember America becoming conscious in the last quarter of the 20th century that we have to live in communion with the Earth or we all will die. It is pretty clear.

My grandmother said to me in 1952, when I was nearly 6 years old, and she was an immigrant, but she was close to the land. She said: "America will pay a great price for this." She pointed at our river, the same river that is sick today. She said: "The people here don't understand what they are doing." She couldn't even speak English, but she knew what it meant to live in communion with the Earth. To have this kind of ignorance by the EPA, I consider at this point in our history, to be un-American.

I need your help. We need the help of the Government of the United States to protect our people, to protect their economic activities, to protect their human health. I expect more than cursory answers in this committee.

I will look forward to your letter of reply to questions I am submitting to the record.

Thank you.

Mr. CALVERT. I thank the gentlelady. And rest assured the Great Lakes will be addressed in our appropriation, as it always is.

Mr. Jenkins.

WEST VIRGINIA

Mr. JENKINS. Thank you, Mr. Chairman.

Mr. Administrator, thank you for being here.

In your remarks you talked about restoring confidence. Let me tell you about the people of West Virginia. I don't use the word confidence, I say hope. And this administration, in your work, in your Agency, is restoring hope to the people of West Virginia.

The last administration devastated us economically. The regulatory overreach put almost one half of our coal mining jobs, coal miners out of work and on the unemployment line.

We want to talk passionately about the environment and protecting what we have. Let me tell you about protecting the liveli-

hoods of people of West Virginia, people who lost their homes, their cars, their life, literally, as a result of the heavy overreach that decimated our State and its people.

What a difference, candidly, an election makes, the fact that one candidate called the people of West Virginia deplorable, one candidate that callously stood up and said her policies would put a lot of coal miners out of work, after we had just gone through 7 years of being economically devastated.

RULE OF LAW

If you don't like the message too often people attack the messenger. I am not apologizing for any of the actions that you have taken with regard to secure communications or travel. Those are issues you are going to have to respond to and you are going to have to be held accountable for and you are going to have to address. But I do applaud you for being pointed in saying you respect the rule of law.

And it was a powerful comment made a little bit ago when a member here said: Get creative. That is exactly what the prior administration did. Gina McCarthy sat as far from me to you as we are today. I challenged her to come to West Virginia. I asked her had she ever been, and she said no.

It is not your job to be creative, to advance an agenda. I think it is your job to respect the rule of law. If folks don't like what the law says, then we need to change the law. It is not your responsibility to get creative. We have had enough of that.

It is amazing to me what a difference a year makes, 2 years make, because it was Gina McCarthy, sitting here just feet from me, when the EPA had been found by the inspector general of having violated antilobbying laws by using social media to promote their WOTUS program.

And I could go through the litany, the failure to share information, the documentation that backed up the rules that they were advancing. The litany of misdeeds, inappropriate actions from the prior administration put us out of business in West Virginia. Today we are back in business, thanks to this administration and the promise and the commitment that you made to the coal miners of West Virginia.

We are an energy State. We have got abundant coal, natural gas, oil. We have fueled the Nation. We have forged the steel that has won world wars. We have good people. They didn't deserve the last administration that absolutely deprived them of their livelihood.

I appreciate the fact that you are respecting the rule of law, and I appreciate the good work of this administration getting us back in business.

Thank you, Mr. Chairman.

Mr. CALVERT. I thank the gentleman.

Ms. McCollum.

STAFF RETALIATION

Ms. MCCOLLUM. Thank you, Mr. Chairman.

I have had a few minutes to look over the document that was given to us by Administrator Pruitt. I don't see anything in here, just for the record, because I want to make sure that Mr. Art Elk-

ins, the Inspector General, his name doesn't appear on this. This appears to be a log that talks about Mitch McConnell and others. So I know it is in the record, but this is not a satisfactory answer to me, what you handed me. I just wanted you to know that, sir.

I want to go back to the science question I had because one of my colleagues said, well, he wanted to get back to the budget. What my question on the science focused on is that you are proposing dismantling ways in which scientific health data was gathered before and making it more public.

We had this discussion in the House. There is a bill that was introduced by one of our colleagues in the Science Committee, Mr. Smith. And so this proposal has been scored. This is a budget question.

What the EPA would be doing would be spending \$250 million annually over the next few years to supposedly ensure transparency, which does not seem to be a problem in putting together scientific evidence in medical journals that has been used in tobacco cases, other cases, and concluding what we need to do to protect the public health from harms that are being made by certain substances.

I just wanted folks on the other side of the aisle to know my question did have a \$250 million attachment to it of money that, in my opinion, would be wasted.

Mr. Pruitt, EPA staff has been under attack during your tenure. You publicly blamed your staff instead of taking responsibility for your wasteful spending. And I heard what you said: I take full responsibility. But yet when someone asks a direct question it is always: Well, someone signed this, or someone did that, or someone did this, and I was under the impression. It seems to be a pattern.

You are supporting a budget that nearly slashes 4,000 employees, and you have imposed a hiring freeze and staff buyouts. I am glad to know you are going to lift the freeze—or a portion of the freeze, we will see how big it is—in Region 5.

My colleagues on the Energy and Commerce Committee spent much of the morning chronicling your numerous ethical transgressions, including reports that you reassigned several employees in retaliation for voicing their concerns about the spending and management of the Agency. In fact, some of them are gone.

I would like to hear from you, because this is out in the public. I have to say that when you don't have the confidence of the public and the people that you directly have to report to—I have lost all confidence in the way that you handled some of the questions and the way that you said you took responsibility but then, in fact, deflected the responsibility.

How do you think these ethics scandals are affecting employee morale? How are you going to overcome your reputation so staff do not fear retaliation? Because there is documented retaliation as far as I am concerned.

How do you expect to maintain the scientific or the technical recommendations from independent peer-reviewed scientists, that have been used for decades, by Republicans and Democrats across the board, both Presidents and people in Congress.

When somebody speaks out against your agenda they appear to be retaliated against, removed from a board, or just deflected.

So what are you going to do to regain not only the trust of your staff, but you have lost my trust?

Mr. PRUITT. I would say to you unequivocally, I am not aware of any instance that any employment action has been taken against someone for any advice or counsel they have been given with respect to spending. I am not aware of any instance of that.

Ms. MCCOLLUM. Is Mr. Chmielewski, is he still in your employment?

Mr. PRUITT. I am not aware of any instance in that regard.

Ms. MCCOLLUM. Is Mr. Chmielewski still working for the EPA?

Mr. PRUITT. It is my understanding he is not.

Ms. MCCOLLUM. He is not.

Mr. PRUITT. He resigned I think late last year.

Ms. MCCOLLUM. He resigned? And he resigned because he actually publicly has gone on the record with a Mr. Jackson and a Mr. Reeder and a Mr. Allen a couple of times pointing out to you directly about your spending. They had questions about things going on in the office and desks and hardening of cars and other things like that. They looked at your travel plans, and a couple of times their pushback prevailed.

And then Mr. Chmielewski, who had been very vocal about it, all of a sudden found himself the target. I find this kind of a curious thread. He found himself the target after he came back from a trip from Asia with Mr. Pence. He was asked to resign, turn in his credentials.

Mr. Pruitt's aides informed the White House that they were dissatisfied with Mr. Chmielewski's unresponsiveness during his travel plans, including a time when he could not be reached in Hawaii when he was preparing for a visit by Mr. Pence.

There were anonymous complaints filed with the EPA inspector general that alleged Mr. Chmielewski could not get the appropriate level of security clearance for his duties because of various indiscretions.

After an investigation the inspector general dismissed all allegations in the complaint and found it unfounded. And it appears that Mr. Perrotta, who I had mentioned earlier, who is under an ethics investigation, was a person out to discredit him.

Is Mr. Chmielewski, deserving of an apology? How do you tell other employees that if they speak up, they speak out, that the same thing won't happen to them?

Mr. PRUITT. I can only say to you what I said earlier, which is I am not aware of any instance that actions have been taken from an employment status with respect to those issues.

I do want to address the science issue, because, again, I think that to characterize this as somehow being selective in the kind of science that is going to be used at the Agency is just simply not reflective of the decision we have made. This is a proposal that affects all science, irrespective of the source.

I think this committee, some members of this committee, would probably be upset if the API issued some sort of findings with respect to methane that didn't provide methodology and data to the Agency to support rulemaking and we didn't publish that as part of our decisionmaking.

So this is—

RESIGNATION

Ms. MCCOLLUM. Mr. Chair, I am reclaiming my time.

I have been through this with the tobacco industry. I have been through this with Monsanto and other things in the ag industry. I think I have a good handle on what is going on.

And you had an opportunity today to come here and say you were going to support peer-reviewed science that has been used for decades. You had an opportunity to say you were taking full responsibility for any ethical lapses that you had. And you had an opportunity to explain why, the ozone and the methane rule that you took to court, it was sloppy work, the court rejected it, and you didn't. You kind of not answered that directly.

So I just really feel, and I have held back on doing this as some of my other colleagues have, but I think I am going to say it clearly and straight to you, because I think you deserve that, but, Mr. Pruitt, I think it is time that you resign.

CLEAN AIR ACT WAIVER

Mr. CALVERT. Thank you.

I would like to talk to you, Administrator, about clean air. Obviously, I am from California. Clean air remains critically important to me and to my constituents in California. Not only was California the first State to start regulating air quality when the Clean Air Act was written, California already had pollution rules in place.

I think we have talked about that before. Because of this, in writing the Clean Air Act of 1970 California was provided a unique authority to write its own rules and set its own standards.

Earlier this month the Administration took steps to reconsider and likely roll back standards set by the previous administration related to emissions for cars and light trucks for model years 2022 to 2025.

As part of this revaluation you mentioned that you would also be reexamining California's waiver and the ability to set stricter standards for vehicle emissions. While the California waiver was not currently under review at the time of this hearing last year when I asked you about plans to continue the waiver in the future, you noted: It is important that we recognize the role of the States achieving good air quality standards and that it is something we are committed to in the Agency.

As an advocate for States' rights, I think it is important to note that in my home State transportation accounts for about 50 percent of California's greenhouse gas pollution, about 80 percent of its smog and other air pollutants. These standards play an important role in curbing air pollution, improving air quality for my constituents.

So my question is, Administrator, do you plan to continue the Clean Air Act preemption waiver that the Agency granted to California.

Mr. PRUITT. Yes, Mr. Chairman, we are actually in active discussions with CARB in California. Mary Nichols and others have sent staff to discuss the MTE as well as the impending potential or proposed rule with respect to the CAFE standards.

It is my hope and it is my commitment to you to work very diligently to try to find an answer with California and the 10 or so States that follow their lead, because it is very important, as best we can, to have a national standard.

We have a role to play and so does California and that collaboration is important. We are committed to it. We dedicate our resources to it and will continue to work through the process to try to achieve commonality and an answer for both California, and those States and our agencies.

Mr. CALVERT. The history of this, as you know, President Reagan was very much involved in maintaining the waiver in the State of California. Certainly our former chairman and colleague, Jerry Lewis, who wrote a lot of the clean air standard laws in the State of California when was in the State assembly, before he came to Congress. And, of course, my colleagues on the Democratic side of the aisle in California.

Of course, we were the most—we had—we still have 8 out of the top 10 most polluted areas in the United States because of our population and geographical reasons and other reasons.

But we appreciate your attention to this problem. I just wanted to make sure that you understood my position.

Mr. PRUITT. We are working hard with California to try to find an answer.

Mr. CALVERT. Thank you.

Ms. Pingree.

CAFE STANDARDS

Ms. PINGREE. Thank you very much.

Thank you again, Administrator Pruitt.

I appreciate my colleague and the chair bringing up this question from the perspective of many States. We are very grateful for California in setting higher air standards and that they have often moved the rest of us forward.

I brought up CAFE standards before and I just want to go back on that a little bit. I am concerned about some of the changes in the Administration around CAFE standards, greenhouse gas emissions, and the relationship to that, and the idea that there would be any loosening of that standard.

I look at clean air in kind of the big picture here. As I have told you ad nauseam, I come from the State of Maine. We are also at the end of tailpipe when it comes to the Clean Power Rule, which clearly you disagreed with.

We are one of the States where, if there are coal-fired power plants, and I certainly sympathize with the coal miners and the challenges of those communities, but on the other hand, we get the bad air. We have high rates of childhood asthma, we have red air alert days. For a State that you think of as pristine and clean and has a huge tourism industry, it is surprising that we would end up with this bad air.

So I have no idea why would you want to roll back emission standards on vehicles. There is always, of course, pressure from the industry, but there are a lot of studies and statistics that show that we have all saved a lot of money for having higher fuel efficiency

standards. I know Mainers are very pleased that they pay less money at the gas pump.

We have amazing technology now. We have jobs that have been created, whether it is hybrid cars or electric cars. I can say that I drive a Volt, it is a hybrid car, and I have to fight over my electric parking space in the garage now and I am getting kind of grumpy about it, because there did not used to be anybody else down there. But I think there are Republicans taking my space and I want to do something about that.

There is money in this and all car companies are moving to this.

So I guess my question is, it seems to me you don't have, just like climate change, our best interest at heart, that you are not on our side on this. I want to give you some time to talk about it.

The other thing is this idea that the Administration is rolling back the "once in always in" policy. I know that gets a little obscure and complicated, but basically when we have identified sources of pollution before, we have forced them to stay with any reductions that have been made to make it simple. And so in January you also announced you are going to roll back that rule.

It just seems to me that you don't take this seriously that there is something going on in our atmosphere, whether it is about the public health and asthma and all the concerns we have around that or climate change and the emissions that we have in our atmosphere. Why are you on the other side of this?

Mr. PRUITT. Thank you for a couple of things about each of those issues.

As you know, the time period that those standards are typically set are for 5 years. In the 2010–2011 timeframe, the previous administration adopted those standards up until 2022, 2025.

That is very difficult to predict the market conditions over that long period of time. What is the price of gas? What is consumer demand? All the issues that drive the decisions with respect to those standards, it is very difficult to be predictive over that long period of time, which is why the midterm evaluation was put in place.

As the midterm evaluation was evaluated in April of this year, the data that was reviewed showed that the assumptions made in 2011 didn't match what was in the marketplace in 2018 with respect to the fuel cost, the fuel demand, and other related issues.

What we don't want to see happen is to set the standard so high, Congresswoman, that the manufacturers manufacture cars that people don't purchase. Because what happens is that people stay in older vehicles, which actually increases emissions because they don't have the choice. We should be focused upon efficiency for cars that people are actually wanting to purchase.

So as we go through this process, we have not concluded anything yet. All we did in the midterm evaluation is to say we need to evaluate that based upon current data. There will be a proposed rule that will take place with DOT and a process where comments will be received and informed decisions will be made about whether the 54 miles per a gallon, approximately, was appropriate.

AUTO EMISSIONS

Ms. PINGREE. With all due respect, we do have a pretty good sense of what is happening. You hear from most car companies,

they are moving to electric cars. There are people lined up to buy Teslas, there are people who are talking about electric semi, tractor trailer trucks. There is a movement in that direction.

So to say that suddenly we are uncertain about it or to say that somehow we should favor the oil and gas industry because maybe there have been less sales or the price is going down doesn't make any sense to me. There was a lot of certainty in which direction we were going and it seems to me you are reversing that decision.

Mr. PRUITT. The other area, was it ozone? I can't remember.

Ms. PINGREE. My other question was around "once in always in."

Mr. PRUITT. Oh, "once in always in."

Ms. PINGREE. And you rolled that back in January.

Mr. PRUITT. My perspective on that is that you have major emitters and you have minor emitters under the statute. Previous policy said to those that were in the major emitter category that though they invested sometimes hundreds of millions of dollars to improve their outcomes, they always had to stay in that major emitter category. And to me, that is a disincentive.

Ms. PINGREE. My understanding was that they always had to comply with the level. They couldn't suddenly go back up again. They were required once they had reduced their emissions to keep those emissions reduced.

Mr. PRUITT. They could never be——

Ms. PINGREE. They could never emit again.

Mr. PRUITT. You could never go in the minor emitter category despite investments you had made to reduce emissions. That seems to me to be a disincentive to companies across the country to invest to improve outcomes.

Ms. PINGREE. It seems to me a disincentive to pollute. And no matter—we are obviously at an impasse here so we will stop.

But I just want to say, I don't know how the head of Environmental Protection Agency can have so little concern about climate change, so little concern about the impact on public health of these emissions, and make so many decisions that go in the opposite direction when it is clear we shouldn't be doing that. For all of us who have constituents and people and public health to protect, you don't seem to be serving our interest.

Mr. CALVERT. I thank the gentlelady for her questions.

Just as a point, when you are looking at the causes of asthma, years ago we were looking at that on the Science Committee. It is important to look at indoor air pollution. Because of some of the pollutants that are in our homes are irritants that may have an impact on asthma also.

Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman.

I am going have a question here at the end of this, a really short one, but I have to make a couple of statements first.

I am pleased that gentlelady is plugging in her car downstairs and supporting the coal industry that is providing that electricity that charges that car.

One of the problems with electricity——

Ms. PINGREE. I am being very bipartisan.

SOLID SCIENCE

Mr. SIMPSON. Yeah. And I support electric vehicles. One of the challenges you have is that in Idaho I might drive 500, 600, 700 miles a day. I don't have 4 hours to charge a battery halfway there or a third of the way there two or three times.

Now, we are working on that. A lot of that work is done at the Idaho National Laboratory. You are going to have more electric cars in the future and more hybrid automobiles. That is a good thing as far as I am concerned.

But I was told that since transparency of science is in fact a budget question by my ranking member, who is a good friend, I guess I can ask her about that or make a statement about that.

I have a hard time believing—and it came with her opening statement where twice she used the words solid science. The question is, what is solid science if you don't have the transparency behind it to determine whether it was created in a fashion that makes it solid science? Based on who? Based on what? Whether it is the New England Journal of Medicine or a Bazooka comic book. I am not trying to equate the two.

But I can't believe that anybody would have a problem with saying: Let's see how you came up with this science. How did you come to this conclusion? Can I repeat your experiment and come up with the same conclusion? If I can't, there is something wrong here. Then maybe we ought to look at it further.

To me, that is what I think you are trying to accomplish here.

Now the ranking member has said: I think I know what is going on here. I would like to know what is going on here, if that is it or not.

But as I said in the opening round, I have heard more and more industries, businesses, associations saying: I don't how they came up with this. We can't duplicate it.

And without transparency, how do you know whether it is good science or bad science? Good science is the science which I agree with, bad science is the science which is on the other side of the aisle, I guess. That is no way to do it.

Ms. MCCOLLUM. Would my good friend—my good friend from Idaho invoked me, so I will be brief and then let the administrator say something.

Mr. SIMPSON. But only if I yield, right?

Ms. MCCOLLUM. Right. I am asking if you would.

Mr. SIMPSON. Go ahead.

HEALTH DATA: HIPAA

Ms. MCCOLLUM. Thank you.

So we are talking about health data. Scientists are able to collect health data because they pledge to keep a patient's name and personal information confidential because of HIPAA.

Mr. SIMPSON. Reclaiming my time.

Didn't the Administrator say that that could be kept confidential under the proposal that they are making? Is that what you indicated originally?

Ms. MCCOLLUM. At \$250 million.

Mr. PRUITT. Yes, Congressman, that is correct. I think you have said it eloquently and passionately, much better than I have today. I think your assessment is absolutely right.

The science that is reproducible and transferrable should drive our decisions at the Agency. We should be agnostic about the source.

You know, what it is interesting about this discussion is that we are talking about third-party studies, studies that are not done at our Agency. These are not studies being done by ORD, they are not being done by a lab, they are not being done by a programmatic office. They are being done by a third party that is not under the same controls or guidance that we have as an Agency.

As those third-party studies are produced to us, they undergird rulemaking. They are actually what we use to say: This is action we are taking that will apply as laws of general applicability to Americans across the country.

To say that as those third-party studies come in that they should be subject to reproducibility and transferability, data and methodology should be a part of the conclusions, to me make abundant sense. That is the proposal.

The concern about personal information data, confidential business information, all that will be addressed as we go through the proposed rulemaking process because it is important to protect that data.

Mr. SIMPSON. Thank you.

I was going to also comment on what Mr. Jenkins had. I have been kind of astounded here hearing people say: You need to get creative. Find a way to enforce the law.

As I have studied politics since junior high school, I guess, I understood that it was the legislative branch that wrote the law, with the help of the administrative branch, and that the President could either veto or not veto a bill, that that became the law and it was your job to carry out the law as passed by Congress.

And if you saw a problem that the law didn't address that needed to be changed, it was your responsibility to try and tell Congress or submit a proposal to change it so that you could address it. But otherwise it is your job to carry out the law as it exists.

Mr. PRUITT. That is correct. There are certain areas within the statute, in fact we have talked about these, like New Source Review. I mean, I think there needs to be clarity in the statutes with respect to background levels and exceptional events and different things that affect the ozone determinations.

Mr. SIMPSON. That is the same thing with WOTUS.

Mr. PRUITT. Exactly. So there is work to be done there. I think the executive branch should be working with the legislative branch to provide that kind of clarity so that we know what our job is.

IRIS PROGRAM

Mr. SIMPSON. One quick question, Mr. Chairman.

The report language in the fiscal year 2018 omnibus appropriation legislation noted progress is being made by the Agency to implement the critically important recommendations made by the National Academy of Sciences in their 2011 and 2014 reports on IRIS. It also expressed support to ensure that IRIS programs focus its

work on the near-term regulatory needs of the EPA program offices.

Can you describe how you will make sure that the IRIS program reflects the priority needs of the program offices? And what is the prioritization process? And how will the public be informed?

Mr. PRUITT. Well, I am aware of the language to which you refer. We are actually in the process of funding the IRIS at prior year enacted levels. These are the steps we are taking.

Mr. SIMPSON. OK.

Mr. CALVERT. Thank you.

Mr. Kilmer.

SECURITY DETAIL REVIEW

Mr. KILMER. Thank you, Mr. Chairman.

It is alleged that the head of your security detail helped direct your Agency to pay his business partner to conduct a bug sweep. Do you think it is ethical for a public servant to hire a firm he has interest in to do government business?

Mr. PRUITT. No, and that is under review.

Mr. KILMER. Did you know about it?

Mr. PRUITT. I was not aware of that at all.

Mr. KILMER. So you do now. Do you intend to take any action?

Mr. PRUITT. Well, it is under review by the inspector general and the Agency.

Mr. KILMER. Let me just ask. It seems today like your security team has made a lot of decisions that you now disagree with or have concerns with. Is anybody being held accountable?

Mr. PRUITT. Well, what I referred to, Congressman, earlier is the assessments made by the security does impact, obviously, travel and those kinds of issues. I did take steps to change that earlier this year, with respect to the first class travel back to coach. That was something I felt was something right to do.

PUGET SOUND

Mr. KILMER. Your job, and I think you heard this from my colleagues as well, is to protect our constituents. They need help to protect their homes from rising sea levels. Last year I asked you about that, you sat in that chair and you said: That is a good idea, we are just short on the money do something about it.

Last year and this year again your budget had exactly zero dollars to protect Puget Sound, which you said was a good idea last year and you said we just don't have the money, we had to make some tough choices. And it seems like you have spent a lot of money on trips and security and sound proofing.

You know, EPA stands for Environmental Protection Agency, not Executive Protection Agency. So why are you spending money on executive protection, but not environmental protection?

Mr. PRUITT. The security decisions that have been made at the Agency are made by law enforcement personnel and I have heeded their counsel. The reason I have heeded their counsel is that I have a responsibility to do so.

Now, I have made decisions. I just mentioned one with respect to how we travel.

But on the issue as far as the funding for Puget Sound, that is something the omnibus, obviously, addressed. I have shared with you that we will continue to communicate the importance of that, as with the Great Lakes Initiative, and with our partners at OMB.

That is something we engage in active discussion, we have engaged in pass-back communications, both last year and around budget discussions going forward. I will continue to advocate for these regional programs that matter to the environment of the Puget Sound and other areas that you have been raising today.

OFFICE OF RESEARCH AND DEVELOPMENT REPROGRAMMING

Mr. KILMER. I hope they are listening.

I want to ask you about your Office of Research and Development laboratory. EPA sent more than 40 employees notices that they are being reassigned to other parts of country or else they will be separated from Federal service.

The omnibus contained very clear instruction which requires agencies funded by this act to submit reorganization proposals for committee review prior to their implementation.

It specifies—and I am just quoting—reprogramming guidelines apply to proposed reorganizations, workforce restructure, reshaping, or transfer of functions presented in the budget justifications, or bureau-wide downsizing, especially those of significant national or regional importance, and include closures, consolidations, and relocations of offices, facilities, and laboratories presented in the budget justifications.

So my questions are, will you be submitting a programing request to the committee? And can you commit to us that one will be provided?

Mr. PRUITT. Well, I have made a comment earlier that I think those labs across the country are extremely important at helping our State partners and local partners do their job. Some of the recommendations that have actually been made, if not all, actually occurred in the Obama administration.

I am reconsidering regional lab closures at this point and may not make any changes there at all. If there are changes, I will submit them to Congress. But at this point I am revisiting those regional decisions.

Mr. KILMER. Thank you.

Thanks, Chairman. I yield back.

PERSONAL SECURITY

Mr. CALVERT. I am going to recognize Mr. Cole here pretty soon, but first I want to make a point, Administrator. I think I can speak for the entire committee that no one wishes you physical harm on your job. And so we want to make sure that the proper security is provided and that you and your family are kept safe. I think that is important.

With that, Mr. Cole.

CLEAN AIR ACT WAIVER

Mr. COLE. Thank you, Mr. Chairman.

And I want to be very careful how I phrase this, because I don't want to get on the opposite side of my friend the chairman at all.

This is a curiosity question, but has a real economic impact in my area. One of largest private employers I have is York air conditioning, which is a division of Johnson Control. It employs about 600 or 700 people, they are moving up to 1,100 people. They are clearly doing well.

And the facility has been there for—you know it, you have driven down I-35 plenty of times, it is right off there on the east side of the road, been there since the early 1970s.

I was recently was visiting there and there is a testing lab and they had multiple bays. And they explained one of their great problems was the fact that, while I am a big believer in federalism, waivers do cause them, particularly when it is something like California, a gigantic problem, because they are driven by markets. It is not like all States are equal, and California is an economic powerhouse.

And that is actually one of the issues they raised with me. And again, not critical of anybody in California or anything like that in their view. It is that we need some measure of uniformity here if we are going to produce for a national market.

So does that go into the economic consequences? It would be one thing if Oklahoma asked for a waiver on something, we are not very big, but Texas or Florida or California really are.

So you see the ripples of that out through the whole economy. And sometimes that has actually been a force for the good. It has been a driver in innovation and what have you. But how do you weigh that out when you are wrestling with those decisions?

Mr. PRUITT. This waiver issue has long been a point of contention. In fact, it was the Bush administration, I think in 2007–2008, that actually rejected the waiver.

There are statutory criteria that you have given me to evaluate with respect to the waiver. I think you are speaking more to a practical issue, Congressman, as Congressman Calvert did earlier.

I think it is very important that as we do our work at the EPA that we do it in collaboration and partnership with all States across the country. We have a job to do and we seek to work with California and others to do that job.

But what I have said, and I think Congresswoman Pingree said earlier, we can't have one State dictating to the rest of the country, and I have said that. I think that it is almost like having a diplomacy effort in some respects, a State Department internal to the EPA, to work through these issues.

So all I can tell you is we have dedicated staff. The head of my Air Office, Bill Wehrum, has spent substantial time in California working directly with Ms. Nichols, and that will continue. I am hopeful and optimistic that we will be able to have a decision that will benefit the entire country, take into consideration California, obviously, and their role, and achieve good outcomes.

Mr. COLE. And, again, I don't mean to be critical of anybody here. And I actually brought the issue just to show some of the complexities you have to wrestle with in these issues. Because it is clear all States are equal under the Constitution, but they are

not equal in terms of their economic impact or significance or how they can affect the market.

Nothing wrong with that, it is just the way it is. But sometimes you are not in a very good position to satisfy people at both sides of this today.

Mr. CALVERT. If the gentleman would yield.

Mr. COLE. Certainly yield to the chairman.

L.A. BASIN—NONATTAINMENT

Mr. CALVERT. I think one of the reasons why California has had a waiver that is particular to the State is just the L.A. Basin itself. The L.A. Basin has significant geographic issues. It traps emissions in an area where 26 million people reside. It is the most concentrated large area in the United States.

And so that is one of the reasons why it has been important for us to help regulate our own air quality.

Mr. PRUITT. May I? I think, like on ozone, this issue is particularly important to the West Coast because of international transported pollution from Asia.

I mean, we have made tremendous progress as a country reducing our levels with respect to ozone, but a lot of the challenges we have with nonattainment occur because of transported pollution from international sources.

There are efforts that I have been engaged in with respect to Mr. Lighthizer and some discussions. 85 percent of the pollution and nonattainment in El Paso as an example, is caused by issues south of the border.

So we domestically are impacted by decisions that are being made internationally, and we must use all efforts to achieve, get better outcomes there. This is one of those issues, particularly for your State.

AQUIFER RECHARGE

Mr. COLE. Well, again reclaiming my time.

Again, I respect my friend, and I understand you are going to have to have something different with the conditions that he is talking about and living with then we might have on the plains. I am just glad to know there is a process that you work this through and try to come to an equitable decision, because it does have real consequences economically.

One other quick question. In our part of the world, my part of the world, and much of the Plain State, aquifer levels have been going down for a long time. It is a real problem for us. Obviously, it is a problem agriculturally. It is a problem in terms of long-term water supply in that area.

Could you give me some sort of overview of whether or not you are focusing on aquifer recharging? Where does that rank in the priorities within the department?

Mr. PRUITT. Well, I think that ORD has been very involved in that and working with the States to address that. As you know, Congressman, Utah, the second-most dry State in the country, is different than Minnesota with respect to the issues that were faced on water. So I think what is important—

Ms. MCCOLLUM. Our aquifers are disappearing, too. USGS is helping us.

Mr. PRUITT. Well, not just with respect to aquifers. I think what is important is that our office work with State partners to determine priorities, and we are in fact doing that.

Mr. COLE. I appreciate that. I just wanted to flag it because, again, it is a hugely important problem for the future of our State.

With that, Mr. Chairman, I yield back my time.

Mr. CALVERT. Thank the gentleman.

Ms. Kaptur.

Ms. KAPTUR. It would be interesting to witness that personally, Congressman Cole. It would be interesting to have you make a presentation to us about Oklahoma.

Mr. COLE. You probably don't have that much time.

REGION 5 STAFFING

Ms. KAPTUR. Administrator Pruitt, thank you for your endurance here today.

On a previous round of questioning, I got into detail with you about Region 5 staffing, and you stated that the hiring freeze had been lifted. But if that is so, why are no job openings listed?

Mr. PRUITT. I am not sure why that has taken place. I just know OMB has suspended that hiring freeze for Region 5.

Now, they did it April 12. So that may be why it has not taken place yet. So it has just been within the last 2 to 3 weeks.

Ms. KAPTUR. Two to three weeks. Do you—

Mr. PRUITT. No, I am sorry, that is 2017, actually 2017. So it has been over a year that that has been suspended by OMB.

Ms. KAPTUR. Yes. So why don't you have any job openings listed for Region 5? Under the information that I have been given, they aren't listed. So, if you are going to hire, how do people know there are jobs available, especially since many people have left the region already.

Mr. PRUITT. Well, I will check into that and provide the information.

[The information follows:]

REGION 5 STAFFING

As of May 10, 2018, EPA Region 5 has 3 EPA-internal job announcements listed on USAJobs.com.

1. Enforcement Investigator
2. Senior Analytical Chemist
3. Supervisory Life Scientist/Physical Scientist/Environmental Engineer

TOXIC ALGAL BLOOMS

Ms. KAPTUR. Great. Thank you very much for that.

My next question really revolves around toxic algal blooms.

Mr. PRUITT. Ma'am, one thing I would say to you with respect to those decisions is we didn't get a Region 5 regional administrator until recently. So it could have delayed, obviously, an assessment of those deficiencies.

Ms. KAPTUR. It took an inordinate amount of time.

Mr. PRUITT. Yes, it did.

CLEAN WATER ACT

Ms. KAPTUR. Last year, I asked you about the U.S. EPA's acceptance of Ohio's Clean Water Act assessment of the waters of Lake Erie. You countered that the State had not actually assessed the waters, as if that was an acceptable response when you, as the Federal Administrator, are required to assess those waters every 2 years under the Clean Water Act.

So, what we had was a tennis match between the Federal Government and the State of Ohio; neither of which showed that much concern about what was happening to Lake Erie.

Now, there is a Federal court case in which a Federal judge has stated that, in fact, the U.S. EPA had given Ohio a pass.

A new report by the State of Ohio shows that, in fact, the runoff problems are getting worse. This is despite millions of dollars of voluntary efforts to try to deal with the largest watershed in the entire Great Lakes. If we can get it right here, we can get it right everywhere, but we can't get it right here yet, and the days are ticking.

All people concerned in this feel that we as a country will miss the target of 20 percent reduction of phosphorus by 2020. That is not that far away.

So my question really is, what practical steps can you take on an expedited basis to reach the 40 percent reduction goal that was set by international treaty agreement with the Nation of Canada by 2025?

Mr. PRUITT. If I could first, it is the State's responsibility to prepare and submit lists of impaired waters to EPA under Clean Water Act 303(d). The issue with Ohio is that they were saying they could not or would not include an assessment of the open waters of Lake Erie as part of their 2016 impaired water list. The delay that you are referring to is our office and our Agency going back to Ohio saying it was really their responsibility.

Now, this is subject to litigation—

Ms. KAPTUR. You also have authority every 2 years under the Clean Water Act. You have the authority of the Federal Government.

Mr. PRUITT. If the State refuses to do it. This is subject to litigation and we are, obviously, evaluating that. But that was what caused the delay that you are talking about, the communications between the EPA and the State of Ohio.

Ms. KAPTUR. One could say that over the last couple of years that there wasn't any real willingness on the Federal level, nor on the State level, to deal with this lake that is so sick.

Mr. PRUITT. We are committed to doing that.

TOXIC ALGAL BLOOMS

Ms. KAPTUR. I am really glad to hear that. Could you tell me what steps you will take, practical steps, to stop the toxic algal blooms that are killing that lake?

Mr. PRUITT. I believe that those conversations, not just for Ohio but the States in the entire region, there has been a commitment through cooperation to reduce those phosphorus levels.

Certain States seem to do more. I think that we have to look at TMDL opportunities to address that if States refuse to take the steps that they were supposed to take.

Ms. KAPTUR. Well, I reissue my invitation to you, and I think I speak for Mr. Joyce as well. Mr. Administrator, come to our area. You need to have EPA personnel on the lake, and they need to work with our people. It is not getting any better, and probably, oh my goodness, I don't how many tens of millions of dollars have been spent; we are not getting it right yet.

Rotary has made this their number one priority, as high as their selection of eliminating polio years ago. You have international Rotaries interested in helping, but to what end? We need a leader. We need your department, your Agency, to engage fully, and I am really begging you to do that.

Mr. PRUITT. Well, we should proceed to set up that trip.

Ms. KAPTUR. Thank you.

Mr. CALVERT. Thank you. Thank the gentlelady.

Mr. PRUITT. And Congressman Joyce should be a part of that as well.

Ms. KAPTUR. Absolutely. We are locked at the hip. He is at one end of the state, I am at the other.

Mr. CALVERT. Thank you.

Mr. Jenkins.

Mr. JENKINS. Thank you, Mr. Chairman.

I, too, would like to extend the invite. I think you are going to be doing a lot of traveling this next period.

A lot of people want to invite you to their State to see concerns, see problems, seek action. As I stated in my remarks a moment ago, I want to extend and invite to you to see success, see progress, see people back to work.

So I hope you will come to West Virginia. And yes, express our gratitude, but also see what work we are doing. We do care deeply about clean air, clean water. We have got scenic beauty second to none. So I hope you will come to West Virginia.

Will you do it?

Mr. PRUITT. Oh, absolutely.

WATERS OF THE UNITED STATES

Mr. JENKINS. Thank you.

A couple of quick questions. For the term that I have been here on this committee, every work product out of this committee we have put limitations of funding to implement the Clean Power Plan, limitations of funding to implement waters of the U.S. Obviously, Democratic opposition to that or no action in the Senate.

My question to you is, give me a status of Clean Power Plan, waters of the U.S., and the actions you are taking to reverse the implementations of those. What are you able to do? Do you have the resources in order to wind those down back to within the parameters of the statutory authority that we talked about under Clean Air and Clean Water Act earlier? Can you give me a status check, a report on this?

Mr. PRUITT. With respect to WOTUS, there are actually two rules in the marketplace presently. One is a proposed withdrawal of the 2015 definition to which you refer, and there is also a rule

that has been finalized extending the compliance dates with respect to the obligations under that 2015 rule.

What is not in marketplace yet is a proposed replacement of the waters of the United States rule, and that is anticipated for OMB review in the month of May and no later than June. It is my hope that we will have the rescission of the 2015 rule and the comment period on the proposal to revise the definition closed by the end of 2018.

NAVIGABLE WATERS AND CLEAN POWER PLAN

Mr. JENKINS. So with regard to the proposal to withdraw the definition of navigable waters and the other issues that are already out there, when do we think that would become finalized and when would we see a rescission of that Obama era rule?

Mr. PRUITT. As far as the proposal and the replacement, that won't occur until next month or in June. So you would see that potentially being finalized by the end of year.

With respect to the proposed withdrawal, there is some contemplation about doing a supplemental notice that we would send out in the marketplace for a short time, possibly 30 days, to get some additional data on the purposes of the withdrawal. That is something I am reviewing now. But that could happen very soon, and then we could finalize that in the near future.

But with respect to the Clean Power Plan, as I mentioned earlier, we have, obviously, the proposed withdrawal that has been discussed, but also an advance notice of proposed rulemaking that is in the marketplace on a potential replacement to the CPP, soliciting comment on our authority under Section 111. So that is the process we are going through.

Mr. JENKINS. Are there any actions that we need to take budgetarily to give you the full resources to pursue those steps that you have outlined?

Mr. PRUITT. Not that I am aware of now, Congressman.

Mr. JENKINS. Thank you.

Thank you, Mr. Chairman.

Mr. CALVERT. Thank you.

And thank you, Administrator, for your testimony today. I know it has been a long day for you. I appreciate your coming up here to testify. And don't forget about DERA and Targeted AirShed grants. It is important to not just California. I appreciate your being here.

Ms. MCCOLLUM. Mr. Chairman, we are going to be able to put in questions for the record. I have one on advisory panels.

Mr. CALVERT. Certainly, additional questions will be submitted to you, Administrator. We would like to have the answers to those to be submitted for the record.

Mr. PRUITT. Thank you, Mr. Chairman.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
April 26, 2018

Questions for the Record – Administrator of
Environmental Protection Agency

Questions from Mr. Calvert

WIFIA Implementation and Job Creation

Much like every other State, in California we have a significant amount of water infrastructure needs. To that end, in fiscal year 2018, the Committee provided a total of \$63 million for the WIFIA program, doubling funding from the fiscal year 2017 level. When combined with the funding in the SRFs, the fiscal year 2018 Omnibus funds could provide as much as \$5.5 billion in loans, which could leverage over \$11 billion in water infrastructure projects. This will support thousands of new construction jobs and put people to work.

With Federal funds leveraged at 65:1 or even 100:1, as I have heard recently, the hope is that the WIFIA program will continue to serve as a “game-changer” to make significant progress to improve water quality and reduce the nation’s backlog of water infrastructure needs.

I was pleased to hear that in EPA’s first call for applicants, the Agency received 43 letters of interest from prospective borrowers requesting over \$6 billion in loans and over \$12 billion in infrastructure investments. Utilizing fiscal year 2017 funds, the agency will be able to finance 12 of these.

Calvert Q1: When do you expect the loans for the remaining 11 projects to close? And, do you see any current impediments with the WIFIA program in being able to close those loans in a timely manner?

Answer: EPA expects to close loans for all projects for which we have received an application and approval from OMB and the Credit Council by the end of the 2018 calendar year.

Calvert Q2: I know the Agency has also put out a request for additional applicants using funds from the recently passed omnibus. Given increased interest in the program, how are you ensuring that a range of projects are chosen (from drinking water, wastewater, stormwater, and water-recycling projects)? And that both large and small communities are well represented?

Answer: The WIFIA authorizing statute [33 USC § 3902(a)] requires EPA to select projects to ensure a diversity of project types and geographical locations. Selecting a wide variety of different projects types from across the country is an important consideration for the WIFIA selection committee. Last year, projects were selected from nine states representing all regions. These projects included water reclamation and recycling.

combined sewer overflow relief, wastewater system rehabilitation, replacement of aging water infrastructure, and the funding of State SRF programs.

Calvert Q3: Are you prioritizing particular projects?

Answer: While ensuring a diversity of project types, the EPA is prioritizing reducing exposure to lead in the nation's drinking water systems, ensuring continuous compliance with contaminant limits, responding quickly to emerging concerns, and improving the nation's aging and insufficient drinking water infrastructure, as well as repairing, rehabilitating, and replacing aging water infrastructure and conveyance systems. These priorities are outlined in the Notice of Funding Availability published on April 12, 2018.

WOTUS – Rescinding the 2015 Rule and Rewriting the Definition of “Waters of the U.S.”

On February 28, 2017, the President issued Executive Order 13778 which directed your Agency and the U.S. Army Corps of Engineers to “review and reconsider” the 2015 Waters of the United States (or WOTUS) rule. The WOTUS rule has a flawed history and, in my opinion, was a clear example of Federal overreach. The only clarity the 2015 WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications.

In following through on the President’s Executive Order, I was pleased to see the EPA and the Army Corps finalized a change in applicability date of the 2015 rule earlier this year. This provided farmers and other groups the certainty that the agencies would not implement the flawed 2015 WOTUS rule until February 2020. As a longer term solution, your Agency and the Army Corps are currently working on a two-step approach to rescind the 2015 rule and revise the definition of “waters of the United States.”

Calvert Q4: Understanding that you are in the midst of reviewing comments and input from States, Tribes, and other stakeholders, can you provide the Committee with an update on this ongoing work? And provide some insight on when we might see a new definition of “waters of the U.S.” and a finalized rescission of the 2015 rule?

Answer: The EPA and the Department of the Army are working expeditiously on our two-step approach to implementing the Executive Order. As we continue to consider the 685,000 public comments on the first step of our approach, the agencies are working on a supplemental proposed rulemaking notice to provide the public with an additional opportunity to comment on the repeal of the 2015 Rule and the recodification of the prior regulations. Following the close of the public comment period, we will consider and respond to all public comments before taking any final action on the proposed rescission of the 2015 rule. At the same time, we are developing a proposal to revise the definition of “waters of the United States” and will be moving forward with it shortly.

**Executive Orders and Deregulatory Actions
(Clean Power Plan and Methane)**

In addition to the guidance to “review and reconsider” the 2015 WOTUS rule, the President also issued Executive Order 13783: “Promoting Energy Independence and Economic Growth.” This executive order contained specific directives for your Agency related to the Clean Power Plan, the methane rule, and a number of other regulations.

In EPA’s “Year in Review Report,” it notes that under your leadership the Agency spearheaded 22 deregulatory actions that potentially saved American taxpayers over \$1 billion in regulatory costs last year. I appreciate your focus on maximizing compliance with our nation’s regulatory environmental laws while also finding ways to avoid duplication of environmental enforcement.

Calvert Q5: Can you provide the Committee with an update on what the Agency has done or is continuing to do to comply with Executive Order 13783 and to reevaluate other environmental regulations?

Answer: EPA is continuing its work to comply with President Trump’s executive orders on regulatory reform. The Spring 2018 *Unified Agenda of Regulatory and Deregulatory Actions*, which was released May 9, includes 59 deregulatory actions by EPA. Moreover, per E.O. 13783, in October 2017, EPA released a report on various initiatives and rulemakings to promote energy independence that EPA actively continues to develop. For more information about regulatory reform at EPA, please see: <https://www.epa.gov/laws-regulations/regulatory-reform>. For specific deregulatory information, please see: <https://www.epa.gov/laws-regulations/epa-deregulatory-actions>.

Calvert Q6: Where is the Agency in the process with respect to the 2016 methane rule and the Clean Power Plan?

Answer: Since the 2016 New Source Performance Standards for the Oil and Natural Gas Industry rule were issued, EPA received several administrative petitions for reconsideration. In 2017, EPA granted reconsideration of certain aspects of the rule. The proposal, currently at OMB for interagency review,¹ addresses some of these reconsideration issues. At the time EPA granted reconsideration of certain aspects of the rule, the Agency also indicated that it intends to look broadly at the rule during the reconsideration process. The second proposal, listed in the regulatory agenda,² would address key policy issues, including the regulation of greenhouse gases in the oil and gas sector.

On October 16, 2017, EPA proposed to repeal the CPP. On November 28-29, 2017, EPA held a public hearing on the proposed repeal in Charleston, West Virginia. EPA also held listening sessions on the proposed repeal in Kansas City, MO on February 21, 2018; San Francisco, CA, on February 28, 2018; and Gillette, WY, on March 27, 2018. The comment period closed on April 26, 2018.

On December 28, 2017, EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) – a separate, but related, action to the proposed repeal. The ANPRM started the conversation by asking for comment on whether the Agency can or should develop a

new rule, and if so, what “inside the fence line” options are legal, feasible, and appropriate. The comment period for the ANPR closed on February 26, 2018. EPA is currently reviewing the comments submitted and working toward issuing a proposal this summer

Superfund and Brownfields: Budget Request vs. Actual Needs

Because nearly 53 million Americans live within 3 miles of a Superfund site, I was pleased to see that the fiscal year 2019 budget request continues to prioritize revitalizing and cleaning up our nation’s most toxic sites, while also providing a more adequate funding request for the Superfund program to support this work. As I mentioned earlier, this Committee continues to invest in the Superfund program. We provided an additional \$66 million for remedial and emergency response cleanup activities in the recently passed Omnibus.

Unfortunately, for Brownfields, the 2019 budget proposes an \$18 million reduction for project grants, and a \$16 million reduction for categorical grants.

The Committee remains supportive of both the Superfund and Brownfields programs. They support land cleanup, job creation, and economic development. As I mentioned in my opening statement, I understand the overall pressure that the targets in the President’s budget put on your Agency, but the Committee is committed to adequately funding these programs to ensure cleanup needs are met and so that communities can utilize these sites for productive use.

In May of last year you created a Task Force to review Superfund contracts and program implementation to identify efficiencies as a way to further your commitment “to accelerate the pace of cleanups”. As part of the Task Force’s recommendations, you have also released two “Administrator Emphasis Lists” of Superfund Sites targeted for immediate and intense action.

Calvert Q7: Given there are over 1,300 sites on the National Priority List that need to be cleaned up, how are you ensuring that all sites, not just those on the Emphasis Lists, are being adequately addressed?

Answer: EPA is dedicated to addressing risks at all Superfund sites, including those on the Administrator’s Emphasis List. The Task Force recommendations are aimed at expediting cleanup at every Superfund site. Administrator Pruitt set the expectation that there will be a renewed focus on accelerating work and progress at all Superfund sites across the country. The Emphasis List is but one method to help advance progress at certain sites where EPA believes the Administrator’s immediate and intense focus may facilitate achievement of specific actions/milestones.

Calvert Q8: What factors are considered when moving sites on and off of the Emphasis List?

Answer: EPA designed the list to spur action at sites where there are opportunities to act quickly and comprehensively; therefore, the sites on the list have identifiable actions to protect human health and the environment and to expedite cleanup and redevelopment efforts.

EPA moves a site off the list when the agency completes the specified action. On April 16, 2018, the Agency released an updated Emphasis List, which reflected removal of two sites (Anaconda Copper Mine in Nevada, San Jacinto River Waste Pits in Texas) when the

specific actions had been completed. The updated April list also reflected the addition of three new sites (Casmalia Resources site in California, Delaware Sand & Gravel Landfill site in Delaware, and St. Regis Paper Company site in Minnesota).

Calvert Q9: In examining the program, has the Superfund Task Force been able to determine what is required to clean up all of the Superfund sites currently on the National Priority List?

Answer: Agency staff continue to evaluate and implement the Task Force recommendations to maximize opportunities to achieve the overarching goals. EPA believes that success in realizing these five goals will contribute substantially to cleaning up the sites on the National Priorities List:

- Expediting cleanup and remediation;
- Reinvigorating cleanup and reuse efforts by potentially responsible parties;
- Encouraging private investment to facilitate cleanup and reuse;
- Promoting redevelopment and community revitalization; and
- Engaging with partners and stakeholders.

In addition, EPA also will continue its emphasis on Superfund enforcement. Through enforcement efforts, EPA ensures those that are potentially responsible parties (PRPs), those responsible for the contamination, bear the responsibility for cleanup. EPA negotiates with PRPs to either conduct the cleanup themselves with EPA oversight or to pay for the cleanup, which is then conducted by another party (i.e., EPA, state, or other responsible parties).

Superfund Special Accounts -- \$3.3 billion Waiting to Spend on Cleanups

EPA has roughly \$3.3 billion in settlement agreements from responsible parties. These funds reside in Special Accounts for the cleanup of individual Superfund sites. That's over 3 times the budget request for the program.

Calvert Q10: I understand that these funds must be used site specifically and are not available for use at sites outside the scope of the particular settlement agreements. But, if EPA requires no further appropriation in order to spend those funds, why aren't those funds being spent more quickly or not at all?

Answer: Special account funds are used before annually appropriated funds for response actions at sites identified in the terms of the settlement agreements. EPA's Special Accounts Senior Management Committee is comprised of agency senior managers responsible for the management and use of special accounts to ensure those funds are used as quickly and efficiently as possible to address Superfund site cleanups.

Funds retained in special accounts must be used site specifically, and are not available for use at sites outside the scope of the settlement agreement. As of the end of FY 2017, the EPA has spent more than \$4.0 billion of special account funds for response actions at specific sites, of which more than \$1.2 billion has been spent in the last 4 fiscal years.

EPA has multi-year plans to spend the approximately \$3.2 billion remaining in special account funding for site-specific response actions. However, work at Superfund sites often takes several years to complete. It's important to note that in some instances when special accounts funds are received, work may not be immediately initiated due to other circumstances, including the specific requirements for fund use as set forth in the negotiated settlement agreement, the stage of site cleanup, and the nature of the site contamination.

Additionally, our successful enforcement efforts to recover costs from potentially responsible parties adds to the total amount available in special accounts for future response costs, so progress on the utilization of special account funds may not be apparent upon review solely of the cumulative available balance. While EPA has spent more than \$1.2 billion in special account funds over the last 4 fiscal years, it also recovered more than \$2.7 billion from potentially responsible parties that was placed into special accounts over that same period. As a result, the amount available in special accounts for future response work increased by more than \$1.5 billion over the last 4 fiscal years, despite more than \$1 billion having been spent from special accounts over that same time period.

Calvert Q11: Is your Superfund Task Force evaluating what can be done to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites to return them to productive use? If so, what solutions have they found?

Answer: The Superfund Task Force has been examining how to accelerate the use of these funds. On March 27, 2018, EPA released an updated "Guidance on Disbursement of Funds from EPA Special Accounts to Entities Performing CERCLA Response Actions" which discusses providing funds to any parties performing response actions. This includes states, tribes, other federal agencies, and notably, Bonafide Prospective Purchasers (BFPPs). This guidance clearly states that funds can be provided to BFPPs if they will be conducting an EPA selected response action. EPA expanded the discussion on providing funds to BFPPs in this guidance based on Recommendation 14 of the Superfund Task Force, which is entitled "Maximize the Use of Special Accounts to Facilitate Site Cleanup and/or Redevelopment".

Background Ozone

I have heard from a number of my colleagues in the West that background ozone continues to be a great concern as they work to meet the 2015 ozone National Air Ambient Air Quality Standards. Western States are highly susceptible to increased levels of background ozone because it can be produced locally from natural sources (like plants, vegetation, and wildfires) or

transported in by winds from another region or country. There is also little that these areas can do to control the sources of background ozone.

Due to the new 70ppb (parts per billion) standard, many areas in the West may be considered in nonattainment because with increased levels of background ozone (even as high as 60ppb) there leaves little room for local, man-made emissions. This could cause undue hardship and stifle infrastructure investment and economic growth. While the Clean Air Act allows certain exemptions for areas that determine their high ozone levels are due to such outside or natural causes, this distinction can be difficult to prove.

Calvert Q12: How are you working with Western States to address the issue of background ozone, and potentially providing flexibilities or exemptions, as States work to reach attainment under the 2015 ozone standard?

Answer: EPA is working closely with state and local air agencies to address background ozone issues. This collaboration includes development of tools to facilitate regulatory relief, including for the exclusion of data for “exceptional events”¹ and addressing areas that would have attained the NAAQS but for international contributions.²

Since 2015, EPA also has been engaging with co-regulators to better characterize and understand the role of non-U.S. and non-anthropogenic ozone contributions. The White House (<https://www.whitehouse.gov/presidential-actions/presidential-memorandum-administrator-environmental-protection-agency/>) and EPA (<https://www.epa.gov/sites/production/files/2018-05/documents/image2018-05-09-173219.pdf>) have recently issued memoranda that address the importance of background ozone in setting and implementing NAAQS. In October 2017 and March 2018, EPA also issued memoranda providing information to assist states’ efforts to develop, supplement, or resubmit their “good neighbor” state implementation plans (SIP) for the 2008 and 2015 ozone NAAQS.

Rent and Space Consolidation

Many of EPA’s labs and buildings are located in high rent districts, including San Francisco, New York, Boston, Chicago and even here in Washington. I understand that the Agency is again taking a look at its footprint to see whether there is excess unused rental space that can be returned to GSA and whether some office moves or consolidations would save taxpayer funds.

Calvert Q13: I know there are many rumors regarding regional consolidations so I’d like to be clear that the budget does not propose to consolidate any regions, nor is my question along those lines. But does it make sense to analyze whether relocating Federal offices to lower rent areas would save taxpayer funds over time?

Answer: Cost represents one of many factors that GSA and EPA consider when identifying office space. EPA will continue working with GSA to identify the most cost-effective solutions for the agency’s space needs.

Calvert Q14: I believe most GSA contracts include a 90-day clause that would allow the Agency to terminate the lease – is that true for many EPA rental agreements?

Answer: Notice to vacate space requires 120-day advanced notice to GSA. For most new leases, the federal government must maintain the space for 16 months – 12 months plus the 120-day advance notice to vacate space.

EPA Marine Engine Waivers

In a recent Energy & Commerce Committee hearing, you mentioned that you would now be personally involved in the marine engine waiver issue for pilot boats, after giving the commitment to look into in your December testimony from the committee. This is a pressing issue that could have a wide-ranging impact on our port operations and growth.

Calvert Q15: Mr. Administrator, can you please provide a breakdown of the actions the EPA has taken to address the Tier 4 concerns?

Answer: EPA has engaged multiple stakeholders on this topic, including meeting with the Savannah Bar Pilots and, in a separate meeting, with the company that builds pilot vessels. After the April 26 hearing, EPA sent technical experts to meet with the pilot boat builder to discuss relevant technical issues in detail. EPA also has met with seven marine engine manufacturers to better understand what Tier 4 engines are available now or will be available in the near future. Finally, EPA staff spoke with NOAA staff to discuss and better understand the impacts that NOAA's whale strike rule has on pilot boat operations. EPA will use the information gathered in these meetings to develop a path forward.

Calvert Q16: Please provide a timeline of what the EPA has done and any upcoming actions that will be taken by the EPA to address this concern.

Answer: Since October 2017, EPA staff have engaged in technical discussions with multiple industry and government stakeholders on this topic (see the above response for more detail). EPA is currently reviewing this information and assessing its options under Clean Air Act authorities and regulations.

Calvert Q17: After you send technical experts to California, what will need to be done?

Answer: EPA's technical experts have recently met with the boat builder. EPA will use the information gathered in that meeting and other discussions to inform any future action.

Calvert Q18: Does the EPA have the authority to move forward with a waiver system? If not, what are your legal restrictions?

Answer: EPA regulations provide limited exemptions from the Tier 4 marine engine standards for specific circumstances, such as national security. However, the regulatory exemptions would not apply in these circumstances. Any potential waiver process for boat operators, or other changes to EPA's existing regulations would require a rulemaking

Tier 4 Restrictions for Generators

Calvert Q19: Administrator Pruitt, I have a similar concern for the Tier 4 restrictions placed on large, 1-megawatt generators. It's my understanding that the Tier 4 restrictions are preventing Tier-4 generators from being sold in the market due to that and the portability restrictions. It's forecasted that there won't be a viable solution in the market until the early 2020s. Is this something you are working on?

Answer: EPA has reviewed this concern and continues to assess options for addressing the issue, primarily focusing on any potential technical fix. The Agency will keep the Committee informed of any progress.

Engine manufacturers had several years of lead time before the Tier 4 standards took effect, which provided ample time to develop compliant engines. Engine manufacturers have a low volume of sales in this power category and chose not to initially focus on developing Tier 4 engines. Engine manufacturers prepared their customers for the lag time in engine availability and have indicated that Tier 4 generators will be available soon.

Calvert Q20: What would need to be done by the EPA to remedy this situation and allow for the sale of currently developed generators?

Answer: EPA has reviewed this concern and continues to assess options for addressing the issue, primarily focusing on any potential technical fix. The Agency will keep the Committee informed of any progress.

The emission standards and/or compliance timing would have to be revised and any revisions to the emission standards would need to go through notice and comment rulemaking. This regulatory process likely could not be accomplished before Tier 4 generators become available. Any changes to the standards could disrupt the market by allowing new Tier 2 generators to continue to be sold, putting at a disadvantage those engine manufacturers who have already invested resources to develop Tier 4 generators.

Calvert Q21: Is the EPA currently reviewing this concern or working on any changes that would remedy it?

Answer: EPA has reviewed this concern and continues to assess options for addressing the issue, primarily focusing on any potential technical fix. The Agency will keep the Committee informed of any progress.

Mid-term Evaluation & the California Waiver

Calvert Q22: When deciding to reconsider the Mid-term Evaluation, how did U.S. EPA evaluate the technical information provided by the California Air Resources Board (CARB) regarding the availability of advanced technologies, increases in efficiencies, and improvements in cost-effectiveness that have occurred since the January 2017?

Answer: The Midterm Evaluation final determination for light-duty vehicle greenhouse gas standards for model years 2022-2025 was signed on April 2, 2018. EPA considered the full record, which included public comments submitted by the California Air Resources Board (CARB) and many other stakeholders. Based on this record, EPA found that the prior determination was optimistic in its assumptions and projections regarding the availability and effectiveness of technology. Further, EPA determined that the current standards may not be feasible or practicable and that there is greater uncertainty as to whether technology will be available to meet the standards on the timetable established in the regulations, based on changes in several factors, including trends in vehicle electrification, reliance on future advanced technologies, and consumer acceptance of technologies. These changes warrant additional consideration, which EPA will do through an upcoming rulemaking process, in partnership with the Department of Transportation.

Similarly, CARB pointed out multiple comment letters received in response to NHTSA's request for comments on the scope of the EIS for its CAFE standards. These letters were from organizations such as the Manufacturers of Emission Controls Association, the Aluminum Association, and the American Chemistry Council, all of which were received after the January 2017 Final Determination. These letters provided additional detailed information regarding the feasibility and rapid acceptance of developing engine technologies, and economic benefits and job growth associated with developing technologies and advanced manufacturing innovations.

Calvert Q23: How did you consider this information in making your determination?

Answer: The Midterm Evaluation final determination for light-duty vehicle greenhouse gas standards for model years 2022-2025 was signed on April 2, 2018. EPA considered the full record which included public comments submitted by the CARB and many other stakeholders. Based on this record, EPA found that the prior determination was optimistic in its assumptions and projections regarding the availability and effectiveness of technology. Further, EPA determined that the current standards may not be feasible or practicable and that there is greater uncertainty as to whether technology will be available to meet the standards on the timetable established in the regulations, based on changes in several factors, including trends in vehicle electrification, reliance on future advanced technologies, and consumer acceptance of technologies. These changes warrant additional consideration, which EPA will do through an upcoming rulemaking process, in partnership with the Department of Transportation.

Contrary to the information cited from the Alliance of Automobile Manufacturers, electric vehicle registrations are not declining in the US, and both 2016 and 2017 had record levels of electric vehicle registrations (approximately 150,000 and 200,000 respectively). The 2017

numbers are particularly notable as in that year overall vehicle registrations were down year on year for the first time since 2009. Further, a recent study by AAA suggests that consumer interest in electric vehicles is high, and rivals interest in light-duty trucks. They project that greater than 30 million Americans will choose an electric vehicle as their next car.

Calvert Q24: Would this information have changed your decision? Did U.S. EPA independently evaluate the volume of electric vehicle registrations (sales and leases) in the US?

Answer: In the April 2, 2018 final determination, EPA found, based on the record, that it would not be practicable to meet the model year 2022-2025 standards without significant electrification and other advanced technologies that make up a minimal amount of the market share today, and lack sufficient consumer acceptance. EPA will consider this issue in more detail in the upcoming rulemaking. In addition, EPA cites concerns regarding potential safety impacts, and infers that the overall vehicle fleet safety could be compromised as a result of the current light-duty vehicle standards.

U.S. EPA cites concerns regarding potential safety impacts, and infers that the overall vehicle fleet safety could be compromised as a result of the current light-duty vehicle standards.

Calvert Q25: What was the basis of your finding that the need for a more robust safety analysis is another reason supporting reconsideration of the standards?

Answer: EPA considers safety to be an important factor in the reconsideration of the model year 2022-2025 light-duty vehicle greenhouse gas standards. For example, fleet turnover is important to an overall safety analysis, as newer cars tend to be safer and more efficient than older cars due to safety technology innovation and regulatory requirements. EPA intends to further assess the scope of its safety analysis in the upcoming rulemaking. EPA also reviewed multiple comments supporting continued harmonization of federal and California vehicle emission standards and acknowledged the importance of maintaining a harmonized program through 2025 and beyond.

U.S. EPA discussed multiple comments supporting continued harmonization of federal and California vehicle emission standards, and acknowledged the importance of maintaining a harmonized program through 2025 and beyond.

Calvert Q26: How will you approach harmonizing the programs without weakening emission standards?

Answer: EPA understands the importance of working with other regulatory authorities, including California and the National Highway Traffic Safety Administration (NHTSA), when developing greenhouse gas emission control and fuel economy programs, and we will remain engaged with all stakeholders as we move forward.

The current light-duty vehicle emission standards are a critical component of California's efforts to attain federal air quality standards. Additionally, multiple other states have adopted California's standards such that approximately 40% of US vehicles sold are sold in states following California's standards.

Calvert Q27: If you decide to rollback the light-duty vehicle emission standards, will you honor California's waiver to retain more stringent standards?

Answer: EPA will continue to engage with all stakeholders, including California, with the goal of retaining a single, national program.

Clean Water Act Preemptive Votes

The Pebble Project in southwestern Alaska is the world's largest undeveloped copper and gold deposit. Because the area of the deposit has a number of "waters of the United States," any developer that seeks to build a mine in the area will need a so-called "dredge-and-fill" permit issued under Section 404 of the Clean Water Act. Such permits are issued by the U.S. Army Corps of Engineers. EPA has authority under the statute to "veto" any permits issued by the Corps if the permitted projects create unacceptable adverse impacts to aquatic resources.

In 2013, the Agency began the process of using the Clean Water Act to attempt to "veto" any efforts to develop this deposit, despite the fact that the project developer had not, at that time, submitted any permit application or mine plan. A preemptive veto had never been done before in the 40+ year history of the Clean Water Act. EPA had to make up hypothetical mine plans to consider as they decided whether to prevent any mine from being built in the area.

Under the former Administration, EPA issued a preemptive "proposed determination" – essentially a proposed veto – to keep the Pebble deposit from being developed. When President Trump was elected, EPA settled a lawsuit brought by the Pebble project developer (the Pebble Partnership) and EPA Administrator Scott Pruitt agreed to begin the process to withdraw the preemptive veto. Administrator Pruitt had stated several times that a preemptive veto, such as the one the Agency had proposed, did not comport with the rule of law. He issued a proposal to withdraw the veto, took public comment on that proposal, but then changed his mind and announced that he would suspend his effort to withdraw the veto.

Regulations implementing this section of the Clean Water Act prevent the Corps of Engineers from issuing a permit if EPA has started a veto process. While the Pebble Partnership has now submitted its permit application to the Army Corps of Engineers, Administrator Pruitt's actions mean that the Corps cannot grant a permit for the Pebble Project unless and until EPA withdraws its preemptive veto.

Calvert Q28: Do you believe that the EPA should have the authority to preemptively veto development projects under the Clean Water Act, before any permit applications have been submitted to the Army Corps of Engineers?

Answer: EPA believes it has the authority to exercise its discretion under Section 404(c) to restrict, prohibit, or deny the discharge of dredged or fill material "whenever" it makes

the requisite finding that the discharge will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery, wildlife, or recreation areas, and EPA takes very seriously the authority it was provided by Congress pursuant to Section 404(c). As a general matter, EPA has policy concerns about issuing a final determination under Section 404(c) before the submission of a permit application to the Corps or the completion of an EIS. EPA's decision whether to exercise such authority preemptively would involve considerations of basic fairness considerations.

Calvert Q29: President Trump, in his Infrastructure Initiative, has proposed legislation that eliminates entirely EPA's authority to veto projects under the Clean Water Act. Why have you taken a position, by leaving in place the Pebble veto, that is different than the President's policy?

Answer: The EPA's January 26, 2018 decision suspends the proceeding to withdraw the Proposed Determination and leaves that Determination in place pending consideration of any other information that is relevant to the protection of the world-class fisheries contained in the Bristol Bay watershed in light of the permit application that has now been submitted to the Corps. This decision neither deters nor details the Corps' review of Pebble's Section 404 permit application, which is currently ongoing.

In making the decision regarding whether to withdraw the 2014 Proposed Determination at this time, the EPA considered its relevant statutory authority, applicable regulations, and the input it received as part of the tribal consultation, Alaska Native Claims Settlement Act Corporation consultation, and public comment periods regarding the Agency's reasons for its proposed withdrawal, as well as recent developments, including Pebble's submittal of a Section 404 permit application to the U.S. Army Corps of Engineers in December of 2017. The EPA received more than one million public comments regarding its proposal to withdraw the 2014 Proposed Determination, the overwhelming majority of which expressed opposition to withdrawal.

Calvert Q30: Isn't it correct that under the applicable regulations the Army Corps of Engineers cannot issue a permit to a project developer if the EPA has even begun the process of issuing a veto?

Answer: While it is true that the Army Corps cannot issue a permit while a pending 404(c) determination proceeding is ongoing, the Corps' regulations allow it to accept, review, and process a permit application for a proposed project even if EPA has an ongoing Section 404(c) review for that project. The Corps is processing Pebble's permit application consistent with its regulations, including developing an Environmental Impact Statement for the Pebble Project. EPA's decision to suspend the withdrawal process states that it will review and consider any relevant information that becomes available to inform future Section 404(c) decisions regarding the Pebble Project.

Calvert Q31: Is there any environmental harm that occurs whatsoever by allowing a permit application to be considered by the Army Corps of Engineers? And, isn't it better to wait until the Army Corps of Engineers has decided whether to grant a permit before EPA issues a veto, if one is to be issued at all?

Answer: As a general matter, EPA has policy concerns about issuing a final determination under Section 404(c) before the submission of a permit application to the Corps or the completion of an EIS. EPA believes that a decision regarding whether to exercise its section 404(c) authority preemptively would involve basic fairness considerations. To be sure, the Corps' regulations allow it to accept, review, and process a permit application for a proposed project even if the EPA has an ongoing Section 404(c) review for that project. Pebble has now submitted its permit application to the Corps and the Corps has initiated its permit review process and begun taking steps to develop an EIS for this project. These actions resolve any potential uncertainty about Pebble's ability to submit a permit application and have that permit application reviewed by the Corps.

EPA's January 26, 2018 decision to suspend the withdrawal process states that the EPA will review and consider any relevant information that becomes available. This will allow EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources.

Calvert Q32: Has EPA ever before issued a preemptive veto of the sort you have left in place with your decision not to withdraw the veto of the Pebble mine?

Answer: Of the 13 Final Determinations completed by the EPA, two involved circumstances where permit applications had not yet been submitted to the Corps, both of which were completed nearly thirty years ago. Although Section 404(c) actions are extremely rare, and rarer still in advance of the submittal of a permit application, the EPA's 2014 Proposed Determination is not unprecedented.

Questions from Mr. Simpson**Renewable Fuel Standard - Wood Biomass Exclusion**

Currently, federal land biomass is not eligible to be counted toward the Renewable Fuels Standard (RFS). Biomass was eligible in the 2005 standard, but the 2007 Energy and Security Independence Act did not allow for federal land biomass to count towards the RFS.

The original Renewal Fuels Standard envisioned advanced biofuels coming from a number of feed-stocks, including forest products waste. Those anticipated levels of biofuel production have not occurred, partly because of the restriction in the original law disallowing the use of wood waste coming off federal timber.

Simpson Q1: Would you support removing this restriction?

Answer: EPA does not have a position on this issue. We will continue to implement the law as written until further amended by Congress.

IRIS

We continue to be concerned about the lack of transparency in the IRIS process and believe the long-delayed IRIS handbook will be a critical tool to bring more clarity and transparency to the process.

Simpson Q2: When can we expect the handbook to be made available for public review and comment?

Answer: The handbook is currently being updated based on input received from the April 2018 report of the National Academy of Science (NAS), "Progress Toward Transforming the Integrated Risk Information System (IRIS) Program" and from public comments received on the Systematic Review Protocol for the IRIS Chloroform Assessment (Inhalation).² The chloroform protocol provides a description of methods described in the IRIS handbook, but applied to a specific chemical. The IRIS handbook is anticipated to be released following completion of external peer review.

Simpson Q3: Will it clearly describe the Agency's process for evaluating and integrating scientific data? Is there a schedule for having the handbook placed into operation?

Answer: The IRIS handbook outlines methods used to evaluate and integrate scientific information for IRIS assessments. Many of the methods outlined in the handbook summarize widely-accepted practices used in systematic review. These methods have been placed into operation on ongoing assessments, and were presented to the EPA Science Advisory Board and the NAS. In addition, beginning in 2018, IRIS publishes chemical specific protocols that outline the IRIS handbook methods as applied to specific chemicals.

These protocols undergo public comment early in the stages of draft development (IRIS Step 1).

The recent NAS report was complimentary on the development of a systematic review methodology for identification and selection of relevant scientific studies pertinent to a chemical being reviewed. While we applaud those efforts, the FY18 report language called on the Agency to ensure that IRIS assessments attain the highest scientific rigor.

Simpson Q4: What actions are you taking to develop the expertise necessary to ensure the public that you have the ability to assess the quality of those selected studies and be able to integrate all of the data from the relevant studies—human, animal and mechanistic—to attain that scientific rigor?

Answer: The IRIS handbook and chemical specific-protocols outline the methods used to evaluate the quality of selected studies and integrate the data. To assess and ensure access to necessary scientific expertise for high-quality implementation of these methods, the IRIS Program takes several steps: i) work with topic specific experts in NCEA and the Office of Research and Development, more broadly; ii) use contract vehicles to augment expertise when needed; iii) utilize NCEA disciplinary working groups for analyses or review (e.g., pharmacokinetic modeling disciplinary working group); and, iv) through participating in discussions and obtaining comments from technical experts at other Federal Agencies. In addition, scientific input received during the multiple public comment phases of the IRIS assessment is carefully considered.¹ Finally, all IRIS products undergo multiple internal and external review processes, including rigorous peer reviews.

Simpson Q5: Do you support development of IRIS assessments that reflect real life human exposure scenarios?

Answer: When developing assessments, IRIS considers the full body of scientific evidence. These include peer reviewed literature and data from in vitro or laboratory studies, computer modeling, animal experiments, epidemiology or observational studies in humans, and occasionally, controlled human exposure studies. The full body of scientific evidence must be reviewed and considered when evaluating the potential health effects of environmental pollutants. IRIS pays attention to evaluating and synthesizing different evidence streams when developing assessments.

Questions from Mr. Joyce**Harmful Algal Bloom Coordinator**

The Water Infrastructure Improvements for the Nation (WIIN) Act was signed into law in December 2016. Under the bill, the EPA Administrator shall designate a point person from an appropriate Federal partner to coordinate, with Federal partners and Great Lakes States, Indian tribes, and other non-Federal stakeholders, projects and activities under the Great Lakes Restoration Initiative (GLRI) involving harmful algal blooms in the Great Lakes.

Joyce Q1: Have you designated a point person to coordinate harmful algal bloom GLRI projects? If the answer is no, can you tell the Subcommittee if and when you plan to designate someone for this purpose?

Answer: In January 2017, the Administrator designated the Director of the EPA's Great Lakes National Program Office as the coordinator for harmful algal bloom projects.

Anaerobic Digesters

The Great Lakes are one of the greatest natural resources in Ohio and the United States. The lakes constitute the largest system of surface freshwater on Earth, containing 20 percent of the world's surface freshwater and 95 percent of the United States' surface freshwater. The Great Lakes provide drinking water for an estimated 48 million people in the United States and Canada. They also generate more than 1.5 million jobs and \$60 billion in wages annually.

The health and economic productivity of these great assets are jeopardized by harmful algal blooms caused in part by nutrient runoff from agricultural sites. Working with our partners in agriculture to reduce the nutrient runoff that contributes to these algal blooms is imperative. One solution is to encourage the adoption of anaerobic digesters (ADs), which process animal manure to produce electricity and other co-products. ADs eliminate or reduce many of the nutrients and pathogens, like nitrogen, phosphorus, and potassium, from manure before it is applied to the land.

On October 5, 2017, and January 17, 2018, a total of twenty-four House members representing districts in nine states signed two separate letters urging you to implement the existing "electric pathway" under the Renewable Fuel Standard program (RFS). The electric pathway would provide farmers that operate ADs access to a new revenue stream via participation in the RFS, as the electricity produced by an AD could qualify as an RFS fuel.

This new revenue stream would support the farmers that have already made a significant investment to install an AD, and would encourage many more farmers to do the same. Approving applications under the pathway would also support the administration's goals of promoting economic development and revitalization, job growth, and infrastructure investment for rural America.

Joyce Q2: Given the potential for the RFS electric pathway to encourage the adoption of anaerobic digesters and help farmers manage manure, prevent nutrient runoff, and reduce damage to water resources, are you working urgently to approve applications to participate in the pathway?

Answer: EPA proposed the Renewable Enhancement and Growth Support (REGS) Rule in 2016. The Agency then identified a number of significant policy questions associated with different approaches to the generation of renewable identification numbers (RINs) for renewable electricity used to charge electric vehicles. Since the REGS proposed rule comment period closed, EPA has been reviewing comments received, evaluating comments on the conflicting implementation approaches, and exploring options for resolving the complex issues associated with implementing the electric pathway. The Agency is currently continuing our review of these issues and will keep interested parties, including Members of Congress, updated on the status of any associated regulatory actions.

Questions from Mr. David Young**RVP**

As you know, on Thursday, April 12, President Trump announced plans to permit the year-round sale of E15. This change would also address refiner concerns about RIN prices and increase biofuel demand. On Thursday, April 19, an EPA spokesperson state that, “There is still not consensus on the regulatory path forward on the E15 RVP waiver and related issues.” On April 26, during your hearing with the House Energy and Commerce Committee, you indicated that EPA is still completing a legal review on RVP the agency began more than a year ago.

Young Q1: Given President Trump’s stated commitment to providing RVP regulatory relief, when will EPA move forward with regulations to permit year-round sale of E15?

Answer: EPA is not currently able to provide a timeline of next steps with respect to potential modifications to its E15 regulations. The Agency will remain engaged with all relevant stakeholders on this topic, including Committees and Members of Congress, and will communicate its plans and timing as soon as it is able to do so.

Young Q2: Please provide the Subcommittee with an expected timeline for EPA’s regulatory process.

Answer: EPA is not currently able to provide a timeline of next steps with respect to potential modifications to its E15 regulations. The Agency will remain engaged with all relevant stakeholders on this topic, including Committees and Members of Congress, and will communicate its plans and timing as soon as it is able to do so.

Small Refinery Exemptions

Administrator, I’m concerned about EPA’s small refinery exemptions under the RFS. I’ve heard and read refiners have noted, “Anyone with a brain submitted an application. The EPA was handling out those exemptions like trick or treat candy.” It’s hard to understand the definition of “hardship” when a company like Andeavor, who had a \$1.5 billion profit, qualifies for a waiver.

Young Q3: Did you tell or otherwise give indication to anyone the EPA would be viewing small refinery hardship exemptions with leniency or otherwise solicit, request, or recommend refiners submit such waiver requests in order to evade their responsibilities under the RFS?

Answer: EPA makes determinations for small refinery hardship exemption petitions based on the statutory requirements laid out in Section 211(o)(9) of the Clean Air Act and the regulatory construct described in 40 CFR § 80.1441. EPA does not solicit, request or recommend small refineries to submit petitions. Since 2011, eligible small refineries can submit a petition seeking relief based on disproportionate economic hardship. Upon receipt of a petition, the Agency has 90 days to make a decision to either grant or deny a petition based, in part, on an independent analysis performed by the Department of Energy (DOE),

which evaluates whether “disproportionate economic hardship” exists. For further information on the criteria by which the DOE analysis is performed, and the underlying justifications, as well as the pertinent legislative history, please refer to the “Small Refinery Exemption Study from the Department of Energy” published in 2011 and the “Addendum to the Small Refinery Exemption Study from the Department of Energy” published in 2014. Both documents can both be found at: <https://www.epa.gov/renewable-fuel-standard-program/small-refinery-exemption-studies-department-energy>.

Young Q4: Please provide the Subcommittee with a list of which refiners received small refiner hardship exemptions, how many gallons were waived, and the date on which those waivers were granted.

Answer: We currently treat the names of the individual petitioners, EPA’s decisions on those individual petitions and the volumes waived as Confidential Business Information (CBI) according to our regulations at 40 CFR Part 2, Subpart B, Confidentiality of Business Information.

Questions from Ms. McCollum**Memorandum from Inspector General and Protection of Personal Information**

During the April 26, 2018 hearing, Ranking Member McCollum pointed out that during the Administrator's testimony before the House Energy and Commerce Committee earlier that day, Mr. Pruitt stated that, "the Inspector General himself has noted that the threats against me are unprecedented." Rep. McCollum notified the Administrator that she had reached out to the EPA IG's office to ask if IG Elkins made such comments and they immediately disputed Mr. Pruitt's claim. Rep. McCollum asked Administrator Pruitt if he would like to correct the record. He declined and reiterated that IG Elkins had provided this information.

Mr. Pruitt produced a memo that he claimed was from IG Elkins and read aloud from it. He provided the document to be entered into the record. As a result of Mr. Pruitt's testimony, the IG's office released a public statement that, "In the hearing this afternoon before the House Appropriations subcommittee, Rep. McCollum asked a question of EPA Administrator Pruitt, which he answered by waving a document he said was from the Inspector General. She asked if it was from IG Elkins himself, and he said, 'the document says Inspector General'. She asked again and he reiterated that it was from the Inspector General. The memo that he read from was not from Inspector General Elkins. It was an internal memo from Assistant IG for Investigations Patrick Sullivan. It was leaked without authorization. It will be released in the near future as part of an OIG FOIA response."

For the record, the IG's office has provided to the Committee a copy of the memo provided by the Administrator but this version is redacted to comply with personal information rules. The Administrator read aloud and provided for the record a non-redacted version, in violation of personal information rules. Furthermore, the memo clearly states that it is, "Law Enforcement Sensitive and should not be further disseminated without the concurrence of the OIG."

During the hearing, when Rep. McCollum asked Mr. Pruitt about patient privacy as it concerns EPA's proposed rule regarding science used in regulations, Mr. Pruitt stated that, "in this proposed rule, confidential business information as well as personal information would be redacted and protected."

McCollum Q1: Why should the American people have any confidence that EPA would protect the privacy of their personal and health information after the Administrator so publicly disregarded privacy rules by releasing the IG memo?

Answer: EPA has policies and procedures in place to protect sensitive records [e.g., sensitive personally identifiable information (SPII), protected health information (PHI), and other Controlled Unclassified Information (CUI)] in accordance with statutory and regulatory requirements. Please see EPA's information security (IS) policy at <https://www.epa.gov/sites/production/files/2017-06/documents/information-security-policy.pdf>, and the privacy policy at <https://www.epa.gov/sites/production/files/2015-09/documents/2151.1.pdf>, as well as the 23 supporting IS procedures and the nine supporting privacy procedures.

McCollum Q2: What controls will be put into place to ensure that Mr. Pruitt does not carelessly release privileged information again?

Answer: As previously stated in our response to Q1, EPA currently has policies and procedures in place to protect sensitive records in accordance with statutory and regulatory requirements.

McCollum Q3: Much of the scientific evidence that the EPA uses in its decision making process relies on studies that use protected health information (PHI). This is information that researchers have committed to keeping confidential. Will the proposed rule require that researchers provide PHI to the Agency? Where will PHI data reside, and how will the EPA determine who has access to it?

Answer: The proposed rule, “Strengthening Transparency in Regulatory Science” is currently accepting public comments through May 30, 2018. Nothing in the proposed rule compels the public disclosure of any protected health information (PHI) in a manner that violates applicable legal and ethical protections. EPA is committed to protecting PHI or personally identifiable information in a manner that is consistent with the law and its policies and procedures.

McCollum Q4: In the hearing, Mr. Pruitt stated that, “[Third party science] has to provide the methodology and data...If [individuals] cannot look at the data and the methodology and how conclusions were drawn, their ability to provide informed comments is actually prevented.” If the EPA collects PHI, who at the Agency will decide what is released to the public for commentary and what is redacted? Will the Administrator be involved in these decisions?

Answer: As previously stated in our response to question 1, EPA currently has policies and procedures in place to protect sensitive records in accordance with statutory and regulatory requirements.

McCollum Q5: If researchers have committed to keep the PHI of study participants confidential and refuse to release it to the EPA, does that mean that their research will not be considered during EPA rule making or other decisions?

Answer: The proposed rule directs EPA to ensure that the regulatory science underlying its actions is publicly available in a manner sufficient for independent validation. It does not preclude the Agency from considering data which has not been provided to EPA. The proposed rule provides the EPA Administrator the ability to grant exemptions on a case-by case basis if he or she determines that compliance is impracticable because:

- (a) It is not feasible to ensure that all dose response data and models underlying pivotal regulatory science is publicly available in a manner sufficient for independent validation, in a fashion that is consistent with law, protects privacy, confidentiality, confidential business information, and is sensitive to national and homeland security; or

(b) It is not feasible to conduct independent peer review on all pivotal regulatory science used to justify regulatory decisions for reasons outlined in OMB Final Information Quality Bulletin for Peer Review (70 FR 2664), Section IX.

McCollum Q6: You mentioned in the hearing that you believe that the EPA needs to use science that is “reproducible”. While reproducibility may be feasible in a lab, it would be unrealistic and often unethical in many longitudinal public health studies. These include studies that show links between air pollution and mortality risks, or linking pregnant women’s exposure to pesticides and their children’s brain development. Will exposure studies and longitudinal public health data be exempt from this push for reproducibility?

Answer: As previously stated in our response to question 5 in regard to independent validation, the proposed rule provides the EPA Administrator the ability to grant exemptions on a case-by case basis if he or she determines that compliance is impracticable.

Integrated Risk Information System (IRIS) Program

McCollum Q7: Please provide a status update of the formaldehyde assessment. When will it be released?

Answer: The steps of the IRIS process are described at the IRIS website. For more information, see: <https://www.epa.gov/iris/basic-information-about-integrated-risk-information-system>

Science and peer review

Peer review is an accepted scientific approach utilized by premier journals such as Science and Nature.

McCollum Q8: What evidence does EPA have that suggests that the peer review approach should not be utilized by the Agency?

Answer: EPA intends to continue to utilize the peer review process to develop sound and defensible scientific and technical work products.

McCollum Q9: There is a significant cost associated with EPA’s proposed rule regarding science used in regulations, signed by the Administrator on April 24, 2018.. The Congressional Budget Office scored a House bill (HR 1030) containing the identical policy and determined that it will cost EPA \$250 million per year to implement the requirements.

The President’s budget proposed a 36 percent cut to the Science and Technology account. How will EPA absorb a new \$250 million cost at the proposed level?

Answer: The proposed rule is still in the development process, including the comment period remaining open until August 16, 2018, and a public hearing on July 17, 2018. Accordingly, EPA cannot comment on the substance and cost of a final rule. Nonetheless, EPA intends to implement the rule in a cost-effective way.

Lab Closures in contravention of Reprogramming Requirements

Rep. Kilmer asked the Administrator about lab closures and the reassignment of staff. Mr. Pruitt testified that, "I am reconsidering those lab closures at this point and may not make any changes at all. If there are changes I will submit them to Congress."

McCollum Q10: In light of Mr. Pruitt's testimony, how is EPA communicating to the staff who received management directed reassignment letters that those letters are no longer accurate?

Answer: EPA has had a leasing arrangement with the University of Las Vegas, Nevada for decades, allowing the agency to rent laboratory and office space on the university campus. In 2014, the UNLV indicated they were not interested in continuing this arrangement. Accordingly, EPA began making preparation for an alternative location to continue this work in that same year.

McCollum Q11: Please provide the Committee with copies of the management directed reassignment letter and all future communication to affected staff.

Answer: Below are template letters that were sent to staff notifying them of the reassignments and providing them supplemental information on their options. If employees declined the reassignment, they were issued a notice of proposed removal, consistent with federal requirements for declining a directed reassignment.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Research Triangle Park, NC 27711

March 1, 2018

OFFICE OF
RESEARCH &
DEVELOPMENT

MEMORANDUM

FROM:

TO:

SUBJECT: Management Directed Reassignment Outside Local Commuting Area

The Environmental Protection Agency (Agency) the Office of Research & Development will close all of the National Exposure Research Laboratory facilities in Las Vegas, Nevada. This consolidation will end ORD's presence in Las Vegas and is expected to be completed by September 30, 2018. NERL employees in Las Vegas reside in leased space whereas other NERL employees are not located in leased space. The objective of the consolidation is to leverage EPA-owned resources to provide superior scientific contributions, in support of the Agency's mission.

This memorandum serves as official notice of your management directed reassignment to either Cincinnati, OH or Research Triangle Park, NC. The Agency will work with you on establishing a proposed effective date for the reassignment, but the effective date for reporting to your new duty station may not be later than September 30, 2018. You will be reassigned to a position at the same grade level and job series with appropriate duties and responsibilities.

You must annotate your acceptance or declination of the management directed reassignment on the attached Employee Decision Notice and return the decision notice to me, [REDACTED] by June 29, 2018. If you do not provide the decision notice by June 29, 2018, this will be interpreted as a declination of the management directed reassignment, and you may be involuntarily separated from federal service effective no later than September 30, 2018.

The Agency is committed to assisting you with this transition. The RTP Shared Service Center (SSC) and EPA's Federal Employee Relocation Center will provide relocation entitlement briefings. The briefings will be coordinated with the RTP SSC Director and conducted prior to June 29, 2018.

Relocation Cost: The Agency will offer the following relocation expenses and allowances:

- o Transportation and per diem for employee and immediate family member(s)
- o Miscellaneous moving expense
- o Sell or buy residence transactions or lease termination expenses
- o Transportation and temporary storage of household goods
- o Transportation of a mobile home or boat used as a primary residence in lieu of the transportation of household goods
- o Relocation income tax allowance (RITA)
- o House hunting with transportation and per diem for employee and spouse (5 days)
- o Temporary quarters (up to 60 days)
- o Home Sale Program
- o Home marketing incentives

EPA provides employees with an Employee Counseling and Assistance Program (ECAP). ECAP provides confidential counseling and referral services to assist employees in resolving personal or work related problems. Participation is voluntary and the program is strictly confidential. In advising you of this counseling service, I am not inferring that you have a problem; the availability of this program is routinely communicated to employees in situations like the one you presently face. However, if you believe these services would be appropriate for your situation or would like more information, you may review the ECAP website at <http://intranet.epa.gov/ohr/benefits/ecap/>.

Please direct all inquiries regarding this notice and its content to me; I may be reached at [REDACTED].

Attachment

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Management Directed Reassignment
Employee Decision Notice

Due Date: June 29, 2018

To:



Subject: Employee Decision Notice-Management Directed Reassignment

I accept the management directed reassignment and will relocate to: [check one]

☐ Cincinnati, Ohio

☐ Research Triangle Park, North Carolina

The reassignment must be effective no later than September 30, 2018.

☐ I decline the management directed reassignment.

Name: _____ Date: _____

Signature: _____

Las Vegas
NERL, OARS, OSIM, & NHSRC
Supplemental Information Related to Closure/Transition

Management Directed Reassignment:

- NERL: RTP, NC or Cincinnati, OH
- OARS: RTP, NC; Cincinnati, OH; Washington, DC; Corvallis, Gulf Breeze, FL; Narragansett, RI; or Ada, OK
- OSIM: RTP, NC; Cincinnati, OH; Washington, DC; Corvallis, OR; or Ada, OK
- NHSRC: RTP, NC; Cincinnati, OH; or Washington, DC
- The Agency will work with you on establishing an effective date for the reassignment, but the effective date for reporting to your new duty station may not be later than **September 30, 2018**.
- You will be reassigned to a position at the same grade level and job series with appropriate duties and responsibilities.

Relocation Cost: The Agency will offer the following relocation expenses and allowances:

- Transportation and per diem for employee and immediate family member(s)
- Miscellaneous moving expense
- Sell or buy residence transactions or lease termination expenses
- Transportation and temporary storage of household goods
- Transportation of a mobile home or boat used as a primary residence in lieu of the transportation of household goods
- Relocation income tax allowance (RITA)
- House hunting with transportation and per diem for employee and spouse (5 days)
- Temporary quarters (up to 60 days)
- Home Sale Program
- Home marketing incentives

Declining the Management Directed Reassignment:

- You must annotate your declination of the management directed reassignment on the Employee Decision Notice.
- If you do not provide a completed Employee Decision Notice by **June 30, 2018**, this will be interpreted as a declination of the management directed reassignment, and you may be involuntarily separated from federal service effective no later than **September 30, 2018**.
- You also have the option of resigning or, if eligible, retiring. Please note that your resignation or retirement must be effective no later than September 30, 2018.

Career Transition Assistance Program (CTAP):

- The closure and consolidation effort will eliminate ORD's presence in Las Vegas. CTAP is designed to improve your chances of finding a new job within EPA through selection priority.
- CTAP provides eligible displaced Federal employees with agency selection priority for vacancies being filled inside EPA's permanent competitive service workforces. Per CTAP, regulations a

displaced employee is defined, in part, as one who is in receipt of a Notice of Proposed Removal (NPR) for declining a directed reassignment outside the local commuting area or who is removed for declining a directed reassignment outside the local commuting area.

- If you decline the management directed reassignment and are issued a NPR, your CTAP eligibility will begin on the date you receive the NPR. A CTAP eligibility notice will be provided as an attachment to your NPR, if applicable.
- CTAP eligibility ends on the date the employee:
 - (1) Separates from the agency either voluntarily or involuntarily;
 - (2) Receives a notice rescinding, canceling or modifying the notice which established CTAP eligibility so that the employee no longer meets the definition of surplus or displaced;
 - (3) Is placed in another position within the agency at any grade or pay level, either permanent or time-limited, before the employee is separated; or
 - (4) Is appointed to a career, career-conditional, or excepted appointment without time limit in any Federal agency at any grade or pay level.
- CTAP selection priority applies to a vacancy in your local commuting area that is your current grade or pay level with a representative rate no higher than the representative rate of your current position; has no greater promotion potential than your current permanent position of record, and is filled during your CTAP eligibility period.
- As an CTAP eligible, you must submit all required documents described within the job opportunity announcement.
- You must meet the "Well Qualified" definition described in the job opportunity announcement in order to receive priority selection consideration.

Interagency Career Transition Assistance (ICTAP):

- The closure and consolidation effort will eliminate ORD's presence in Las Vegas. ICTAP is designed to improve your chances of finding a new job in your agency, as well as in other federal agencies, through selection priority.
- ICTAP provides eligible displaced Federal employees with agency and interagency selection priority for vacancies in agencies that are filling positions from outside their respective permanent competitive service workforces. Per ICTAP regulations, a displaced employee is defined, in part, as one who is in receipt of a notice of proposed removal (NPR) for declining a directed reassignment outside the local commuting area or who is removed for declining a directed reassignment outside the local commuting area.
- If you decline the management directed reassignment and are issued a NPR, your ICTAP eligibility will begin on the date you receive the NPR. ICTAP eligibility notice will be provided as an attachment to your NPR, if applicable.

- ICTAP eligibility ends one year after removal by the agency for declining a directed geographic relocation outside the local commuting area (e.g., a directed reassignment or a change in duty station)

ICTAP eligibility also ends on the date the eligible:

- (1) Receives a notice rescinding, canceling, or modifying the notice which established ICTAP eligibility so that the employee no longer meets the definition of displaced;
 - (2) Separates from the agency for any reason before the removal effective date; or
 - (3) Is appointed to a career, career-conditional, or excepted appointment without time limit in any agency at any grade or pay level.
- ICTAP selection priority applies to a vacancy in your local commuting area that is your current grade or pay level with a representative rate no higher than the representative rate of your current position; has no greater promotion potential than your current permanent position of record, and is filled during your ICTAP eligibility period.
 - As an ICTAP eligible, you must submit all required documents described within the job opportunity announcement. You may include the ICTAP eligibility letter with your application package.
 - You must meet the "Well Qualified" definition described in the job opportunity announcement in order to receive priority selection consideration.
 - Please review attached EPA Order 3115.1, Career Transition Assistance Plan, dated 11/20/2012, for additional ICTAP/CTAP information.

Separation Incentive: The Agency will request authorization to offer Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Authority (VSIP). Please note that if you are formally offered and accept a separation incentive, you must resign or retire no later than **June 30, 2018**.

- **Eligibility for Voluntary Early Retirement:**
 - Meet the minimum age and service requirements:
 - At least age 50 with at least 20 years of creditable Federal service; OR
 - Any age with at least 25 years of creditable Federal service;
 - Have served in a position covered by the OPM authorization for the minimum time specified by OPM (usually 30 days prior to the date of the agency request);
 - Serve in a position covered by the Agency's VERA plan; and
 - Separate by the close of the early-out period.
- **Eligibility for Voluntary Separation Incentive Payment:**
 - Be serving in an appointment without time limit;
 - Be currently employed by the Executive Branch of the Federal Government for a continuous period of at least 3 years;
 - Be serving in a position covered by an agency VSIP plan (i.e., in the specific geographic area, organization, series and grade); and
 - Apply for and receive approval for a VSIP from the agency making the VSIP offer; and

Additional Information:

- The RTP HR SSC will provide briefings covering VERA/VSIP, resignation, voluntary retirement, minimum retirement age +10, discontinued service retirement, severance pay, and benefit entitlements.
- The Directors of NERL, OARS, OSIM, NHSRC and the RTP HR SSC will collaborate in scheduling briefings for affected ORD staff and individual meetings specific to your desired course of action.

Staff Retaliation and Morale

McCollum Q12: Mr. Pruitt testified that he was not aware of any retaliation against staff and that he did not force out Kevin Chmielewski for refusing to sign off on Mr. Pruitt's first class flights.

After conclusion of the hearing, however, Mr. Chmielewski told ABC News that chief of staff, Ryan Jackson, called him into his office and said: "Hey — Administrator Pruitt either wants me to fire you or put you in an office so that he doesn't have to see you again. And in addition to that, he wants to put Millan (Hupp) in your spot, as your title and your pay grade."

McCollum Q13: How does the Administrator feel his ethics scandals are impacting employee morale?

Answer: The Administrator is focused on carrying out the core mission of the Agency, protecting human health and the environment, as well as continuing our successful implementation of the President's agenda.

McCollum Q14: How will the Administrator overcome his reputation so that staff do not fear retaliation if their scientific or technical recommendation does not support his agenda?

Answer: As previously stated, the Administrator is focused on carrying out the core mission of the Agency, protecting human health and the environment, and continuing our successful implementation of the President's agenda. As part of this, the Agency continues to work towards ensuring that all scientific or technical recommendations are done in the most transparent and verifiable manner possible.

McCollum Q15: What is the Administrator doing to regain the trust of his staff?

Answer: The Administrator continues to strive to ensure that he has the trust and support of EPA's staff as the Agency remains focused on carrying out its core mission of protecting human health and the environment.

McCollum Q16: EPA political staff have been reportedly shopping stories to the press that would cast a negative shadow over Ryan Zinke, Secretary of the Department of the Interior, in order to redirect public scrutiny away from Mr. Pruitt. Did Administrator Pruitt direct staff to do this? What corrective action will be taken in response to this behavior?

Answer: This did not happen, and it is categorically false. Upon reading these accusations in a publication, The Atlantic, which already has established a record of false reporting about EPA, EPA's Chief of Staff still investigated this matter with EPA personnel and Department of Interior leadership to ensure this was not done and that there are no impediments to EPA's and the Department of Interior's relationship.

ADA Violation/Financial Controls

During the April 26, 2018 hearing the discussion focused on expenditures by the Administrator which GAO has determined are in violation of Section 710 of the Financial Services General Government appropriation and therefore are an Antideficiency Act violation.

McCollum Q17: The Administrator has exceeded the \$5,000 threshold and each new expenditure must be reported to the Committee. Since Mr. Pruitt failed to provide prior notification of his expenditures to the Committee, what assurance does the Committee have that he will be reporting any further Antideficiency Act violations?

Answer: The Government Accountability Office has found that EPA's failure to inform Congress of a political appointee's office expense above the \$5,000 threshold as required by Section 710 of the Financial Services and General Government Appropriations Act of 2017 created an Antideficiency Act (ADA) violation. EPA has since provided the notification, and will fulfill the requirements of Section 710 going forward. In addition, as required by OMB guidance, the Agency will work with OMB to prepare the reporting for ADA violations.

McCollum Q18: What controls has EPA put in place to prevent more improper spending?

Answer: EPA is required to have controls and clear definitions in place to ensure proper application of statutory language and policies prior to the obligation of funds, and the Agency does have a broad range of administrative, financial, and management controls in place to prevent improper spending. Processes and procedures, and staff training, also must support those controls to ensure they are effective.

To ensure there are no future incidents, the Agency is reviewing current procedures and identifying potential gaps in order to ensure solid controls are in place and the right individuals are aware of the legal limits and requirements for any expenditures that may fall under Section 710. One example that is underway is additional clarification on requirements that is being incorporated into the Agency's annual spending guidance to be issued this month. An investigation of the incident, as required by ADA guidance, also will help identify weaknesses, where additional measures are needed. More broadly, stringent reviews already have been implemented for expenditures that impact operations in the Administrator's office. The Agency also is reviewing previous expenditures to capture any other possible issues.

Condo Door Repayment

McCollum Q19: Please provide the following information regarding an apparent payment made by the Environmental Protection Agency to replace a door that was broken down by law enforcement and Administrator Pruitt's EPA security detail when the Administrator failed to respond to them during an incident at his residence on March 29, 2017.

- Were appropriated funds used to reimburse Ms. Hart or the Court Condominium Association for the replacement of the door? If so, what program areas did the funds come from?
- If appropriated funds were used to reimburse Ms. Hart or the Court Condominium Association for the replacement of the door, what was the justification for the use of these appropriated funds?
- Has Mr. Pruitt personally reimbursed the Environmental Protection Agency for the cost of the door replacement?

Answer: The Administrator's Protective Service Detail (PSD), which is located in the Office of Criminal Enforcement, Forensics and Training, is responsible for ensuring the safety and security of the Administrator. EPA reimbursed the Court Condominium for damages to the condominium door caused by the breach by the PSD as their actions were taken in accordance with their official duties. As this expense was incurred as part of the PSD's official duties, the appropriated funds came from the Operations and Administration program area, which includes the PSD budget.

Morocco Trip

The Administrator took a December 2017 trip to Morocco funded by the American taxpayer to promote trade in liquefied natural gas.

McCollum Q20: It is estimated this trip cost the American taxpayer approximately \$100,000. Provide for the record the exact expenses incurred by EPA for this trip. Including all staff and security costs.

- Did Mr. Pruitt receive a government rate at the Moroccan hotels in which he stayed? If not, what was the rationale used to exceed government rate?
- Does Mr. Pruitt not require EPA employees that travel to strictly abide by travel rules and regulations?
- Why did Mr. Pruitt refuse to stay at one of the hotels on the Embassy approved list?

Answer: As of June 15, 2018, airfare, accommodations, meals and incidental expenses, taxes, cancellation and state department fees for this trip totaled \$133,635.39. Due to high (peak travel) season, Mr. Pruitt's lodging expenses in Morocco exceeded the government rate which is allowable under Federal Travel Regulations (FTR Section 301-11.30 and 300-11.300). In addition, EPA travel policy requires second hand supervisor approval for above per diem lodging. Mr. Pruitt requested and received this approval. All EPA employees and travel authorizing officials are required to know and comply with the Federal Travel Regulation and EPA travel policies and procedures. Below is a copy of Mr. Pruitt's travel

voucher.

Document Header Information

Document Type:	Vch	Document Name:	VCH169889
Travel Authorization Number:	TAA059LX	Trip Name:	Trip from Washington to Paris, FR to Rabat/Marrakesh, Morocco and return.
TA Date:	12/29/17	Currency:	USD
Organization:	EPAA01110	Current Status:	PAID
Purpose:	2-INFORMATIONAL MEETING	Document Detail:	To meet with partners and key stakeholders for EPA cooperation activities to advance EPA programs and priorities in Morocco in support of this administrations mission. Please not this traveler missed his connection from Paris to Rabat and had to overnight there.
Type Code:	FOREIGN TRAVEL		

Traveler Profile

Name:	PRUITT, EDWARD SCOTT	THD:	
Organization:	EPAA01110	Duty Station:	
Card:	ADVANCE AUTHORIZED	Office Address:	1200 Pennsylvania Ave NW Washington, DC 20460
EMAIL:	PRUITT.SCOTT@EPA.GOV	Office Phone:	

Document Information

Trip Number: 1

Purpose: To meet with partners and key stakeholders for EPA cooperation activities to advance EPA programs and priorities in Morocco in support of this administrations mission. Please not this traveler missed his connection from Paris to Rabat and had to overnight there.

From	To	Itinerary Location	Purpose	Per Diem Rates
12/09/17	12/11/17	PARIS, FRA		425.00 / 183.00
12/11/17	12/12/17	RABAT, MAR		160.00 / 114.00
12/12/17	12/13/17	MARRAKECH, MAR		206.00 / 79.00

Document Totals

Total Expenses:	17,631.33
Reimbursable Expenses:	17,631.33
Non-Reimbursable Expenses:	.00
Advance Applied:	.00
Net to Traveler:	536.63
Net to Government:	.00
Pay to Charge Card:	17,094.70

Document Totals by Expense Category

Expense Category	Cost	Advance Amount
Com. Carrier	16,217.00	.00
Lodging-PerDiem	862.95	.00
M&IE-PerDiem	528.50	.00
Misc Expense	8.13	.00
Transaction Fees	14.75	.00
Total Expenses:	17,631.33	.00

Trip 1 Details				
Reservations Summary				
Reservation Type	Vendor	Ticket#	Location	Cost
COMM-CARR				.00
COMM-CARR				16,163.76

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COMMITTEE

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Trip Itinerary

From: Washington, DC (USA) TO: CDG-Paris, France (Charles De Gaulle Apt)

Air

Saturday December 09, 2017

Washington, DC (USA) to CDG-Paris, France (Charl

Dec 09 Washington, DC (USA) 12/09/2017 6:35PM Duration: Unknown Nonstop
Paris, France (Charles De Gaulle Apt) 12/10/2017 8:00AM
Flight Information
Distance: 3848 miles Emissions: 1509.7 lbs of CO2
No Seat Assigned Cost: 16,163.76 USD

Sunday December 10, 2017

CDG-Paris, France (Charl) to RBA-Rabat, Morocco

Dec 10 Paris, France (Charles De Gaulle Apt) 12/10/2017 10:25AM Duration: Unknown Nonstop
Rabat, Morocco 12/10/2017 12:15PM
Confirmation Number: [REDACTED]
Flight Information
Distance: 1137 miles Emissions: 443.4 lbs of CO2
No Seat Assigned

CDG-Paris, France (Charl) to CMN-Casablanca, Morocco

Dec 10 Paris, France (Charles De Gaulle Apt) 12/10/2017 3:15PM Duration: Unknown Nonstop
Casablanca, Morocco (Mohamed V Apt) 12/10/2017 5:15PM
Flight Information
Distance: 1199 miles Emissions: 467.6 lbs of CO2
No Seat Assigned

Monday December 11, 2017

CDG-Paris, France (Charl) to RBA-Rabat, Morocco

Dec 11 Paris, France (Charles De Gaulle Apt) 12/11/2017 10:25AM Duration: Unknown Nonstop
Rabat, Morocco 12/11/2017 12:15PM
Confirmation Number: [REDACTED]
Flight Information
Distance: 1137 miles Emissions: 443.4 lbs of CO2
No Seat Assigned

Wednesday December 13, 2017

RAK-Marrakech, Morocco to AMS-Amsterdam, Netherlan

Dec 13 Marrakech, Morocco 12/13/2017 10:45AM Duration: Unknown Nonstop
Amsterdam, Netherlands 12/13/2017 3:40PM
Confirmation Number: [REDACTED]
Flight Information
Distance: 1568 miles Emissions: 611.5 lbs of CO2
No Seat Assigned

AMS-Amsterdam, Netherlan to New York, NY (USA) (

Dec 13 Amsterdam, Netherlands 12/13/2017 5:10PM Duration: Unknown Nonstop
New York, NY (USA) 12/13/2017 7:30PM
Confirmation Number: [REDACTED]
Flight Information
Distance: 3641 miles Emissions: 1416.1 lbs of CO2
No Seat Assigned

New York, NY (USA) to Washington, DC (USA)

Dec 13 New York, NY (USA) 12/13/2017 9:05PM Duration: Unknown Nonstop
Washington, DC (USA) 12/13/2017 10:41PM
Confirmation Number: [REDACTED]

Flight Information
Distance 227 miles
No Seat Assigned

Emissions 88.5 lbs of CO2

Expenses

Trip# 1		Total Non-Per Diem Expenses	16,239.88	Total Per Diem Expenses	1,391.45
Date	Description	Category	Cost	Pay Method	Per Diem
12/05/2017	Travel Fee	Com. Carrier	53.24	GOVCC	
Comment: LB VIP Services					
12/09/2017	Airline Flight	Com. Carrier	16,163.76	GOVCC	
12/09/2017	M&IE	M&IE-PerDiem	137.25	PERSONAL	*
12/10/2017	Lodging	Lodging-PerDiem	494.00	GOVCC	*
12/10/2017	M&IE	M&IE-PerDiem	183.00	PERSONAL	*
12/10/2017	Currency Conversion Fees	Misc Expense	90	PERSONAL	*
12/11/2017	Lodging	Lodging-PerDiem	159.41	GOVCC	*
12/11/2017	M&IE	M&IE-PerDiem	114.00	PERSONAL	*
12/11/2017	Currency Conversion Fees	Misc Expense	3.95	PERSONAL	*
12/12/2017	Lodging	Lodging-PerDiem	209.54	GOVCC	*
12/12/2017	M&IE	M&IE-PerDiem	47.00	PERSONAL	*
12/12/2017	Currency Conversion Fees	Misc Expense	3.28	PERSONAL	*
12/13/2017	M&IE	M&IE-PerDiem	47.25	PERSONAL	*
12/29/2017	TIDY Voucher Fee	Transaction Fees	14.75	GOVCC	

Per Diem Allowances

Trip# 1 Total Per Diem Allowances 1,391.45

Date	Rate	Ldg Cost	Ldg Allowed	M&IE Cost	M&IE Allowed	B L D Conf%
12/09/2017	425.00/183.00	0.00	0.00	137.25	137.25	
12/10/2017	425.00/183.00	494.00	494.00	183.00	183.00	
12/11/2017	160.00/114.00	159.41	159.41	114.00	114.00	
12/12/2017	206.00/ 79.00	209.54	209.54	47.00	47.00	X
12/13/2017	206.00/ 79.00	0.00	0.00	47.25	47.25	X

Payment Detail Information

Organization	Label	Accounting String	Payment Method	Amount
EPA01110	18 OA IO ACCOUNT	ART.20182019.B.11A.000ME8.MN111100.	GOVCC	17,094.70
EPA01110	18 OA IO ACCOUNT	ART.20182019.B.11A.000ME8.MN111100.	PERSONAL	536.63

Totals by Label

EPA01110	18 OA IO ACCOUNT Total	ART.20182019.B.11A.000ME8.MN111100.		17,631.33
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Totals by Payment Method

GOVCC Total	17,094.70
PERSONAL Total	536.63

Document History 02/26/2018 Vch: VCH169889

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STATUS	DATE	TIME	SIGNATURE NAME	REASON
CREATED	12/29/2017	7:08AM EST	DAVIS, GWENDER G	
PREPARED	12/29/2017	9:18AM EST	DAVIS, GWENDER G	
PREPARED	12/29/2017	9:20AM EST	DAVIS, GWENDER G	
SIGNED	01/03/2018	8:10AM EST	PRUITT, EDWARD SCOTT	
AUTHORIZED	01/04/2018	12:14PM EST	WOODEN-AGUILAR, HELENA E	
VOUCHER APPROVED	01/05/2018	6:07AM EST	FITZPATRICK, SAMUEL C	
PENDING	01/05/2018	6:07AM EST	SYNSUTILITY	
OFFSETTING OBLIGATED	01/05/2018	8:06AM EST	One, EAI User	
PENDING	01/05/2018	8:06AM EST	One, EAI User	
PAID	01/05/2018	10:06AM EST	One, EAI User	

I certify that the electronic signatures listed above are valid and on file

SIGNED DATE

McCollum Q21: What involvement did Washington lobbyist Richard Smotkin have in organizing this trip? Did Mr. Smotkin attend any meetings with you in Morocco? Who arranged those meetings?

Does Mr. Pruitt's calendar, an official government document, include the role played by Mr. Smotkin on this trip?

- Please confirm or deny whether Mr. Smotkin received a \$40,000 a month contract from the Moroccan government retroactive to January 1 as a result of that trip.
- What is the relationship between the Administrator and Mr. Smotkin?

Answer: Mr. Smotkin attended the Tour of the IRESEN Greek Energy Park, a dinner and a breakfast. Below is Mr. Pruitt's official calendar for this trip. EPA does not comment on non-EPA business or contracts. The Administrator and Mr. Smotkin have known each other for many years.

Tate Bennett (Bennett.Tate@epa.gov) <Bennett.Tate@epa.gov>	Required
Ryan Jackson (jackson.ryan@epa.gov) <jackson.ryan@epa.gov>	Required

Saturday, December 9, 2017

Time 12/9/2017 8:00 PM – 12/11/2017 5:30 AM
 Subject Flight IAD - CDG - RBA
 Location DL 8631 / DL 8695
 Reminder 15 minutes
 Show Time As Busy

Monday, December 11, 2017

Time 10:00 AM – 11:00 AM
 Subject Meeting: Moroccan Agency for Sustainable Energy (MASEN) CEO
 Mustapha Bakkoury
 Location Moroccan Agency for Sustainable Energy
 Reminder 15 minutes
 Show Time As Busy

Time	1:00 PM – 2:00 PM	
Subject	Senior Staff Meeting	
Location	Alm Conference Room	
Show Time As	Busy	
Attendees	Name <E-mail>	Attendance
	Adm14Pruitt, Scott <adm14pruitt.scott@epa.gov>	Organizer
	Schwab, Justin <schwab.justin@epa.gov>	Required
	Lyons, Troy <lyons.troy@epa.gov>	Required
	Opalski, Dan <Opalski.Dan@epa.gov>	Optional
	Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>	Required
	Sands, Jeffrey <sands.jeffrey@epa.gov>	Required
	Breen, Barry <Breen.Barry@epa.gov>	Required
	Konkus, John <konkus.john@epa.gov>	Required
	McCabe, Catherine <McCabe.Catherine@epa.gov>	Required
	Minoli, Kevin <Minoli.Kevin@epa.gov>	Required
	Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>	Optional
	Freire, JP <Freire.JP@epa.gov>	Required

Servidio, Cosmo <servidio.cosmo@epa.gov>	Optional
Simon, Harvey <Simon.Harvey@epa.gov>	Optional
Bolen, Brittany <bolen.brittany@epa.gov>	Required
2017Regionfirstassistants <2017Regionfirstassistants@epa.gov>	Required
Starfield, Lawrence <Starfield.Lawrence@epa.gov>	Required
Flynn, Mike <Flynn.Mike@epa.gov>	Required
Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>	Required
Chu, Ed <Chu.Ed@epa.gov>	Required
Bowman, Liz <Bowman.Liz@epa.gov>	Required
Burke, Marcella <burke.marcella@epa.gov>	Required
Bloom, David <Bloom.David@epa.gov>	Required
DCRoomARNEPAadministrator/DC-Ariel-Rios-AO <DCRoomARNEPAadministrator@epa.gov>	Resource
Munoz, Charles <munoz.charles@epa.gov>	Required
Szaro, Deb <Szaro.Deb@epa.gov>	Required
Brennan, Thomas <Brennan.Thomas@epa.gov>	Required
Jordan, Deborah <Jordan.Deborah@epa.gov>	Required
Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>	Required
Dravis, Samantha <dravis.samantha@epa.gov>	Optional
Hill, Randy <Hill.Randy@epa.gov>	Optional
Caraballo, Mario <Caraballo.Mario@epa.gov>	Optional
Hladick, Christopher <hladick.christopher@epa.gov>	Optional
Davis, Patrick <davis.patrick@epa.gov>	Required
Mugdan, Walter <Mugdan.Walter@epa.gov>	Required
Robbins, Chris <Robbins.Chris@epa.gov>	Optional

Sugiyama, George <sugiyama.george@epa.gov>	Optional
Simon, Nigel <Simon.Nigel@epa.gov>	Required
Heard, Anne <Heard.Anne@epa.gov>	Required
Reeder, John <Reeder.John@epa.gov>	Required
Brown, Byron <brown.byron@epa.gov>	Optional
Greaves, Holly <greaves.holly@epa.gov>	Optional
Jackson, Ryan <jackson.ryan@epa.gov>	Required
Dourson, Michael <dourson.michael@epa.gov>	Required
2017HQfirstassistants <2017HQfirstassistants@epa.gov>	Required
Kling, David <Kling.Dave@epa.gov>	Required
Richardson, RobinH <Richardson.RobinH@epa.gov>	Required
Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>	Required
Ringel, Aaron <ringel.aaron@epa.gov>	Required
Glenn, Trey <Glenn.Trey@epa.gov>	Required
Holsman, Marianne <Holsman.Marianne@epa.gov>	Optional
Ericksen, Doug <ericksen.doug@epa.gov>	Optional
Beck, Nancy <beck.nancy@epa.gov>	Required
Kenny, Shannon <Kenny.Shannon@epa.gov>	Required
Grantham, Nancy <Grantham.Nancy@epa.gov>	Optional
Rodgers, Ryan <Rodgers.Ryan@epa.gov>	Optional
Wise, Louise <Wise.Louise@epa.gov>	Optional
Vizian, Donna <Vizian.Donna@epa.gov>	Required
Torma, Tim <Torma.Tim@epa.gov>	Required
Dunham, Sarah <Dunham.Sarah@epa.gov>	Required
Etzel, Ruth <Etzel.Ruth@epa.gov>	Required

Benevento, Douglas <benevento.douglas@epa.gov>	Optional
Traylor, Patrick <traylor.patrick@epa.gov>	Optional
Shaw, Betsy <Shaw.Betsy@epa.gov>	Required
Kreutzer, David <kreutzer.david@epa.gov>	Optional
Harlow, David <harlow.david@epa.gov>	Required
Stepp, Cathy <stepp.cathy@epa.gov>	Optional
Baptist, Erik <baptist.erik@epa.gov>	Required
Slotkin, Ron <slotkin.ron@epa.gov>	Required
Wehrum, Bill <Wehrum.Bill@epa.gov>	Required
Nishida, Jane <Nishida.Jane@epa.gov>	Required
R4-RA-Conf-Rm/Sam-Nunn-Federal-Building-ATL <R4-RA-Conf-Rm@epa.gov>	Resource
Forsgren, Lee <Forsgren.Lee@epa.gov>	Optional
Shapiro, Mike <Shapiro.Mike@epa.gov>	Required
Darwin, Henry <darwin.henry@epa.gov>	Optional
Thomas, Deb <thomas.debrah@epa.gov>	Required
Lapierre, Kenneth <lapierre.kenneth@epa.gov>	Required
Strauss, Alexis <Strauss.Alexis@epa.gov>	Required
Actadmmccabe, Catherine17 <actadmmccabe.catherine17@epa.gov>	Required
Ashbee, Blake <ashbee.blake@epa.gov>	Optional
Kavlock, Robert <Kavlock.Robert@epa.gov>	Required
Bodine, Susan <bodine.susan@epa.gov>	Required
Fine, Steven <fine.steven@epa.gov>	Required
Wagner, Kenneth <wagner.kenneth@epa.gov>	Required
Elkins, Arthur <Elkins.Arthur@epa.gov>	Required

Rodrigues, Cecil <rodrigues.cecil@epa.gov>	Required
Hanson, Paige (Catherine) <hanson.catherine@epa.gov>	Required
Cherry, Katrina <Cherry.Katrina@epa.gov>	Optional
Kaplan, Robert <kaplan.robert@epa.gov>	Required
White, Elizabeth <white.elizabeth@epa.gov>	Required
Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>	Optional
Allen, Reginald <Allen.Reginald@epa.gov>	Required
bangarter.layne@epa.gov <bangarter.layne@epa.gov>	Required
EPAVTC <EPAVTC@epa.gov>	Required
Yamada, Richard (Yujiro) <yamada.richard@epa.gov>	Required
Coleman, Sam <Coleman.Sam@epa.gov>	Required
Bangerter, Layne <bangarter.layne@epa.gov>	Required
Gulliford, Jim <gulliford.jim@epa.gov>	Required
Sheehan, Charles <Sheehan.Charles@epa.gov>	Optional

Tuesday, December 12, 2017

Time 4:00 AM – 4:40 AM
Subject Meeting: Secretary of State of Foreign Affairs Mounia Boucetta
Location Rabat, Morocco
Reminder 15 minutes
Show Time As Busy

Time 5:00 AM – 6:10 AM
Subject Meeting: Minister of Energy, Mines and Sustainable Development
Location Rabat, Morocco
Reminder 15 minutes
Show Time As Busy

Time 6:30 AM – 7:15 AM
Subject Meeting: Minister of Justice
Location Rabat, Morocco
Reminder 15 minutes
Show Time As Busy

Time 10:30 AM – 11:00 AM
Subject Tour: IRESEN Green Energy Park/Meeting with Chairman of OCP
Location Marrakesh, Morocco
Reminder 15 minutes

Show Time As Busy

Time 11:00 AM – 12:00 PM
 Subject Meeting: OCP Chairman Mostafa Terrab
 Location Marrakesh, Morocco
 Reminder 15 minutes
 Show Time As Busy

Time 3:00 PM – 4:30 PM
 Subject Dinner with Moroccan Government Officials
 Location Rabat, Morocco
 Reminder 15 minutes
 Show Time As Busy

Wednesday, December 13, 2017

Time 2:45 AM – 3:45 AM
 Subject Breakfast with Director of New Moroccan Agency of Development for Renewable Energy and Energy Efficiencies (ADEREE)
 Location Marrakesh, Morocco
 Reminder 15 minutes
 Show Time As Busy

Time 5:45 AM – 10:41 PM
 Subject Flights: RAK-AMS-JFK-IAD
 Location DL 7516 / DL 9358 / DL 4087
 Reminder 15 minutes
 Show Time As Busy

Thursday, December 14, 2017

Time 10:00 AM – 12:00 PM
 Subject White House Press Roundtable
 Location WH
 Reminder 15 minutes
 Show Time As Busy

Attendees	Name <E-mail>	Attendance
	Adm14Pruitt, Scott <adm14pruitt.scott@epa.gov>	Organizer
	Bowman, Liz <Bowman.Liz@epa.gov>	Required
	Lincoln Ferguson (ferguson.lincoln@epa.gov) <ferguson.lincoln@epa.gov>	Required
	Lincoln Ferguson (ferguson.lincoln@epa.gov) <ferguson.lincoln@epa.gov>	Required

Time 1:30 PM – 2:30 PM
 Subject Briefing: Ozone Designations
 Location Alm Room
 Reminder 15 minutes
 Show Time As Busy
 Video Conference: RTP Room C401A

Italy Trip

McCollum Q22: Did Leonard Leo, head of the Federalist Society, accompany Mr. Pruitt on his business trip to Italy?

Provide for the record any involvement Mr. Leo had with planning this trip and whether he accompanied Mr. Pruitt to any meetings or events. Did Mr. Leo travel with Mr. Pruitt in his official motorcade?

Does Mr. Pruitt's calendar, an official government document, include the role played by Mr. Leo on this trip?

Answer: Mr. Leo participated in one official meeting at the Vatican. Mr. Leo did not accompany Mr. Pruitt to Italy and Mr. Leo did not travel with Mr. Pruitt in his official motorcade. Beginning on the next page is a copy of Mr. Pruitt's official calendar.

Subject	Depart for Tailor
Show Time As	Busy

Time	3:30 PM – 4:00 PM
Subject	Visit Tailor
Show Time As	Busy

Wednesday, June 7, 2017

Time	At 7:00 AM
Subject	Passports and Luggage Ready for Pick Up
Location	Northgate Entrance
Show Time As	Busy

Time	10:00 AM – 10:30 AM
Subject	Depart for Andrews
Show Time As	Busy

Time	At 10:30 AM
Subject	Arrive at AAFB
Show Time As	Busy

Time	11:20 AM – 12:40 PM
Subject	Wheels Up: AF-1 to Hebron, KY
Show Time As	Busy

Time	12:40 PM – 12:50 PM
Subject	Administrator Exits Plane
Show Time As	Busy POTUS will stay on board to meet with Obama Care victims.

Time	12:55 PM – 1:10 PM
Subject	POTUS Makes Remarks and Departs Airport for Event
Show Time As	Busy 12:55pm THE PRESIDENT arrives Podium and begins Remarks at Airport Arrival 1:00pm THE PRESIDENT concludes Remarks at Airport Arrival and proceeds to Vehicle 1:05pm THE PRESIDENT boards Vehicle and departs Cincinnati Municipal Airport-Lunken Field (KLUK) en route Rivertowne Marina

Time	1:10 PM – 2:05 PM
Subject	Water and Bridge Infrastructure Press Event
Location	Rivertown Marina; Cincinnati, OH
Show Time As	Busy Topic: Infrastructure Week; highlight the Administration's infrastructure initiative, focusing on the importance of the Nation's Inland Waterway System and the Bren Spence Bridge connecting Ohio and Kentucky for hundreds of thousands of job commuters each day Location: Rivertown Marina (site along the Ohio River w/ Brent Space Bridge in background) Staffing: Ryan, Kevin Attendees: Approximately 500 people. Invitees: 10-12 Mayors including: (Roy Buoul, Frank Klipsch, Lyda Kruson, Jim

Thursday, June 8, 2017

Time At 1:30 AM
 Subject (TBC) Depart Hotel
 Show Time As Busy

Time 2:00 AM – 3:00 AM
 Subject Private Mass
 Show Time As Busy
 Location: TBD
 Arranged by Leonard Leo

Friday, June 9, 2017

Time All Day
 Subject Pruitts' Anniversary
 Show Time As Free

Sunday, June 11, 2017

Time All Day
 Subject G-7 Environment Ministerial
 Show Time As Free

Time 10:10 AM – 7:00 PM
 Subject Emirates Flight: 2053 MXP-JFK
 Show Time As Busy
 Confirmation: MG63FY

Time 9:55 PM – 11:22 PM
 Subject Jetblue Flight 1507: JFK-IAD
 Show Time As Busy
 Confirmation: MG63FY

Time 11:30 PM – 11:45 PM
 Subject Depart Airport for Residence
 Show Time As Busy

Monday, June 12, 2017

Time All Day
 Subject G-7 Environment Ministerial
 Show Time As Free

Time 6/12/2017 12:00 AM – 6/17/2017 12:00 AM
 Subject Michelle -- out
 Show Time As Free

Time 12:30 PM – 1:30 PM
 Subject Lunch
 Location White House Mess
 Show Time As Busy
 Rez for 4

Time 1:00 PM – 2:00 PM
 Subject Senior Staff Meeting

Australia Trip

The New York Times has reported, based on information obtained by the Sierra Club, that the Administrator was scheduled to make a trip to Australia in the August-September 2017 timeframe and sent EPA staff to Australia to work out logistics and details. The trip was ultimately cancelled because of Hurricane Harvey, however, the American taxpayer funded the advance work.

McCollum Q23: What was the cost to the American taxpayer of sending EPA staff to Australia in preparation for your trip?

- How many EPA staff were sent to do advance work?
- What involvement did Matthew Freedman have in setting up any meetings?
- Did Richard Smotkin have any role in organizing any meetings?

Answer: Three EPA staff and five protective services detail staff went to Australia as the advance team. Airfare, accommodations, meals and incidental expenses, taxes, and cancellation fees for the trip totaled \$101,873.53. Mr. Freedman helped schedule private meetings. To our knowledge, Mr. Smotkin did not organize any meetings.

Disneyland Trip

The Administrator recently took his family and security detail to Disneyland. According to the official Disneyland ticketing website, an adult one-day ticket costs between \$97.00 and \$135.00, depending on the day you visit, and if you buy FastPasses to let you skip the lines, the prices are even higher.

McCollum Q24: How many people went to Disneyland with Mr. Pruitt, including family members and security guards?

Answer: Four family members accompanied Mr. Pruitt to Disneyland.

McCollum Q25: Who paid for the Disneyland tickets for Mr. Pruitt's security detail officers, and how much were their tickets?

Answer: Disneyland grants complimentary admission to security agents engaged in active protection work. All of our agents were providing protection so no tickets were purchased.

McCollum Q26: If EPA paid these costs, from what appropriation and program project were they funded?

Answer: No tickets were purchased for EPA security agents.

Advisory Panels

EPA Advisory Panels now bar researchers who take government funding.

McCollum Q27: Why doesn't Mr. Pruitt feel this approach favors industry-funded scientists over researchers who rely on public funding?

Answer: To ensure the Agency obtains the highest quality independent advice to provide a foundation for the Agency's policies and decisions, EPA advisory committee members will be financially independent from the Agency. Strengthening member independence from EPA, increasing state, tribal and local government participation, enhancing geographic diversity and promoting fresh perspectives will improve the integrity of EPA's scientific advisory committees. This approach maintains the foundation of the Agency's rigorous research protocols and supports transparency throughout the scientific process.

McCollum Q28: Does Mr. Pruitt believe that receiving a federal grant is more of a conflict of interest than being employed by a regulated industry?

Answer: To ensure the Agency obtains the highest quality independent advice to provide a foundation for the Agency's policies and decisions, EPA advisory committee members will be financially independent from the Agency. Strengthening member independence from EPA, increasing state, tribal and local government participation, enhancing geographic diversity and promoting fresh perspectives will improve the integrity of EPA's scientific advisory committees. This approach maintains the foundation of the Agency's rigorous research protocols and supports transparency throughout the scientific process.

McCollum Q29: Please provide the Committee with the number and percentage of science advisors whose work is funded by:

- industry
- energy lobbying groups
- conservative think tanks
- academics from major research institutions

Answer: The current Chartered SAB consists of 44 members whose affiliations are summarized in the table below:

Academia	22
Business	8
Consulting	7
Nongovernmental Organization	2
State Government	5

•

McCollum Q30: Is it accurate that one appointee claims that children need exposure to air allergens to learn how to ward them off as they grow older¹?

Answer: The Science Advisory Board (SAB) was established in 1978 by the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) to provide independent advice to the Administrator on a range of scientific and technical matters underlying key environmental policies and risk management decisions under various statutes (e.g. CAA, TSCA, SDWA, CWA, RCRA). The SAB addresses a wide range of topics requiring different kinds of scientific expertise. The SAB strives to reflect a variety of scientific perspectives and its members possess a broad knowledge and appreciation of EPA's missions and environmental programs. Members of the Board are drawn from academia, industry, federal, state and tribal governments, research institutes and non-governmental organizations (NGO). Collectively, the SAB constitutes a diverse body of scientists, engineers, economists and social scientists who are widely recognized for their record of scholarly and leadership achievement in their respective fields. The Board consists of 44 members whose scientific backgrounds, views, opinions and beliefs are often disparate. EPA benefits greatly from this diversity of perspectives as EPA seeks advice on the multitude of difficult and complex environmental issues facing the Agency. Public statements made by members illustrate the diversity of the Board. Any such statements are the sole responsibility of the speaker and EPA cannot comment on their authenticity or scientific accuracy.

McCollum Q31: Is it accurate that another Science Advisory Board member has expressed that EPA's ozone rules are unnecessary because "Americans likely spend at least 90 percent of their time indoors." (Michael Honeycutt, lead toxicologist with Texas Commission on Environmental Quality)

Answer: The SAB was established in 1978 by the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) to provide independent advice to the Administrator on a range of scientific and technical matters underlying key environmental policies and risk management decisions under various statutes (e.g. CAA, TSCA, SDWA, CWA, RCRA). The SAB addresses a wide range of topics requiring different kinds of scientific expertise. The SAB strives to reflect a variety of scientific perspectives and its members possess a broad knowledge and appreciation of EPA's missions and environmental programs. Members of the Board are drawn from academia, industry, federal, state and tribal governments, research institutes and non-governmental organizations (NGO). Collectively, the SAB constitutes a diverse body of scientists, engineers, economists and social scientists who are widely recognized for their record of scholarly and leadership achievement in their respective fields. The Board consists of 44 members whose scientific backgrounds, views, opinions and beliefs are often disparate. EPA benefits greatly from this diversity of perspectives as EPA seeks advice on the multitude of difficult and complex environmental issues facing the Agency. Public statements made by members illustrate the diversity of the Board. Any such statements

¹ (Robert Phalen, former director of the Air Pollution Health Effects Laboratory at University of California, Irvine.) (Huffington Post –Pruitt's Attacks on Environmental Protections Hit People of Color Hardest 1/23/18)(<https://www.eenews.net/stories/1060065769>)

are the sole responsibility of the speaker and EPA cannot comment on their authenticity or scientific accuracy.

Regulatory Rollback

President Trump and other conservatives have pointed to Mr. Pruitt's success in implementing their environmental deregulation policies as an excuse for ignoring his spate of ethical lapses. Frankly, I am confused by that defense because Mr. Pruitt has been largely ineffective in achieving the regulatory rollbacks that conservatives are seeking.

Court rulings are showing that EPA actions under Mr. Pruitt's leadership do not stand up to the law.

McCollum Q32: Why isn't Mr. Pruitt taking a more thorough and lawful approach to his regulations?

Answer: The Spring 2018 *Unified Agenda of Regulatory and Deregulatory Actions*, which was released May 9, includes 59 deregulatory actions by EPA. Moreover, under Administrator Pruitt's leadership, EPA has emphasized rule of law and process. For example, EPA ended the practice of "sue and settle," also known as regulation through litigation, and is working to enforce existing laws in a timely manner.

McCollum Q33: Isn't the uncertainty that Mr. Pruitt is creating bad for industry?

Answer: EPA is working to strengthen the involvement of regulated entities in Agency actions to increase public confidence and certainty. By emphasizing public outreach during the rulemaking process, and through initiatives like EPA's Smart Sectors program, the Agency actively collaborates with regulated sectors to better ensure transparency, certainty, and clarity in EPA's decision-making.

McCollum Q34: What is your response to the 17 States that are suing the EPA over the proposed roll back of vehicle emission standards?

Answer: It is EPA's general policy not to comment on ongoing litigation.

Questions from Mr. Kilmer**RFS Electric Pathway**

In your testimony to the House Energy and Commerce Committee in December of last year, you recognized the dangers of methane as an air pollutant, saying that “methane is more potent than CO₂.” Methane is approximately 21 times more effective in trapping heat in the atmosphere than carbon dioxide over a 100-year period.

The agriculture sector accounts for 562.6 MMT CO₂ equivalent or 8.6% of total U.S. greenhouse gas emissions, according to the EPA’s “[Inventory of U.S. Greenhouse Gas Emissions and Sinks](#)” for the years 1990 through 2016. Methane emissions from animal manure account for 67.7 MMT CO₂ eq. of that, up from 37.2 MMT CO₂ eq in 1990. That’s an 82% increase in emissions, driven primarily by swine and dairy cow manure, where emissions increased 63% and 140%, respectively.

Anaerobic digesters (ADs) that process manure to produce electricity and other co-products are a valuable tool for our farmers to reduce their environmental footprint. ADs have been shown to reduce methane emissions from manure by approximately 80% or more², meaning if every dairy in the US installed an AD, that would reduce methane emissions by 28.24 MMT CO₂ eq. tons each year³. ADs can also produce additional revenue from the sale of electricity, making farms more economically diverse and resilient, a particularly important objective right now.

In light of your comments and this information, please respond to the following:

Kilmer Q1: Do you agree that the RFS electric pathway could be a powerful tool to accelerate AD adoption and therefore reduce methane emissions from animal agriculture?

Answer: EPA acknowledges the potential for anaerobic digesters as one method for controlling methane emissions from animal agriculture. However, there are various conflicting implementation approaches to the RFS “e-RIN” pathway, and EPA staff continues to explore options for resolving these complex issues.

Kilmer Q2: Do you agree that the additional revenue generated from participation in the RFS electric pathway could provide significant support to dairy and other livestock farmers?

Answer: EPA is committed to successful implementation of the RFS program. We recognize that an “e-RIN” pathway could have potential benefits for dairy and other livestock farmers. The Agency continues to evaluate its options for moving forward in this area.

Kilmer Q3: Do you believe that taking administrative action to approve applications under the RFS electric pathway in 2018 would be consistent with Congressional intent for the RFS and the Administration’s goal of supporting agricultural communities?

² “Greenhouse Gas Emission Reduction Associated with Livestock Waste Management Systems: A Case Study for the Langerwerf Dairy Waste Management System,” Turnbull and Kamnthonzi. [Link here.](#)

³ Dairy currently accounts for 35.3 MMT CO₂ eq. of methane emissions each year, according to EPA’s inventory.

Answer: In 2016, EPA proposed the Renewable Enhancement and Growth Support (REGS) Rule and identified a number of significant policy questions associated with different approaches to RIN generation for renewable electricity used to charge electric vehicles. Since the closing of the REGS proposed rule comment period, OAR staff have been evaluating comments on the conflicting potential implementation approaches, and exploring options for resolving the complex issues associated with implementing the electric pathway. We are currently continuing our review of these issues.

Climate Change

During your testimony before the Subcommittee last week, you acknowledged that greenhouse gas (GHG) emissions are contributing to global climate change and that the EPA had published an advanced notice of proposed rulemaking (ANPRM; Docket ID No. EPA-HQ-OAR-2017-0545) to solicit input on guidelines to limit GHG emissions from existing electric utility generating units. The comment period for the ANPRM closed on February 26, 2018.

Kilmer Q4: When will the EPA publish the proposed rule to limit GHG emissions?

Answer: EPA is currently reviewing the comments submitted on the ANPRM and preparing a proposed rule, which is expected this summer.

Kilmer Q5: Will you reconfirm for the Committee that you recognize that GHG emissions contribute to the earth's increasing atmospheric and oceanic temperatures – commonly referred to as 'climate change' – and that the EPA does have the authority to regulate GHG emissions like other pollutants under the Clean Air Act as determined by the Supreme Court in 2014?

Answer: While there has been extensive research and a host of published reports regarding climate change, gaps remain. These gaps include our understanding of the role of human activity and what we can do about it. As a key regulatory voice, it is important for the Agency to strive for a better understanding of these gaps given their potentially significant influence on our country's domestic economic viability.

Questions from Ms. Kaptur

Anaerobic Digester Technology: Electric Pathway

Investments in anaerobic digester (AD) technology have created modern waste management solutions and job opportunities for the rural workforce on farms, at municipal wastewater treatment plants, and at waste processing facilities in Ohio and throughout the country. Operating an AD is an industry best practice, particularly for dairy and livestock agriculture. ADs produce and convert biogas to base load electricity and heat, which, in many cases, can generate cost savings and even additional revenue for the farm. The technology therefore makes managing manure and reducing methane emissions a compelling business objective.

The EPA began the process of developing the “electric pathway” under the Renewable Fuel Standard in 2009, and then ultimately established a methodology for approving renewable identification number (RIN) generation applications on a case-by-case basis through a final rulemaking in 2014. Since then, however, the Agency has not approved a single application under the pathway. Instead, in 2016, the EPA yet again sought public comment on how best to implement the pathway via an adjunct to the Renewables Enhancement Growth Support (REGS) rule. In response to bipartisan inquiries my colleagues and I made in October of last year and January of this year, William Wehrum, the Assistant Administrator for the Office of Air and Radiation, indicated that his office has been “evaluating the various implementation options raised by the comments [to the REGS rule]... and exploring procedural options for resolving issues” associated with the pathway.

Kaptur Q1: Please identify which specific electric pathway issues raised in the 2016 REGS rule remain unresolved and why?

Answer: In November 2016, EPA published the proposed Renewables Enhancement and Growth Support (REGS) rule. As part of that proposed rulemaking, EPA sought public comment on important issues related to designing an electric RIN-generation program, including: which of many possible parties (e.g., electric vehicle producers, renewable electricity producers, utilities distributing renewable electricity, owners of charging stations, electric vehicle owners or third party aggregators) should generate renewable identification numbers (RINs); what data should demonstrate the use of electricity as transportation fuel; how to maintain privacy of individual car owners due to potential compliance requirements; and how fraud from double-counting could best be prevented. In order to maintain the integrity of the Renewable Fuel Standard (RFS) and RIN markets, EPA believes these issues should be resolved before an electric pathway is implemented.

Kaptur Q2: Please identify what actions are required to resolve each of those remaining issues?

Answer: In the 2016 REGS proposal, EPA sought comments on the electric pathway program, but made no regulatory proposal for implementation. The comments received will inform the next step in the RFS electric RIN-generation program development process, which may include proposing a rule that details the electric pathway program implementation. The Agency is currently reviewing these issues, and will keep interested

parties, including Members of Congress, updated on the status of any associated regulatory actions.

Electric Pathway: Timeline

The Agency has taken ample public input on this approved, formalized fuel pathway through three separate actions between 2009 and 2016, and has had nearly four years to resolve any issues.

Kaptur Q3: What is the timeline for resolution of the remaining issues and for implementing the electric pathway (i.e., adjudicating pending RIN generation applications) in 2018?

Answer: EPA is currently reviewing these issues and will keep interested parties, including Members of Congress, updated on the status of any associated regulatory actions.

Electric Pathway: Optimal Solution

In response to a question from my colleague Congresswoman Matsui during your testimony, you said that we need to incorporate a focus on the fuels used to power electric vehicles (EVs) into our discussion on advancing new vehicle technologies in general. And in your December testimony to the House Energy and Commerce Committee you acknowledged that incentivizing businesses -- including farms and agricultural businesses, I hope -- to use methane in a productive way "is something we should look at."

Kaptur Q4: Don't you agree that implementing the electric pathway accomplishes both goals: biogas (including methane) converted to electricity is recognized as a productive, renewable fuel used for transportation, ensuring our EV fleet is powered by domestically produced electricity?

Answer: EPA continues to evaluate multiple issues related to the RFS electric pathway, which are still under consideration by the Agency.

Renewable Fuel Standard: Waivers

Administrator Pruitt, I have recently learned that the EPA has granted 25 or more small refinery hardship waivers under the Renewable Fuel Standard (RFS).

Kaptur Q5: Can you confirm how many of these waivers you have issued?

Answer: To date, the Agency has issued 28 small refinery hardship waivers for the 2017 compliance year.

Kaptur Q6: Also, can you explain the requirements for a refinery to receive such a waiver and which refineries have applied or received this exemption?

Answer: Under Section 211(o)(9)(B) of the Clean Air Act, the RFS program, as amended by EISA, exempted small refineries with aggregate crude oil throughput less than or equal to 75,000 barrels per calendar day from their RFS obligations at the beginning of the

program through 2010. After this initial period, the statute provides that small refineries may, on a case-by-case basis, petition the EPA for an extension of their exemption. The Agency may approve such petitions if it finds that a small refinery will suffer “disproportionate economic hardship” from complying with its RFS obligations. EPA treats the names of refineries receiving exemptions as Confidential Business Information.

Kaptur Q7: I bring this up because I have a refinery in my district that might benefit from such a waiver, and am curious to know if they would even be eligible?

Answer: EPA evaluates all petitions, including eligibility, on a case-by-case basis. Small refineries may find the petition requirements at 40 CFR § 80.1441.

Harmful Algal Blooms: EPA Studies

In EPA’s Fiscal Year 2019 Budget Justification, the following language was included:

EPA has coordinated with other federal agencies, including with the USDA (Natural Resource Conservation Service [NRCS] and USFS) and the USGS, to support federal, state and local implementation of source water protection actions. In addition, EPA has coordinated with the Homeland Security Infrastructure Program (HSIP) of the National Geospatial-Intelligence Agency (NGA) to integrate their data on national and defense-critical infrastructure into source water protection analyses such as identifying potential contributors to harmful algal blooms (HABs) and chemical spill response.

Given the chronic HAB problems in my part of Ohio, I am very interested in this work. When I asked EPA about this analysis, I was told that there is no study, nor are any planned, on this topic.

Kaptur Q8: Could you please provide details about previous plans to incorporate HSIP and NGA data sets into source water protection analyses?

Answer: Technical issues have arisen that preclude advancing the study. EPA has consistently provided the Homeland Security Infrastructure Program (HSIP) of the Geospatial-Intelligence Agency (NGA) with access to public water system facility data, and HSIP has been able to provide this information to federal and non-federal mission partners. HSIP implemented their latest data access and distribution system in 2015. The EPA also participates in the Harmful Algal Bloom (HABs) workgroup and regularly coordinates meetings, conferences, and correspondences with other federal agencies, including USGS, NOAA and USDA, related to management of HABs and source water protection actions that address the associated risks of HABs. The EPA’s role includes providing insight into issues that deal with prevention of HABs in source water and facilitating actions that enhance protections.

Kaptur Q9: Please provide a detailed explanation of the decision to abandon such plans.

Answer: During migration of EPA's Drinking Water Mapping Application to Protect Source Waters (DWMAPS) to the EPA GeoPlatform in 2016, it was determined that the GeoPlatform did not meet the requisite data security standards to host, manage, and exchange sensitive drinking water data. Therefore, EPA decided to recommend that consumers of this information use HISP as a secure access location, which precluded plans to undertake coordinated source water protection analyses.

Kaptur Q10: Please explain why a study, which was not performed, nor planned to be undertaken, was referenced in your Budget Justification.

Answer: The EPA will provide clearer reference to the work undertaken in future Budget Justifications and a closer review to update any adjustments to planned activities

Clean Water Act: Enforcement

Last month a federal judge issued an order chastising US EPA for allowing the state of Ohio to drag its feet on addressing toxic algae blooms in western Lake Erie.

Kaptur Q11: Does EPA plan to step up and exercise its duty under the Clean Water Act to make sure Ohio, as well as other Lake Erie states, take real action to reduce the phosphorus pollution that's causing these algae blooms?

Answer: EPA is committed to working with states and their partners in the Lake Erie watershed to support their actions to meet these needs. Indiana, Michigan and Ohio have published strategies on the watershed. Under the U.S. Domestic Action Plan, Lake Erie states, working with several federal agencies, have committed to a variety of actions to reduce phosphorus pollution that contributes to algal blooms. The U.S. and Canada are currently developing a reporting and adaptive management approach to manage implementation of our respective Domestic Action Plans. Just this month (May 2018) the EPA approved the State of Ohio's re-submittal of their Clean Water Act Section 303(d) impaired waters list that identified the open waters of Lake Erie as impaired for nutrients.

Kaptur Q12: What specific steps does EPA plan to take to be an active partner in stopping massive, yearly harmful algal blooms in western Lake Erie?

Answer: In addition to the work that EPA and state permitting and nonpoint source programs do to address nutrient pollution, the EPA's Great Lakes National Program Office partners with state, tribes and several other federal agencies, to work with local agriculture communities, watershed protection groups, water utilities, landowners, and municipalities to develop and implement nutrient reduction strategies and conduct needed science to better understand the many factors that contribute to the harmful and nuisance algae issues

in the Great Lakes. By implementing the commitments in the Lake Erie Domestic Action Plans¹ we will:

- Significantly increase the rate of adoption of key management practices (nutrient management, drainage water management, soil health initiatives) on agricultural lands;
- Test and demonstrate effectiveness of new technologies, such as saturated buffers, blind inlets, phosphorus removal structures, and P-optimal wetlands;
- Significantly improve our tracking and measurements of phosphorus loading to the Lake; and
- Improve coordination and tracking of actions and investments, so that cost effective measures can be identified for further implementation.

Kaptur Q13: Will EPA act immediately upon finalizing the full impairment for Western Lake Erie to develop TMDLs for nutrient pollution?

Answer: The Clean Water Act places the primary responsibility for developing TMDLs on the state. EPA's role is to approve or disapprove a state's TMDL within 30 days. If EPA disapproves, then it has the role of developing the TMDL. My understanding is that Ohio has already started the process to develop nutrient TMDLs for several tributaries that are significantly contributing to the algal impairment of the western basin of Lake Erie. Moreover, in its 2016 Integrated Report, Ohio has stated that "the western basin of Lake Erie is one of the highest, if not the highest, priority for Ohio to address."

Kaptur Q14: Will EPA act to ensure the Clean Water Act accountability mechanisms are utilized and not wait for the uncertain outcome of the nonbinding international Great Lakes Water Quality Agreement, Annex 4 planning process?

Answer: While the Great Lakes Water Quality Agreement (GLWQA) is a nonbinding international agreement, the collaboration and commitment under Annex 4 (Nutrients) of the GLWQA is significant. Many of the State and Federal jurisdiction representatives are working across their organizations to ensure that all available tools are being used. While the Clean Water Act offers some accountability mechanisms, it does not have authority over all types of sources and therefore would not be the sole mechanism to address nutrient loads

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