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INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2021

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2021

THURSDAY, FEBRUARY 6, 2020.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

AMERICANS FOR THE ARTS

WITNESS

BEN FOLDS, AMERICANS FOR THE ARTS

Ms. MCCOLLUM [presiding]. Good morning. Welcome to the first day of two public witness hearing being held here for non-tribal government programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee. And I am pleased to be joined by the former chair of this committee, still a great member, Congressman Michael Simpson of Idaho, as well as our vice chair, Congresswoman Chellie Pingree of Maine.

Now, you might have noticed there was a little commotion before I put down the gavel. We were out in the hall really quick. So I would like you all to give a warm welcome to a visiting delegation of the Parliament of Georgia. We appreciate your interest in our legislative process, and we hope you find our hearing instructive because it is very important to this committee that we support our public lands, our arts, and things that make America so very special. Yes, please.

[Applause.]

Everybody was being so, so quiet and so polite. I didn't want to put anybody on the spot, but thank you for welcoming our guests.

Last year when I became chair of this subcommittee, I brought back the important tradition of public witness days for non-tribal programs, and I am pleased today that for this hearing, more than 40 witnesses composed of a diverse range of partners, including public nonprofit organizations, State and local governments, will have an opportunity to testify before this subcommittee. Today we will hear about numerous topics related to the jurisdiction of this subcommittee, including the arts and the humanities, environment, public lands, and wildlife. I am eager to learn more about each of your priorities, and I look forward to our discussions that we have on these issues because I believe it will help all of us on this committee be more informed while we begin to develop the 2021 appropriations bill.

Before I turn to Mr. Simpson, I would like to cover a few hearing logistics, however. We will call each panel of witnesses to the table one at a time, and, as you can see, our first panel, gold stars, right here. Each witness will have 5 minutes to present their testimony, and we will be using a time tracker to track the time. As I pointed out, we have 40 witnesses, so we want to be respectful of everybody's time. So when the light turns yellow, you have 1 minute remaining, and we would like you to please conclude your remarks. When the light blinks red, I will lightly gavel. [Laughter.]

It is a light gavel. It is not a heavy one, and ask you to please conclude your remarks so the next witness can begin.

Now, each witness needs to know we have their written statements, and I have been reading through them, so everything will be in the record. So don't feel pressure or rushed to get everything covered orally in your 5 minutes. After we hear the testimony of each witness on the panel, members will have an opportunity to ask questions, so get ready. We ask really good questions.

And I would like to remind those who are joining us in the hearing room that the committee rules prohibit the use of cameras and audio equipment during the hearing by individuals without House-issued press credentials. After this morning's hearing concludes, we will adjourn and reconvene at 1:00 this afternoon for the hearing.

So at this time, I am honored and very happy to yield to my dear friend, my dear friend, Mr. Simpson from Idaho.

Mr. SIMPSON. Thank you, Madam Chair, and thank you for calling this important hearing to get input from the public on a wide array of programs under this subcommittee's jurisdiction. Mr. Joyce and I, along with other members of the subcommittee, look forward to working with you in the days and weeks ahead to do what we can to evaluate the effectiveness of these programs and to make the difficult, but necessary, choices among competing priorities.

Like the chair, I would like to take a minute to extend a warm welcome to all of our witnesses and to the delegation from the Parliament of Georgia, who are sitting in the audience. Since we have a full day ahead of us, I am happy to yield back, and I look forward to the testimony.

Ms. MCCOLLUM. Thank you. There will be a portion of the testimony where I will have to step out and attend another hearing, but the vice chair, who has many other arts titles here at the U.S. Congress, will be ably ready to assist in taking remaining testimony.

So with that, we have our first panel: Mr. Ben Folds, Ms. Pam Breaux, Ms. Beth Kane, and Stephanie——

Ms. ERIACHO. Eriacho.

Ms. MCCOLLUM [continuing]. Eriacho. Beautiful name. In the interest of time, I am just going to let you introduce your arts organizations so we have more time for questions. Mr. Folds?

Mr. FOLDS. Chair McCollum, Ranking Member Joyce, thank you for the opportunity to testify on behalf of Americans for the Arts and the NEA, something that is very important to me. I was here speaking to your committee 1 year ago, and I wish more people could see this side of D.C. It is really nice to see you all working together on something that is important to everybody, and it gave me some fuel to go back out and do it again for 1 year, something that I do as advocacy for arts.

I have submitted written testimony for the record that presents arguments we know are effective in making the case for the National Endowment for the Arts. I state that I am asking for at least $170 million for the National Endowment for the Arts for the 2021 Fiscal Year. You all know this, but it is worth noting for the public watching that this request just brings us to the 1994 levels of investment for the NEA. That is not a big ask for something that is very important.

I began my career as a rock and roll recording artist 30 years ago, making albums and touring every corner of the U.S. It is kind of like I am on constant campaigning. I just talk to people. I am everywhere and talk to everybody. For the past 15 years, a big part of my career has been performing with symphony orchestras in cities big and small. I just got back from performing two nights with the Minnesota Symphony. I performed with the Utah symphony in Salt Lake in April. I do that regularly. Tacoma Symphony Orchestra in November. I have done them all.

One of my greatest experiences was Cleveland's Contemporary Youth Orchestra, and that is a total NEA success story. That is wonderful. It is 100 kids, all walks of life, and they are fantastic. They play all original music. I did five seasons of primetime NBC music television. I am about to embark on a TV series for Fred Rogers Productions composing songs with children. I am the artistic adviser to the National Symphony Orchestra at the Kennedy Center where my mission is to bring younger audiences to experience the symphony, an important part of our culture. It means a lot to me.

At my own gigs, I tell each audience that the symphony orchestra is the artistic symbol for civilization, which I believe is very true. You are seeing 50, 60, 100 people on stage working together. The rhetoric that we use every day—in concert, in harmony. Those are all symbols of the symphony orchestra, and the symbols matters to me. That is what we take with our flag.

I am a cold-hearted capitalist you should know——

[Laughter.]

Mr. FOLDS [continuing]. Who is grateful for the competitive environment in which I succeeded because it pushed me creatively, and it pushed me personally. So I come to you as an artist, an arts advocate, but also a small business owner because in rock music, the band runs out of gas and you are done. Zero-zero.

A small business owner knows the difference between spending and investing. If you spend too much you fail. The NEA is to me, is a great investment. It is felt most profoundly in rural areas where an NEA dollar results in $9 in matching funds from the private sector. That is the kind of investment that satisfies the cold-hearted capitalist in myself.

But the invaluable, irreplaceable service that the NEA offers most has to do with access to the arts. That is the important part to me is the access and the access for everyone. It is hard to do it any other way. It is not as much about supporting the arts, which is important, but it is about finding ways for the arts to support and help us. It is putting the arts to work, and you see that every day if you tour as much as I do.

For profound examples of this, I don't have to draw from my professional career. I live in a small Hudson Valley River town. It is as small as a postage stamp. It is just a few blocks wide and deep. We have a very diverse population that you will ever see. It seems like a Kentucky rural countryside. It is sitting right next to Brooklyn. It is all together. But sadly, despite the proximity, there is not a lot of mingling. Different blocks, different stores, different churches despite all our best intentions.

Just last December, I attended a fun little concert. It involved children, and it involved local professional performers, musicians, and dances. It was just so cool. I don't normally like stuff like this, but it was awesome. Kids from all the neighborhoods got together, sung together. The parents mingled. Everyone had a good time, and it is the first time I saw everyone together. I looked at the program, "Made possible by a grant from the National Endowment for the Arts," and they nailed it. They nail it all the time. And the people in the community made it work all the way to whatever level this has to come down from. We have a lot of arts, a lot of arts money in the Hudson, but I have never seen it bring people together like that.

I think I am out of time, so I am just going to say that $170 million is not 50 cents a year per person. It is not quite 50 cents. Over my lifetime, I have seen it increase at $1 per capita. Thanks for your time.

[The statement of Mr. Folds follows:]

Ben Folds, Artists Committee Member
Americans for the Arts
Testimony Before the U.S. House of Representatives
Interior, Environment and Related Agencies Appropriations Subcommittee
February 6, 2020

Chair McCollum, Ranking Member Joyce, and members of the Subcommittee, thank you for the opportunity to testify before you today in support of federal funding for the **National Endowment for the Arts (NEA) at no less than $170 million for FY 2021**, a $7.75 million increase over FY 2020 funding.

Americans for the Arts is the leading nonprofit organization for advancing the arts and arts education in America. We have more than 60 years of service and are dedicated to representing and serving the more than 4,500 local arts agencies in every state. Together we work to ensure that every American has access to the transformative power of the arts. I appreciate the opportunity to provide public comment on the budget request for the NEA.

While we have yet to receive the Trump administration's FY 2021 budget request, I was deeply troubled by the Administration's short-sightedness for the proposed FY 2018, FY 2019, and FY 2020 budgets calling for the elimination of the NEA. **I commend the bipartisan work from this committee**, and Congress, in rejecting those requests, and I know that I speak for the arts community in expressing our deep appreciation to Congress in appropriating **an additional $7.25 million in funds for the NEA in FY 2020** over FY 2019—**the largest increase the NEA has seen in the past six years and the highest level of funding the agency has had in the past decade.**

Today, I want to highlight the vital impact this funding has on rural communities. In rural states, arts and cultural production contributed $67.5 billion to the economies of states in which 30 percent or more of the population lives in rural areas and employed 628,500 workers. The value added to my home states of North Carolina and Tennessee, which have the largest rural arts economies, exceeded $14 billion in each of those states. In South Carolina, Alabama, Kentucky, Oklahoma and Iowa, the value added exceeded $4 billion in each state.[1]

Additionally, the arts are a tourism draw for rural communities, as they attract visitors who come for the arts and spend money while in town. According to Arts & Economic Prosperity 5, audiences at arts events in rural communities (population <50,000) are more likely to come from outside the county than audiences in large urban areas (population >1 million)—35 percent of rural arts attendees are nonlocal versus 32 percent of urban arts attendees. Furthermore, nonlocal attendees at rural arts events not only spend more than their local counterparts ($47.79 vs.

[1] National Endowment for the Arts, https://www.arts.gov/sites/default/files/Brief2RuralStatesAccessWithMap.pdf.

$20.38), they also spend slightly more than nonlocal attendees at urban arts events ($47.79 vs. $47.06).[2]

Similarly, according to the U.S. Department of Agriculture, in rural communities the number of innovative or design-integrated businesses—those that use design services or trademark and copyright-protected branding—rises proportionately in the presence of performing arts organizations. Specifically, the probability that a business will be a substantive innovator, rises from 60 percent in rural counties with no performing arts organization to 85 percent for rural counties that have four or more organizations. It is also important to note that:

- Rural counties that are home to performing arts organizations experienced population growth three times higher than rural counties that lack performing arts institutions.
- Rural counties that house performing arts organizations provide residents with higher incomes (up to $6,000 higher) than are reported in rural counties that lack performing arts organizations.
- Two out of three rural businesses report that arts and entertainment are important for attracting and retaining workers.
- Rural counties that have design-driven businesses recovered more quickly from the recession, showing more growth in weekly earnings over a four-year period (2010 to 2014).[3]

I'd like to bring to the subcommittee's attention another issue that is very close to the work that I do with symphony orchestras across the country and that is engaging and expanding new audiences. Just last week, the National Endowment for the Arts, in partnership with the U.S. Census Bureau, released the full results from the nation's largest, most representative survey of adult participation in the arts called ***Survey of Public Participation in the Arts*** **(SPPA).**[4] This study recorded the different ways that American adults (age 18 and older) engaged in the arts in 2017, where that engagement took place, and why adults participated in these activities. The survey report also tracked demographic characteristics of those who participated and respondents' perceptions of the availability of the arts in their communities.

Here are some of the key findings:

- **74 percent or 175 million adults** used electronic media to access artistic content,
- **57 percent or 138 million adults** read books, novels, poems, and plays that were not required for work or school.
- **54.3 percent or 128 million adults** attended artistic, creative, or cultural activities with live music performance being the most frequent activity.
- **53.7 percent or 128 million adults** created or performed their own art with singing as the most popular form of artistic expression.
- 17 percent or 41 million adults learned an art form informally or took arts classes.

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[2] Americans for the Arts, https://www.americansforthearts.org/by-program/reports-and-data/research-studies-publications/arts-economic-prosperity-5.
[3] National Endowment for the Arts, https://www.arts.gov/sites/default/files/Rural%20Arts%2011-17.pdf.
[4] National Endowment for the Arts, https://www.arts.gov/news/2020/national-endowment-arts-releases-latest-survey-public-participation-arts

Other participation findings are:

- Among adults who participated in the performing arts—either as creators or performers—**62 percent did so to spend time with family and friends**. And those adults who created visual artworks reported doing so primarily because they **felt "creative or creatively inspired."**
- More than half of adults who attended artistic, creative, or cultural activities did so **more than twice a year.**
- Among adults who sang, made music, danced, or acted, 63 percent did so **in the home**, while 40 percent did so **in a place of worship**.

In sum, the arts are part of the fabric of our lives and our communities. The arts engage our communities, expand audiences and educational opportunities, foster economic investment, spur job-related growth, are essential to rural communities, and provide for the preservation of our heritage.

Thank you for your consideration and support of at least $170 million for the NEA in the FY 2021 budget, and, as always, we stand ready to assist and remain focused on getting the Endowments fully funded again in the coming months.

Ms. MCCOLLUM. Wonderful. Please.

THURSDAY, FEBRUARY 6, 2020.

NATIONAL ASSEMBLY OF STATE ARTS AGENCIES

WITNESS

PAMELA (PAM) BREAUX, PRESIDENT AND CEO, NATIONAL ASSEMBLY OF STATE ARTS AGENCIES

Ms. BREAUX. Good morning.

Ms. MCCOLLUM. Good morning.

Ms. BREAUX. Chairwoman McCollum, Ranking Member Joyce, and members of the committee, today, Members Pingree and Simpson, thank you for your invitation to deliver this testimony today regarding Federal appropriations for the National Endowment for the Arts. My name is Pam Breaux, and I serve as president and CEO of the National Assembly of State Arts Agencies, or NASAA, the organization that represents and serves the Nation's 56 State and jurisdictional arts agencies. And today I am here to thank the committee, to thank the members for their tremendous support of the Arts Endowment, and urge the committee to consider funding it at $170 million in Fiscal Year 2021.

In the recent funding bill passed by Congress, this subcommittee supported an increase in funding for the Agency. The States and NASAA are extremely grateful for this. We recognize that committee members worked together in a bipartisan manner to support the Endowment and its important contributions to our country. Through its highly-effective Federal/State partnership, the Endowment contributes 40 percent of its programmatic funds to State, jurisdictional, and regional arts agencies each year. That resulting $49 million Fiscal Year 2019 helped to empower States and regions to address their priorities.

Unique among Federal agencies, the Endowment funds State plans. These plans are developed by State arts agencies in response to citizens, communities, arts organizations, legislators, and governors. That makes the Federal/State arts investment incredibly responsive and relevant to citizens. The report accompanying the last appropriations act affirmed Congress' support for this important partnership and its corresponding 40 percent allocation, and we thank the committee for this acknowledgement.

State arts agencies use their share of Endowment funds combined with funds from State legislators to support about 22,000 grants to arts and civic organizations and schools in more than 4,500 communities. Twenty-two percent of the grant awards go to non-metropolitan areas, supporting programs that benefit rural America, and 26 percent of State grant dollars go to arts education, fostering student success in and out of school. Congress' continued support of the 40 percent formula is essential to State arts agencies, boosting their ability to ensure that the arts benefit all communities regardless of wealth or geography.

In response to an increased demand for arts programming for older Americans, for example, the Minnesota State Arts Board recently provided training for teaching artists to learn how to design and implement high-quality arts education programs specifically

for older adults. With the total number of older adults in in Minnesota expected to double between 2010 and 2030, creative aging programming is a key strategy for fostering positive aging and healthier lives. And the State Arts Board Programs will ensure that Minnesota artists are trained to provide these vital services.

In an additional example, the Ohio Arts Council demonstrates its commitment to all the people of the State by successfully fulfilling its Fund Every County Initiative. Now all 88 counties in the State have received arts funding in response to their needs. Should Congress support an increase for the Arts Endowment, State arts agencies will be in a position to expand their meaningful work to help communities thrive as fulfilling and productive places to live, conduct business, visit, and raise families.

NASAA and state arts agencies also applaud the Arts Endowment's many services to the country, including its leadership in developing noteworthy programs for communities, military personnel, veterans, students, and so many others. We proudly partner with the Endowment and work collaboratively with them to benefit all communities across the country because together we can accomplish what neither side can achieve alone.

Thank you again for the opportunity to appear before you today. We look forward at NASAA to continuing to work productively with this committee, and we stand ready to serve as a resource to you. Thanks.

[The statement of Ms. Breaux follows:]

National Assembly of State Arts Agencies

KNOWLEDGE ★ REPRESENTATION ★ COMMUNITY

Pam Breaux
President and Chief Executive Officer
National Assembly of State Arts Agencies

Prepared Testimony
To the Appropriations Subcommittee on Interior and Related Agencies
U.S. House of Representatives
February 6, 2020

Chairwoman McCollum, Ranking Member Joyce and members of the Committee, thank you for the invitation to deliver this testimony regarding federal appropriations for the National Endowment for the Arts in FY 2021. My name is Pam Breaux, and I serve as President and Chief Executive Officer of the National Assembly of State Arts Agencies (NASAA), the organization that represents and serves the nation's 56 state and jurisdictional arts agencies. Today, I am here to thank the members for their tremendous support of the National Endowment for the Arts and urge the Committee to consider funding it at $170 million in FY 2021.

In the recent funding bill passed by Congress, this Subcommittee supported an increase in funding for the agency. The states and NASAA are extremely grateful for this; we recognize that committee members worked together in a bipartisan manner to support the Arts Endowment and its important contributions to our nation.

As you look to the next budget, NASAA hopes you will once again consider increasing funding for the National Endowment for the Arts, which continues to make a substantial impact in communities throughout the United States. Through its highly effective federal-state partnership, the Arts Endowment distributes 40% of its programmatic funds to state, jurisdictional and regional arts agencies each year. The resulting $49 million in FY 2019, helped to empower states and regions to address their unique priorities, and served far more constituents than federal funds alone could reach. Unique among federal agencies, the Endowment funds state plans; these plans are developed by state arts agencies in response to citizens, communities, arts organizations, legislatures and governors. This makes the federal-state arts investment incredibly responsive and relevant to citizens in every state and jurisdiction. The report accompanying last year's Consolidated Appropriations Act affirmed Congress's support for this important partnership and its corresponding 40% allocation. We sincerely thank the Committee for this acknowledgement.

State arts agencies use their share of NEA funds, combined with funds from state legislatures, to support approximately 22,000 grants to arts organizations, civic organizations and schools in more than 4,500 communities across the United States. Twenty-two percent of state arts agency grant awards go to non-metropolitan areas, supporting programs that strengthen the civic and economic sustainability of rural America. Twenty-six percent of state arts agency grant dollars go to arts education, fostering student success in and out of school and building the critical thinking, creativity and communications skills needed to meet the demands of today's competitive work force.

National Assembly of State Arts Agencies
KNOWLEDGE ★ REPRESENTATION ★ COMMUNITY

Congress's continued support of the 40% formula is essential to state arts agencies, boosting their ability to ensure that the arts benefit all communities, regardless of wealth or geography. In response to an increased demand for arts programming for older Americans, for example, the Minnesota State Arts Board recently provided training for teaching artists to learn about models and best practices to design and implement high-quality arts education programs for older adults. With the total number of older adults in Minnesota expected to double between 2010 and 2030, creative aging programming is a key strategy for fostering positive aging and healthier lives, and the state arts board's program will ensure that Minnesota artists are trained to provide these vital services. In an additional example, the Ohio Arts Council demonstrates its commitment to all the people of the state by successfully fulfilling its "Fund Every County" initiative; now, all eighty-eight counties in the state have received arts funding in response to their needs. Should Congress support an increase for the National Endowment for the Arts, state arts agencies will be in a position to expand their meaningful work to help communities thrive as fulfilling and productive places to live, conduct business, visit and raise families.

NASAA and states also applaud the Arts Endowment's many services to the country, including its leadership in developing noteworthy programs for communities, military personnel, veterans, students, and many others. NASAA and state arts agencies proudly partner with the Endowment and work collaboratively and in solidarity to benefit all communities. Together we accomplish what neither side can achieve alone.

Thank you again for the opportunity to appear before you today. NASAA sincerely appreciates Congress's strong bipartisan support for the National Endowment for the Arts and federal funding for the arts. We look forward to continuing to work productively with this Committee, and we stand ready to serve as a resource to you.

Sincerely,

Pam Breaux

Pam Breaux
President and Chief Executive Officer
National Assembly of State Arts Agencies

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THURSDAY, FEBRUARY 6, 2020.

NATIONAL ENDOWMENT FOR THE HUMANITIES AND THE STATE HUMANITIES COUNCILS

WITNESS

BETH KANE, GRANTEE, NATIONAL ENDOWMENT FOR THE HUMANITIES AND THE STATE HUMANITIES COUNCILS

Ms. KANE. Madam Chair and member of the subcommittee, thank you for this opportunity to present testimony on behalf of the State Humanities Councils, the state affiliates of the National Endowment for the Humanities. My name is Beth Kane, and I am director of the Norway Memorial Library in Norway, Maine.

My institution has received no fewer than 24 grants from the Maine Humanities Council. I am here to request $170 million for the National Endowment for the Humanities for Fiscal Year 2021, and $54 million for the Federal/State Partnership, which provides allocations by formula to the 56 humanities councils. Because this request is so important, I would like to tell you what the State Humanities Council support has done for Norway and other rural communities across our country.

Norway, Maine is a town of about 5,000 people in southern Oxford County between Little Androscoggin River and the western foothills of the Mahoosuc Range of the White Mountains. The Norway Memorial Library has a staff of six and serves over 40,000 visitors a year. Our most recent annual report records program attendance of 6,301. As in so many towns across rural America, the library in Norway is an anchor cultural and educational institution and plays a central role in the life of the community.

The Maine Humanities Council has been our valued partner for more than 30 years. Through grant funding and program partnerships, the Council has helped to shape how we understand our work and clarify our vision for the kinds of intellectual and cultural opportunities we offer. In partnership with the Maine Humanities Council, the library has been home to popular book discussion programs for the general public and for low literacy adults, who may have never dreamed they would be part of a book group.

Other offerings include lectures, theatrical presentations, and community discussions programs. To give just one example, in 2013, the library was awarded a Bridging Cultures Muslim Journeys Bookshelf by the American Library Association and the NEH. We turn to the Maine Humanities Council for financial support for cultural programming, including speakers, musicians, a film screening, and scholars to help lead book discussions.

This year, several Norway organizations will come together to plan events for the State's bicentennial. The library and Norway Historical Society will seek Council support for programs as part of this series.

Time and again we have seen hunger for this kind of programming, and it is no small thing when a discussion series on race and justice in America brings in 89 people over five discussions, or 52 people attend a talk by an Iranian immigrant sharing his family's story of building a life in Maine. These experiences have lasting impact on the life of the community.

Maine Humanities Council programs and grants enable people in my town to access cultural and lifelong learning opportunities that the library simply could not provide on its own. The work of our State Humanities Council levels the playing field so that my small-town library can offer experiences equal and intellectual depths and breadth to those found in America's biggest cities. I am very proud that the Norway Memorial Library is a valuable resource for the people of my community, but I am not here today because my library is special. I am here because libraries serving communities like mine are partnering with their state humanities councils in every corner of America.

What I have described in Norway is a microcosm of the impact State humanities council support has had on individuals and neighbors across our country. The councils make humanities programs possible in places where a small grant of several hundred to a few thousand dollars can make an enormous difference. The councils, along with the NEH, are now looking ahead to the 250th anniversary of our Declaration of Independence, an event that offers Americans the opportunity to renew our understanding of our founding principles, explore how they have been both challenged and reinforced, give voice to marginalized stories in communities, and deepen understanding of our collective history and the pillars of democracy. The State humanities councils can help make the next 5 years a time when we rededicate ourselves to strengthening civics education and reinvigorating our ability to work through differences.

My written testimony describes a wide range of programs made possible by State humanities councils in communities large and small, in every corner of this Nation where residents are talking with each other about issues that matter. The State councils are well positioned to effectively put to use the $54 million we are requesting through Federal/State partnerships.

Thank you for this opportunity you have given me to testify, for the support you have provided over the years, and for the important work of the State humanities councils and the National Endowment for the Humanities.

[The statement of Ms. Kane follows:]

Testimony on behalf of the Federation of State Humanities Councils
Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Beth Kane, Director, Norway Memorial Library in Norway, Maine, Addressing the National Endowment for the Humanities, February 6, 2020.

Madam Chair and members of the subcommittee, I thank you for the opportunity to present testimony on behalf of the state humanities councils, the state affiliates of the National Endowment for the Humanities. My name is Beth Kane, and I am the Director of the Norway Memorial Library in Norway, Maine. My institution has received no fewer than 24 grants from the Maine Humanities Council over the past 34 years. I am here to request **$170 million** for the National Endowment for the Humanities for FY 2021 and **$54 million** for the Federal/State Partnership, which provides allocations, by formula, to the 56 state humanities councils. To demonstrate why this request is so important, I would like to tell you what my library has been able to do for the Norway community with humanities council support and describe the impact that state humanities council support has had in rural communities all across the country.

Norway, Maine is a small town of around 5,000 inhabitants, situated in southern Oxford County between the Little Androscoggin River and the western foothills of the Mahoosuc Range of the White Mountains. The Norway Memorial Library has a staff of six and serves more than 40,000 visitors a year. Our most recent annual report records program attendance of 6,301. As in so many towns across rural America, the library in Norway is an anchor cultural and educational institution and plays a central role in the life of the community.

The Maine Humanities Council has been our valued partner in serving the people of Norway for more than 30 years. Whether through grant funding or program partnerships, the council has helped to shape how we understand our work and to elevate and clarify our vision for the kinds of intellectual and cultural opportunities we can make available to our community every year. In partnership with the Maine Humanities Council, the library has been home to popular book discussion programs – groups for the general public and groups specially designed for low-literacy adults, people who never dreamed they'd be part of a book group. Other regular offerings include public lectures, theatrical presentations, and community discussion programs. To give just one example, in 2013 the library was awarded a *Bridging Cultures: Muslim Journeys* Book Shelf by the American Library Association and the NEH. We turned to the Maine Humanities Council for financial support for cultural programming, including speakers, musicians, a film screening, and scholars to lead book discussions. In 2020 several Norway organizations will come together to plan events related to the state's bicentennial. The library and the Norway Historical Society will seek council support for programs as part of this series.

Time and again we have seen that in Norway there is a hunger for this kind of programming. It is no small thing when a discussion series on Race and Justice in America brings in 89 people to the library over five discussions, or 52 people attend a talk by an Iranian immigrant sharing his story of moving with his family and building a life in Maine. These are experiences that have a lasting impact on the life of the community. Maine Humanities Council programs and grants make it possible for people in my town to access cultural and lifelong learning opportunities that the library simply couldn't provide on its own. The work of our state humanities council levels the playing field so that my small-town library can offer experiences equal in intellectual depth

and breadth to those found in America's biggest cities. I am incredibly proud that the Norway Memorial Library has become such a valuable resource for the people of my community.

But I am not here today because my library is special. On the contrary, I'm here because libraries like mine serving communities like mine are working in partnership with their state humanities councils in every corner of America. What I have described in Norway can be seen as a microcosm of the impact state humanities council support has had upon individuals and neighborhoods across the country. The councils are the local face of the humanities, supporting the programs that address the issues of greatest concern to their communities, helping them explore their history and culture, and sharing the stories of our many diverse populations. The councils make humanities programs possible in places where a small grant of several hundred to a few thousand dollars can make an enormous difference in the life of a community. The largest grant my library has received from the Maine Humanities Council during my tenure is $1,000.

As organizations charged with serving their entire state, the councils have worked hard to stretch resources to meet local needs and support and collaborate with local businesses, cultural organizations, schools, libraries, museums, and many other groups seeking to better the lives of community residents. Their volunteer board members give careful attention to how they disseminate their federal funds to achieve the greatest possible impact. Fortunately, councils are also expert at using those federal funds to attract other funding. On average over the past few years, councils have leveraged $4.00 at the local level for every federal dollar granted.

In addition to serving these local needs, the councils, along with the National Endowment for the Humanities, are looking ahead to the 250th anniversary of the Declaration of Independence, an event that offers Americans the opportunity to renew our understanding of our founding principles, to explore the ways those principles have been both challenged and reinforced, and to give voice to the stories and communities that have been hidden or marginalized. It is an anniversary that calls us to deepen the understanding among adults, children, and teens of our collective history and the structures that sustain our democratic society. The state humanities councils can help make the next five years a time when we rededicate ourselves to strengthening civics education and reinvigorating our ability to work through differences.

Previous experience in commemorating landmark events ensures that councils are skilled at grounding anniversaries in reliable history and drawing on that history to inform discussions of current circumstances. Humanities New York began early to prepare for a full and substantive examination of the 100th anniversary of the Nineteenth Amendment, the evolution of the role of women in the years since that pivotal event, and the ongoing struggle for women's equality. In 2016 and 2017 the council awarded more than $450,000 in grants to organizations for Centennial-themed programs, especially those connecting contemporary concerns to the legacy of women's suffrage, and produced five two-minute videos on suffrage history.

The state humanities councils are uniquely positioned to play a strong role in making national commemorations meaningful because of their strong ties to the local communities where the effort must begin, prompting opportunities for neighbors to talk with neighbors. Further, the councils have a track record of collaborating with diverse partners to broaden impact and extend resources well beyond the initial investment. In my remarks today, I will describe some of the

ways councils use the humanities to bring people together, to educate, to increase understanding, and to help address some of the most difficult issues we face as communities and as a society.

From the beginning, state humanities councils have been dedicated to ensuring that **rural communities** have access to public humanities programs. I have already talked about the impact of these programs on my small Maine community, but there are many other ways that councils partner with communities like mine. The long-standing Museum on Main Street program, for example, is a partnership with the Smithsonian Institution Traveling Exhibition Service specifically designed to serve small rural communities. Through this program, Smithsonian exhibits are refabricated as lightweight, portable traveling exhibits, suitable for display in small settings such as local libraries, museums, and community centers. Participating councils select six communities of less than 20,000 in their states to host the exhibit. The very structure of the program guarantees local involvement, as councils and scholars work with a planning group in each community to develop a variety of humanities programs around the theme of the exhibit.

Bringing the resources of the Smithsonian to small rural towns prompts excitement, but it also triggers a variety of programs and conversations that allow for serious exploration of the exhibit topics. The New Jersey Council for the Humanities has deepened the impact of their tour of the "Water Ways" exhibit by creating a series of hour-long public discussions in every county in the state, focusing on reflections about the ways water matters to New Jerseyans. The Idaho Humanities Council is using their tour of "Crossroads: Change in Rural America" to look at the challenges and opportunities rural residents see in the changes taking place in their communities.

For more than a decade, councils have supported and promoted activities for returning **veterans**, as well as veterans of earlier wars. In 2014 the Maine Humanities Council developed a Veterans Book Group, as one of several projects created under the NEH Standing Together initiative, which was adopted by a dozen other councils. Illinois Humanities' Talking Service program uses literature from Homer to Hemingway to allow veterans to reflect on their own experiences. The Minnesota Humanities Center's Veterans' Voices program gives veterans an opportunity to speak through plays, discussions, and literature.

The Minnesota Humanities Center also educates Minnesotans about the history and culture of the state's **indigenous people** through such programs as the award-winning traveling exhibit, "Why Treaties Matter: Self Government in the Dakota and Ojibwe Nations," and the Bdote Memory Map, a resource for teaching about the Dakota people's relationship to the people of Minnesota. Virginia Humanities' Virginia Indian Programs offers opportunities for Virginians and visitors to learn about the culture and history of the state's Indian people and communities. Among their resources is the Virginia Indian Archive, a collection of images, documents, and audiovisual resources documenting Virginia Indian history since colonial times.

In recent years, many councils have realized that the humanities have a special role to play in addressing some of the most challenging and divisive issues we face as a society and have created **community conversations**, which provide facilitated discussions, in a neutral setting, of topics important to individual communities and states.

Few issues are more troubling or more difficult to address than the devastating **opioid crisis**, which has affected areas throughout the country. Because their state had been one of the hardest hit, Ohio Humanities was compelled to take action to help residents understand this terrible epidemic. They awarded a grant to support *Not Far From Me: Stories of Opioids and Ohio*, an anthology of first-person accounts of addicts, their families, and others impacted by opioids. The anthology provided the text for discussion sessions the council supported in 11 Ohio communities, allowing participants the opportunity to share their own stories and to learn how other individuals and organizations were confronting the crisis.

The many issues related to **water** and its impact on cultures and communities have been of increasing public interest and in some cases concern. Water has been the source of both intense conflict and healing tranquility. It has also been a source of serious health risks, as was demonstrated so starkly in Flint, Michigan. With that terrible episode in their state's recent history all too fresh in their minds, Michigan Humanities chose as the book for their annual Great Michigan Read program *What the Eyes Don't See*, which will serve as the text for statewide discussions, many of them including the book's author, Dr. Mona Hanna-Attisha. The discussions will take place in libraries, schools, and other settings, providing an opportunity for participants to discuss the origins and implications of this unthinkable occurrence.

Technology is a ubiquitous and necessary part of our contemporary lives, but many fear that its implications are inadequately understood. Humanities Washington intends to look at some of these implications through their Think & Drink program, "Is the Internet Making us Miserable?" Presented in partnership with the University of Washington iSchool, conversations taking place at several locations in the state will explore what the research says about how the use of technology affects our mental state and the way we focus, socialize, and experience emotion.

Another concern councils hear from their constituents is that we are an increasingly divided nation, not just politically but across barriers of race, education, income, ethnicity, and even location. Among the many programs councils have developed to allow **discussion across divides** is a year-long initiative launched by Illinois Humanities called "The City and the Country: Common Ground in the Prairie State." Noting that the rural-urban dynamic has influenced public policy in the state throughout its 200-year history, the council set out to explore the question, "To what extent can rural and urban Illinoisans find common ground on issues that affect both the country and the city?" The conversations alternated between rural and urban settings, featuring in each location a discussion based in humanities texts and led by three panelists who could comment on the themes of the text from a rural perspective and three from an urban perspective. The aim is for all participants to emerge from the discussions with a better understanding of each other's viewpoints.

The small sampling of council programs I have described represent hundreds of programs in communities large and small in every corner of this nation where residents are talking with each other—sometimes across what initially seemed to be insurmountable differences—about issues that matter. The state councils are well positioned to effectively put to use the $54 million we are requesting through the Federal/State Partnership. Thank you for the opportunity you have given me to testify and for the support you have provided over the years for the important work of the state humanities councils and the National Endowment for the Humanities.

Ms. MCCOLLUM. Thank you. This panel, and I know we have another speaker, but I set it up going in this direction. So we have heard from the Assembly of State Arts Agencies. We have heard from Americans from the Arts, and we have heard from the Endowment for the Humanities. And now we are going to hear from a very, very special American, one who not only shared her story, but her uncle's story, and how the arts and the humanities make it possible for us to say thank you for your service. Please introduce yourself for the record.

THURSDAY, FEBRUARY 6, 2020.

JEFFERSON COMMUNITY COLLEGE

WITNESS

STEPHANIE ERIACHO, STUDENT VETERAN, JEFFERSON COMMUNITY COLLEGE

Ms. ERIACHO. My name is Stephanie Eriacho, and I am a student at Jefferson Community College in Watertown, New York. Good morning. Thank you to the subcommittee for inviting me today to testify today. I am pleased to testify in support of the National Endowment for Humanities on behalf of the National Humanities Alliance.

As I said, I am a student at Jefferson Community College, home to Fort Drum. I am a retired Navy veteran and aircraft mechanic by trade. I deployed 12 times, including a 7-month deployment to Iraq, and a 13-month deployment to Afghanistan.

In 2018, the College offered a class for combat veterans called Dialogues of Honor and Sacrifice. The class made possible by a National Endowment for the Humanities grant was intended to teach the history, literature, and art of the Civil, Vietnam, and Iraq Wars. I was drawn to this course because I wanted to better understand my uncle's experience. He is an Army veteran who had been twice during the Vietnam War, and was awarded two Purple Hearts.

I remember my uncle as being intimidating, quiet, and a scary man who wanted nothing to do with me. We hadn't spoken more than two full sentences to one another by the time I left to join the Navy in 1996. Nonetheless, I visited my uncle every chance I could during my time in the Navy, but nothing was as special as the visits after I experienced real combat deployments. Now, seeing me as a fellow combat veteran, he let down his guard. He smiled, laughed, and even joked around. My uncle was now able to talk, even just a little bit, about his experience in Vietnam. Knowing I could relate, he let me see his guilt and pain that he had been harboring for years: guilty for wanting to be proud of wearing his Army uniform even being spat on when he stepped off the plane; guilty for being able to come back home to his family unlike so many brothers who lost their lives in front of him.

It was not until another tour in Afghanistan that I grew more like my uncle. When I returned, I began to self-medicate with alcohol, or I was working out 6 times a week for about 2 hours a day to the point of exhaustion. My relationship with my husband, my children, and my family were severely strained. My children, espe-

cially my oldest, were afraid when I got angry. I could not wrap my head around why I felt lost, alone, and misunderstood. It was in the midst of these challenges that I had the opportunity to take the Dialogues of Honor and Sacrifice course, and while I hoped the focus on the Vietnam War would help me understand more about my uncle, I didn't realize how it would affect me. How it would help me as well.

The course began 2 weeks before JCC's 2018 fall semester with a week-long trip that took both professors and students to Gettysburg, Arlington National Cemetery, and Washington, D.C. We learned the history of the sites and bonded quickly. Although we were strangers, we were interested in one another, taking turns, talking and listening. Sometimes no words needed to be spoken, only the presence of a fellow combat soldier who understood.

Fall semester began with the trip still fresh in our minds, and we dove straight into the history of all three wars. We studied contrasts and similarities between the three wars, but to our amazement, we realized that these soldiers were not so different from us. Experiences in Vietnam, the battle, and the firefights in Iraq were also similar. As veterans of Iraq and Afghanistan, we could relate to stories from a Civil War. This camaraderie across conflicts was amazing. It was a special bond that most could never fathom.

Our focus shifted to poetry, literature, music, and art as we read, Here, Bullet, a book of short poems. Our task was to create our own poem, intimidating at first, but became a touching, lasting experience, a liberating sense of freedom to open your heart and pour every brutal emotion onto paper so that readers can experience the reality. When we moved to The Things They Carried by Tim O'Brien, it became everyone's favorite because every student carried something special in their combat war zone. We related to one another across different branches of military, different theaters of war, and even drastically different duties while at war.

Moving towards the last 2 weeks of the week, we entered the world of art. Each student was given a blank masquerade mask to decorate it as we saw ourselves. The introspection and self-evaluation produced every raw emotion I have ever felt as they flooded onto my mask. The syllabus surely did not reflect therapy or liberation as a goal, but it helped me face my past with the realization that none of us are alone in the battle of normalcy. The curriculum allowed everyone to engage and challenge one another. They forced everyone to try different perspectives and even think differently than they normally may.

During the last week of the course, we had the privilege of speaking with two Vietnam veterans. My initial drive for pursuing this program was upon me, trying to understand my uncle, hoping to learn how to bond with him. I learned horrific details from these Vietnam veterans, but ones I wanted to hear, ones I knew would help me relate to my uncle. But I also began to realize that searching for a better understanding about my uncle was not as impossible as I thought.

Our lives and experience paralleled each other at each times; occasionally, even mirrored one another. My experiences were less gruesome and less drastic, but in the end, he and I carried the same demon from war. We are kept awake at night for the same

reasons. Through a combination of course and therapy, my night terrors have lessened dramatically. Anxiety attacks are almost gone. I still avoid big crowds, but I have learned to work through my fears. My relationship with my family, both immediate and extended, have improved and are no longer strained. For the first time in my life, I have been at peace with myself and no longer self-medicate to drown out the noises in my head.

I am so grateful for the opportunity I had to take this course and appreciate the support the subcommittee has offered NEH in recent years, making programs like this possible. To ensure that more veterans and all Americans can benefit from humanities as I did, I ask that you fund the NEH at $170 million for the Fiscal Year of 2021. Thank you for your time.

[The statement of Ms. Eriacho follows:]

Stephanie Eriacho
Student, Jefferson Community College

Good morning. Thank you to the sub-committee for inviting me to testify today. I am pleased to testify in support of the National Endowment for the Humanities on behalf of the National Humanities Alliance.

I am a student at Jefferson Community College in Watertown, NY--home to Fort Drum. I am a retired Navy Veteran, an aircraft mechanic by trade. I have been deployed twelve times including a seven-month deployment to Iraq and a thirteen-month deployment to Afghanistan. Last year, the college offered a class tailored for military combat Veterans called Dialogues of Honor and Sacrifice. The class was made possible by a National Endowment for Humanities grant. This program was intended to not only teach about the history and literature of three different eras of war, but to also look at art, poetry, music and short stories from each war.

I needed a three-credit history class to fulfill my basic requirements for my degree but this subject was so interesting to me because I wanted to better understand my Uncle's experience. He is an Army Veteran who had been shot on two different occasions during the Vietnam War and was awarded a Purple Heart medal for each occurrence. As a child I remember my uncle as being intimidating, quiet and a scary man who wanted nothing to do with an eleven-year-old kid, blood relative or not. We hadn't spoken more than two full sentences to one another by the time I left to join the Navy in 1996. I visited my uncle every chance I could during my time in the Navy, but nothing was as special as the last few visits after I had experienced real combat deployments. Now, seeing me as a fellow combat veteran, he let down his guard. He smiled, he laughed and even joked around. My uncle was now able to talk, even if just a little bit, about his experience in Vietnam. Many years had passed but I could see his memories were still raw when he mustered the strength to talk about it. Knowing I could relate, and maybe understand, he let me see the guilty pain he had been harboring for years. Guilty for wanting to be proud of wearing his Army uniform even after being spat on and disrespected when he stepped off the plane. Guilty for being able to come back home to his family, unlike so

many brothers who lost their lives in front of him. During that time, I could only slightly, superficially, relate to the severity of horrors he faced during the Vietnam war, but I could begin to understand.

It would take another deployment to Afghanistan, this time as a civilian contractor, this time for thirteen months to realize that my uncle and myself were not so different. When I returned from Afghanistan and started my new life as a civilian, it was only then when I started to self-medicate with alcohol. If I wasn't drinking alcohol, I was working out six times a week for about two hours a day. I worked out to the point where I was exhausted and sleeping throughout the night became easier. My relationship with my husband, children, and family were severely strained. My children, especially my oldest, were afraid of me when I got angry. I could not wrap my head around why I felt the way I did, lost, alone, and misunderstood.

When I learned about the The Dialogues of Honor and Sacrifice course in 2018 I hoped it would help me understand more about my uncle but did not realize how it would help me as well. The course began two weeks before Jefferson Community College's 2018 fall semester with a weeklong trip that took both professors and students to Gettysburg, Arlington National Cemetery and Washington D.C. for guided tours. We learned in great detail the history of every site we visited and during that trip we bonded quickly, forming a strong cohesive unit. Although we were strangers, we entrusted in one another taking turns talking and listening. Not talking over one another, not "one upping" the last but combat soldier to combat soldier. Sometimes no words needed to be spoken, only the presence of a fellow combat soldier who understood. Deep conversations told and heard in complete silence with just looks, body language and reactions. Like a secret language no one else could understand but we were all fluent.

We were required to keep a daily journal throughout the trip. Quickly this went from a task to a very helpful tool, one that I still use today. Being able to recount the D.C. trip and to analyze our personal experiences in relation to the class curriculum is just one great outcome of the journal. There was a strong sense of brother and sisterhood amongst us all and new friends made by the end of the trip.

When we returned, fall semester began immediately, the trip still fresh in our minds. We dove straight into the history of the Civil, Vietnam, and Iraq wars. We studied contrasts between

the three wars but much more so we studied the similarities. To our amazement, we realized that these soldiers were not so different from us. Experiences in Vietnam, the battle and firefights in Iraq were all so similar. Being veterans of Iraq and Afghanistan, we could relate to stories from a Civil War soldier. We could understand the struggles of Vietnam soldiers. This camaraderie across decades, across conflicts was amazing. It's a special bond most could never fathom or even hope to understand, and we were blessed with it, right from the start with so much more to come.

We also dove into related literature, poetry, music, movies and art. While exploring literature and poetry we read Here Bullet, a book compiled of short poems. One of our exercises was to create our own poem, this was intimidating at first, but became an amazing, touching and lasting experience. There is something liberating about pouring all your emotions onto a page and arranging it so that it rhymes, makes sense and the reader can understand. It goes so far as to be labeled as therapeutic and calming. Eventually we moved onto the book, The Things They Carried by Tim O'Brien. It became everyone's favorite because every student carried something special in their combat war zone. We could all relate to one another across different branches of the military, different theaters of war and even drastically different duties while at war. Moving towards the last week of the course we entered the world of art, the most exciting part for me and one that I had been looking forward to since the beginning. Every student was given a blank mask, the objective was to decorate it as we saw ourselves. That became the most powerful outlet I have ever experienced. The introspection and self-evaluation produced every raw emotion I had ever felt, and they poured onto my mask. It was evident in other student's art, their reaction and the energy they put into this project that they had a similar experience with this.

The syllabus surely did not reflect therapy or liberation as a goal, but the class really delivered. It has helped me face my past and realize that none of us are alone in the battle of normalcy. There are so many things that I loved about this class. We, as veterans, were able to lend our expertise and explain in depth military structures, rank, conduct, courtesies, etc. The curriculum allowed everyone to engage and like any good military leader (in this case it was every single student) we challenged one another often over many subjects in the class. This forced everyone to try different perspectives and think differently than they normally may.

During the last week of the course, we had the privilege of speaking with two Vietnam Veterans. My initial drive for pursuing this program was upon me, trying to understand my uncle, hoping to learn how to bond with him. I learned horrific details from these Vietnam Veterans but ones I wanted to hear; ones I knew would help me relate to my uncle. After reading my journal I began to realize that searching for a better understanding about my uncle was not going to be impossible as I had originally thought. He and I were not so different but very much alike. Our lives and experiences paralleled each other at times and occasionally even mirrored each other. My experiences maybe were less gruesome and less drastic, I feel they could never compare to his, but in the end he and I carry the same demon from war, we are kept awake at night for the same reasons. But through a combination of the course and therapy, my night terrors have lessened dramatically, anxiety attacks are almost gone, I still do not like big crowds, but I have learned to work through my fears. My relationships with my family both immediate and extended have improved and is no longer strained. For the first time in my life, I have been at peace with myself and I no longer self-medicate to drown out the noises in my head.

I am so grateful for the opportunity I had to take this course and appreciate the support this sub-committee has offered the NEH in recent years, making programs like this one possible. To ensure that more veterans, and all Americans can benefit from humanities as I did, I ask that you fund the NEH at $170 million for Fiscal Year FY 2020.

Thank you for your time.

Ms. MCCOLLUM. Thank you, and the Mask Program is something that I have seen that we have worked with other arts organizations, Americans for the Arts. So thank you so much for your testimony. Ms. Pingree, do you have a question for the panelists?

Ms. PINGREE. So many, but I have a feeling you want me to keep it short.

Ms. MCCOLLUM. I can tap you lightly. [Laughter.]

Ms. PINGREE. Okay. Well, first, Madam Chair, thank you. This is a wonderful panel. I know it is going to be a great morning of panelists, but this is really a great, as you said, sort of transition between looking at the big picture. And thank you so much for sharing your personal story. That is just really profound. I don't think any of us could say it better about how the arts can impact an individual, a family, and obviously the community. You took the course, that is really great, and I really appreciate you sharing so much with us.

And to all of you, thank you. Of course, we are great fans of Americans for the Arts, and really appreciate all that they do in—in the national perspective on all of this. And for you to make this part of your career, it is really beneficial. We love the state associations for the arts, and it is important to us. And, Beth, thank you so much for coming from the State of Maine. I am honored to have you here. And, of course, if you lived in the State of Maine, there is only 1.3 million people, and we joke we are just a small town with very long roads. [Laughter.]

And, of course, Beth and I hadn't seen each for a very long time, and then we realized that were closely connected by her husband. And that is just how it is in Maine. You know everyone one way or the other. And thank you for the great work. I really appreciated the fact that you brought it home to all of us that in every small rural town, there isn't sufficient funds. There aren't sufficient funds to support the kinds of works that the NEA and the NEH do. And I don't think people realize how profound that is, the number of people who would come in to hear the experience of an Iranian immigrant or to come in and talk about race, and, you know, many challenges that are faced in every single community. And you all really brought that out about how the arts can bring us all together.

So I am obviously making a statement, not asking a question, but just quickly because I won't have as much time as I would like. But is there more that you could do? I mean, I hope we can fund at $170 million, and based on all your testimony, we should be doing this at $170 billion, I don't know. You know, it should be twice that, right? [Laughter.]

Mr. SIMPSON. I don't know about all that. [Laughter.]

Ms. PINGREE. Yeah. Yeah, yeah. Okay, but, as you said, I think less than 50 cents a person. I think this is a contribution we would all make seeing the work that you did. But just quickly share with us, what could you do if you had a little more money, and why is it so important in a community like Norway because I am assuming you wouldn't find these funds in the communities' budget.

Ms. KANE. We would not. We have great support in our community, but a lot of it is not necessarily financial support. We could always do more. We try to keep in the back pocket availability and

openness to programs that come our way. We are always keeping our eyes and ears open. We can't do everything on a shoestring. We have very generous authors and professionals in Maine who come to libraries, but money always helps. What we find is the cultural aspect, discussing a book is one thing, but when you can actually bring in speakers or musicians, or take the food, or hear more in depth, it grows and expands that experience for everyone in the community. That frequently takes money that we don't necessarily have.

Ms. PINGREE. Well, thank you. I would love to ask you all a question, but I know I will get in trouble. But thank you so much. You really gave great testimony this morning. Thank you, Madam Chair.

Ms. MCCOLLUM. Mr. Simpson.

Mr. SIMPSON. Thank you, Madam Chair, and thank you all for being here to testify. This is an area that I think is very important, and I think it is bipartisan between Republicans and Democrats. Several years ago I said, I guess about 4 or 5 years ago, we had one of the directors for the NEA out in Idaho. In fact, I think I have had the last four out to Idaho. Last summer we had Mary Anne Carter and toured the State for a few days and stopped at local arts councils and everything. I said, you know what we need to do is find a plan where we can project 5 years ahead where we would like to double the investment in the arts and humanities, and put that one a glide path somehow as they did in 1994 when they said they wanted to NIH funding over a 5-year period, and they did it.

When you look at our total budget of stuff, $170 million is not all that much money. But they do incredible work in communities all across this country, and it has been, as I said, my pleasure to have the directors of both the National Endowment for the Arts and Humanities out to the State. In fact, I had the director for the National Endowment for the Humanities bring to Boise one day when I was there about 10 or 12 people who had gotten grants, that the State had given grants to. And we sat around the table, and they each talked about what they were doing and why they were doing it, and so forth. It is fascinating stuff, but it is very important.

Pam, you mentioned 40 percent of the $170 million, if you got that, goes to the States. Is that true? Is that the same in the Humanities? What is the split between State and——

Ms. KANE. I haven't done the percentage. That sounds about right. Yes, thank you. Yeah, this is my homework.

Mr. SIMPSON. Is that the right split?

Ms. BREAUX. Yeah, it is about the same. They parallel. To my humanities? Yeah, they are parallel.

Mr. SIMPSON. Is that the right split?

Ms. BREAUX. It is. I think it is an important split. Forty percent is meaningful and goes a long way to match State dollars for important programming, and it is also meaningful that the National Endowment for the Arts retains 60 percent of its funding at the national level because it allows arts organizations across the country to compete in a national pool. And those who are able to do that

find incredible leverage within that to go out and raise other resources for programming.

Mr. SIMPSON. And I think it is probably true for most of us is that, you know, I am not worried about the arts in New York, or the arts in Washington, or the arts in Los Angeles. I am worried about the arts in Salmon, Idaho.

Ms. BREAUX. Right.

Mr. SIMPSON. And how do we make sure that we can continue to support the arts communities in rural America——

Ms. BREAUX. Right.

Mr. SIMPSON [continuing]. That don't have access to a lot of these things? So it has been fantastic what they have been doing. I hope they continue it. I have always questioned whether 60/40 was the right split or whatever, and I don't know what it is, but I know that my wife is on the Idaho Falls Arts Council, and there is one person they do have to satisfy in this world. [Laughter.]

And so I do whatever I can.

Ms. BREAUX. One additional note on the importance of the investment on the Federal side, on the 60 percent side, is it allows both the Endowments, I think, to invest in new work that then can have a major ripple effect. And a prime example of that would be both Endowments' investments in arts and humanities and military, right?

Mr. SIMPSON. Yeah.

Ms. BREAUX. It is both the Endowments that began those pilots that have led to so much important work now going on across the country in arts and humanities to benefit members of the military. And that had to be tested and created someplace, and it is the leadership shown at both Endowments that enable that to happen. So that is another important part of a strong investment on the Federal side, that leadership and what they——

Mr. SIMPSON. You talked about the authors, and the Idaho Humanities Council brings out authors and does a lecture in north Idaho and southeast Idaho, and southwestern Idaho, and they have been fascinating. And ever since I started going to those when I can, when I get out of here and go to them, it has cost me a lot of money. Then I support the humanities, and last year, we had Douglas Brinkley that wrote "Moonshot," and listening to him talk about it all is just fantastic. So anyway, Stephanie, thank you for your testimony. We appreciate it very much.

Ms. MCCOLLUM. As I mentioned, I have another committee that I am going to be going to later, and it is the one that oversees the defense money. And we are having the Department of Defense, now that the humanities and the arts have proven ways in which to help our service men and women heal, recover, be resilient, be strong, they are stepping up to the plate in order to free up more dollars for more opportunities to work with our communities at large. And when you help a veteran, you help their family, and I say that as a daughter of a veteran, so.

But, Mr. Folds, I want to know, when you mentioned working on this project with the Rogers Foundation, with kids, my kids had an artist in residence, and the "Peanut Butter and Jelly Sandwich" song has not left my head since you mentioned that. [Laughter.]

So will you help me think about something else today and just kind of tell me where you are going to go? What are some of the goals and aspirations, because I think it is really important to get into schools and for kids to understand music is language, music is math.

Mr. FOLDS. Exactly, yeah.

Ms. MCCOLLUM. Music is transformative.

Mr. FOLDS. Yeah. I mean, the angle of the show that I am doing with the Rogers Foundation is music as communication first and foremost. I mean, the human brain works that way. You know, if a little kid says, I want to go home, it is like, okay, we have got to a song. You do that 3 times. [Laughter.]

Mr. SIMPSON. We begin to think that doing is an art is great. It is hijacking something that we already do in communication, and if you can teach a kid that and not intimidate them too badly at the beginning about are you going to be a musician, are you going to be proficient at it or not. When you learn art as, you know, painting, the first thing you do when you are a little kid is you do something that is an original piece that came out of you. When you do music, not so much. You know, you are usually learning dead German music, you know?

And I think it is really important to do both, but this show is an attempt to, and it has been really successful so far in the pilots that we have done. The kids have all kinds of ideas. Behind we will have a student group of musicians that are a little bit older so they can see that you could get good.

Ms. MCCOLLUM. Yeah.

Mr. FOLDS. Plus I give them the riff. So if the kid has said, I want to go home, I am like, okay, harp plays this, you play this, and now say what you just said. And they say it, and they sing it, and they come up with new ideas. So I think it is good because it is not for kids who are going to grow and be musicians. It is for kids to grow up and have an idea of how to speak publicly, how to organize their lives, how to connect abstract and critical thinking together. And I am inspired by it.

Ms. MCCOLLUM. Well, I want to thank the first panel for setting the table literally up here for what we are going to hear the rest of the morning and this afternoon. Thank you very much. Thank you, Stephanie.

Ms. ERIACHO. Thank you.

Ms. MCCOLLUM. It is always a good sign when people are still talking after a panel has left, but I want to be respectful of everyone's time. So I am going to, because we are already a little behind, we are not going to introduce everybody twice. I am just going to let you folks take it. You sat in order, and introduce yourself and your organization because we want to have time for questions. So, please.

Ms. ONLEY. Is it on?

Ms. MCCOLLUM. The little red light is on.

Ms. ONLEY. Okay.

THURSDAY, FEBRUARY 6, 2020.

THE NATURE CONSERVANCY

WITNESS

KAMERAN ONLEY, DIRECTOR OF U.S. GOVERNMENT RELATIONS, THE NATURE CONSERVANCY

Ms. ONLEY. Thank you very much for the opportunity to be here. It is hard to follow that last panel. That was pretty moving and very exhilarating. On a personal note, I will start with I am Kameran Onley. I am the director for U.S. policy and government relations at the Nature Conservancy. And on a personal note, as I was sitting there listening to your last panelist, I was thinking of my daughter who is 12, and she is literally going through a test right now on the American Revolution and the Declaration of Independence. And it has just been so fun for me to tell her that I am coming up here to talk to you, really exercising democracy. I wish she could be with me here today, but she is taking a science test also. [Laughter.]

But just thank you. It is really timely for me.

So Chairwoman McCollum, Congressman Simpson, and members of the committee, thank you for the opportunity to submit our recommendations, the Nature Conservancy's recommendations, for Fiscal Year 2021. The Nature Conservancy is an international organization. We are in all 50 States, but also around the world, working to protect ecologically important lands, waters for people and nature. Building on the themes that you heard from our last panel, you know, the nature really unites people. We see that across the country. It brings people together to work on issues they care deeply about in their community. It also heals people. We have seen more and more science where we have seen veterans use our rivers, use our parks, use our nature to really heal after some very traumatic events.

We would like to thank you all on the committee for the work that we do over the years with policy initiatives on the ground. Chairwoman McCollum, you have been just a champion for the Land and Water Conservation Fund. We cannot thank you enough for that, increasing the funding for the conservation not just for your home State, but for projects around the country, nationwide. I also wanted to recognize Ranking Member Joyce has continued support for the Great Lakes Initiative. It has been great.

Each one of you have done work with us, the Nature Conservancy, in your home States, but also nationwide. We cannot thank you enough. We have a lot of it in our submitted testimonies. I can't highlight it all, so I apologize for that. We have to be brief. Those are just two examples of where we have worked with you.

As we enter the Fiscal Year 2021 budget cycle and likely another challenging fiscal environment, the Conservancy wishes to thank all of you for the 2020 programs and the support there. Our budget recommendations that we submitted to you in full reflect a balanced approach from the funding levels that we have seen in prior years.

The Fiscal Year 2020 spending package dedicated $495 million dollars to the Land and Water Conservation Fund. Thank you. This

is a fund that has seen strong bipartisan support, again, bringing people together, and the Conservancy appreciates Congress' commitment to the funding of important projects on the ground and the recreational project that that program delivers across the country.

The Conservancy this year is supporting $900 million full funding for the Land and Water Conservation Fund. We are looking forward to that, but also looking forward to working with all of you to see a permanent funding fix for that program.

We strongly support funding for habitat and wildlife conservation investments, like the Cooperative Endangered Species Fund and the State and Tribal Wildlife Grants Program. These and other investments are essential to ensuring that we take strategic actions to prevent species from being listed as threatened or endangered. Notably, the Conservancy requests continued investment in ongoing efforts to restore and conserve sagebrush habitat and the greater sage-grouse across Federal, State, tribal, and private lands.

These resources are needed to implement on-the-ground projects and monitor habitat treatments, address fire, invasive grasses, and facilitate the partnerships and the science needed that for effective conservation. We also urge the subcommittee to continue its support for programs that focus on specific geographic areas. I mentioned the Great Lakes Restoration Initiative, but the EPA's programs and the Chesapeake Bay, Puget Sound, Long Island Sound, Gulf of Mexico programs, all of those contribute to protecting habitat, water quality on a large landscape scale. These programs have a proven record of supporting the States' voluntary restoration efforts, and the Conservancy urges the committee to continue to support strong Fiscal Year 2020 funding for these programs.

I will close by thanking all of you for the continued work to address wildfire funding. Congress took major steps to stabilize the Department of Agriculture's Forest Service as well as the Department of Interior's budgets with the 2018 fire fix. However, the fire fix will only be fully successful without substantial reinvestment and the programs that help those forests be resilient. Strategic, proactive hazardous fuel and restoration treatments have proven to be safe and cost effective in reducing risks, and leaving forests a more natural condition resilient to those wildfires.

Again, thank you for the opportunity to be here and to submit the Nature Conservancy's recommendations for Fiscal Year 2021.

[The statement of Ms. Onley follows:]

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Statement of Kameran Onley, Director of U.S. Government Relations
The Nature Conservancy
Fiscal Year 2021 Interior, Environment and Related Agencies Appropriations Subcommittee
United States House of Representatives Committee on Appropriations
January 29, 2020

Chair McCollum, Ranking Member Joyce and members of the Subcommittee, thank you for the opportunity to submit recommendations for fiscal year (FY) 2021 appropriations. The Nature Conservancy is an international, nonprofit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and waters upon which all life depends.

As we enter the FY2021 budget cycle and another year of a challenging fiscal environment, the Conservancy wishes to thank this Subcommittee for the final FY2020 funding levels for conservation programs. Our budget recommendations this year reflect a balanced approach with funding levels consistent with FY2019 and FY2020 funding levels. Of note, we wish to work with this Subcommittee and the authorizing Committees on identifying a permanent funding solution for the Land and Water Conservation Fund (LWCF). We strongly support the emphasis on funding for sage grouse conservation and urge Congress to continue support for ongoing sage grouse conservation efforts. We also support funding practical, innovative climate solutions to create an energy future that is cleaner and more secure and gives consumers more energy choices. Investing in nature brings strong returns for our security, economy, communities and families. We thank the Committee for its previous work on the wildfire suppression funding fix, but to fully succeed in this effort, we encourage the Committee to increase investments in forest resilience efforts that protect communities, reduce costs and improve habitats and forests. The Conservancy is focused on supporting programs and investments that ensure economic and environmental benefits are enhanced today and made sustainable for tomorrow.

Land and Water Conservation Fund. The FY2020 spending package dedicated $495 million in discretionary appropriations for LWCF. The fund has strong bipartisan support, and the Conservancy appreciates Congress' commitment to funding important on-the-ground conservation and recreation projects across the country. The Conservancy supports full funding for LWCF at $900 million in discretionary appropriations for FY2021 and looks forward to working with Congress to find a permanent funding solution. Additionally, the Conservancy supports $150 million for the Forest Legacy Program that is funded through LWCF.

Endangered Species. The Conservancy supports continuing funding of at least $60 million for the Cooperative Endangered Species Fund. This funding provides critical matching grants to

states and territories for conservation and species recovery efforts on non-federal lands. Further, we request your continuing support for Habitat Conservation Plan (HCP) funding, specifically HCP Land Acquisition Grants. The demand for HCP Land Acquisition Grants has significantly outpaced available resources in recent years.

State and Tribal Wildlife Grants. The Conservancy supports continuing the FY2020 funding level of $67.5 million for this program. Strong federal investments are essential to ensure strategic actions are undertaken by state, tribal and federal agencies, as well as the conservation community, to protect wildlife populations and their habitats and to prevent species from being listed as threatened or endangered.

Wildlife Conservation Programs. The wildlife conservation programs conducted by the U.S. Fish and Wildlife Service (FWS) continue a long and successful tradition of supporting collaborative conservation in the United States and internationally. We urge the Committee to continue funding established and successful programs, such as the North American Wetlands Conservation Act, Neotropical Migratory Bird Conservation Fund, Migratory Bird Joint Ventures, FWS Migratory Bird Management Program and FWS Coastal Program, at no less than FY2020 funding levels. We support, at a minimum, sustained funding for the Partners for Fish and Wildlife Program and the Cooperative Landscape Conservation and Adaptive Science Programs. The latter will help support the Department of the Interior (DOI) in addressing large-scale conservation challenges across all ownerships, supporting collaborative problem-solving for some of our nation's most challenging conservation issues. We also request strong funding for the National Fish Habitat Initiative.

International Programs. The international conservation programs appropriated annually within the DOI are relatively small but are effective and widely respected. They encompass the FWS Multinational Species Conservation Funds, FWS Wildlife Without Borders regional and global programs and National Park Service's International Program. We are requesting modest increases over FY2020 funding levels for these programs.

National Wildlife Refuge System. The Conservancy supports stronger funding for the Refuge System's operations and maintenance accounts. Found in every U.S. state and territory, national wildlife refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie and forests. The Conservancy requests $586 million for FY2021. This represents the funding necessary to maintain management capabilities for the Refuge System.

Reinvestments in Forests Following the "Fire Fix": Congress took major steps toward stabilizing the Department of Agriculture's (USDA) Forest Service budget with the 2018 "fire fix." However, the fire fix will not be fully successful without substantial reinvestments in programs that would increase forest resilience. Strategic, proactive hazardous fuels and restoration treatments have proven safer and more cost-effective in reducing risks and leaving forests in a more natural condition resilient to wildfires. The Conservancy recommends investing in the USDA Forest Service's Hazardous Fuels Program at $600 million and DOI's Fuels Management Program at $250 million, in addition to repeating the Committee's FY2012 instructions for allocating funds to priority landscapes in both wildland urban interface *and*

wildland settings. Additionally, we support fully funding the Collaborative Forest Landscape Restoration Program at $80 million to allow for new projects, funding vegetation and watershed management at $210 million, dedicating $30 million for a new ecological reforestation initiative and maintaining the Legacy Roads and Trails Program at $50 million.

Research and Joint Fire Science. The USDA Forest Service's Forest and Rangeland Research Program offers the scientific basis for policies that improve the health and quality of urban and rural communities. This program is vital for the long-term health and utility of our American forests and rivers. The Conservancy requests funding the program at $315 million. We ask to also include $8 million for each of the USDA Forest Service and DOI Joint Fire Science Programs, which have had great success in supporting practical science that reduces fire risk and enhances economic, ecological and social outcomes nationwide.

Sage Grouse Conservation. The Conservancy requests continued investment in ongoing efforts to restore and conserve sagebrush habitat and the greater sage grouse across federal, state, tribal and private lands. These resources are needed to implement on-the-ground projects and monitor habitat treatments, address rangeland fire and noxious and invasive grasses that enable and worsen fires, fund suppression and restoration efforts and facilitate the partnership and science necessary for effective conservation. To do this, appropriated sagebrush resources should specifically support the Bureau of Land Management's (BLM) five-year integrated program of work, which holistically identifies landscapes with the highest likelihood for conservation and restoration. Congress should consider asking for an annual report from BLM on acres treated in priority areas for conservation and restoration in the sagebrush biome.

Importantly, we also ask for the Subcommittee's continued support as this process moves forward to ensure that the final spending bill for FY2021 does not contain the language in Sec. 116 of the Further Consolidated Appropriations Act of 2020 that bars FWS from proposing a rule to list the sage grouse under the Endangered Species Act (ESA). This language undercuts good faith conservation efforts by removing the critical backstop of a listing, should conditions on the ground warrant such a step. The BLM is facing perhaps the single most challenging effort in its history in conserving key sagebrush habitat, addressing identified threats to sage grouse and promoting sustainable economic development across some 165 million acres in coordination with state and local managers and private landowners in hopes of avoiding the need to list the sage grouse in the future.

BLM Land Management and Renewable Energy Development. The Conservancy supports smart planning and management of public lands through Rapid Ecoregional Assessments, Resource Management Planning, Regional Mitigation Planning, Landscape Conservation Cooperatives and the Assessment, Inventory and Monitoring Strategy. Many BLM programs contribute to these cross-cutting initiatives including the National Landscape Conservation System ($44 million), the Resource Management Planning Program ($67 million) and the consolidated Wildlife and Aquatic Habitat Management budget line ($130.8 million). Additionally, the Conservancy supports continued funding for BLM's renewable energy development program at no less than the FY2020 level of $29 million. Collectively, these efforts will help BLM manage its lands efficiently and effectively for energy development, species and habitat conservation, recreation and other uses to maximize the public benefit from these lands.

Environmental Protection Agency's (EPA) Geographic Programs. EPA's geographic programs, including the Great Lakes Restoration Initiative and Chesapeake Bay, Puget Sound, Long Island Sound and Gulf of Mexico programs, make a significant contribution to protecting habitat and water quality in the large landscapes where they work. These programs have a proven record of supporting the states' voluntary restoration efforts, and the Conservancy urges the Committee to continue the strong FY2020 funding for these programs.

Colorado River Basin Recovery Programs. The Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program take a balanced approach to recovering four endangered fish species in the Colorado River basin. The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships involving the states of New Mexico, Colorado, Utah and Wyoming in addition to Indian tribes, federal agencies and water, power and environmental interests. These programs provide critically important ESA compliance for more than 2,450 federal, tribal, state and private water projects across the upper Colorado River basin. Through these efforts, water use and development have continued in growing Western communities in full compliance with the ESA, state water and wildlife law and interstate compacts. Implementation of the ESA has been greatly streamlined for federal agencies, tribes and water users. The Conservancy supports robust funding at FWS for the Colorado River basin recovery programs, including recovery funds for both the Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program, as well as fish hatchery needs associated with the recovery plans.

National Streamflow Network. The National Streamflow Network provides continuous streamflow information at over 8,200 locations across the country and is managed within the U.S. Geological Survey's Groundwater and Streamflow Information Program. Water managers, scientists and other decisions makers, including within the Conservancy, rely on data from the National Streamflow Network to plan for floods, droughts and other extreme events; design infrastructure, including the operation of federal reservoirs; facilitate energy generation; protect aquatic species and restore habitat; and manage federal lands. The Conservancy supports funding in FY2021 to fully implement the National Streamflow Network.

Water Infrastructure Finance and Innovation Program. Subtitle C of Title V of the Water Resources Reform and Development Act of 2014 provides authority for low-cost credit that can leverage private investment for water infrastructure. The criteria include whether a project protects against extreme weather events or helps maintain the environment. The Conservancy appreciates the strong funding the Committee allocated to the Water Infrastructure Finance and Innovation Program in FY2020 and urges continued support for it.

Thank you for the opportunity to submit The Nature Conservancy's recommendations for the FY2021 Interior, Environment and Related Agencies Appropriations Bill.

Ms. MCCOLLUM. Thank you.

THURSDAY, FEBRUARY 6, 2020.

AMERICAN HIKING SOCIETY

WITNESS

KATHRYN VAN WAES, EXECUTIVE DIRECTOR, AMERICAN HIKING SOCIETY

Ms. VAN WAES. Thank you. I am Kate Van Waes, executive director of American Hiking Society. Chair McCollum and members of the subcommittee, on behalf of American Hiking Society and the Trails Move People Coalition, I thank the committee for the opportunity to provide testimony today on the vital importance of adequately funding our Nation's trails and public lands to ensure access for all.

This is about more than preserving precious ecological and cultural treasures. Children's outside playtime is shrinking, and the gap between the diversity of our Nation and the diversity of those spending time outdoors is widening, resulting in measurable detriment to mental and physical health and development. We cannot afford to push trail funding to the sidelines.

American Hiking Society is the only national nonprofit organization dedicated to empowering all, and I stress all, to enjoy, share, and preserve the hiking experience. We envision a world where everyone feels welcome in the hiking community and has permanent access to meaningful hiking. Our efforts ensure funding for hiking trails, the preservation of natural areas, and expansion of access to and inclusion in outdoor recreation. American Hiking Society has mobilized over 558,000 trail volunteers to construct and maintain 41,000 miles of trails on Federal and State public lands at a value of over $108 million in labor.

I am also testifying today on behalf of the newly-formed Trails Move People Coalition. The member organizations of the Coalition represent millions of Americans who spend their time, money, and energy to get out on trails for recreation and volunteer activities. I thank the subcommittee for in recent years leading congressional efforts to provide incremental increases in funding that benefit trails and the hiking community, and I encourage continued progress, and know I am speaking to friends today. I will highlight a few of these funding priorities today with the full list of recommendations provided in my written statement.

We are grateful to the subcommittee for providing increased funding for the Land and Water Conservation Fund in Fiscal Year 2020. Like the Nature Conservancy, we are urging full funding at $900 million. The LWCF protects and makes accessible much of our Nation's trails, public lands, parks, and open spaces. One great example is the Outdoor Recreation Legacy Partnership Program. This innovative program has made real progress in expanding access to outdoor spaces for urban communities, especially urban communities of color, whose access to and inclusion in outdoor recreation have been disproportionately negatively impacted by geography, socioeconomic status, and other factors. Along with full

LWCF funding, passage of the Outdoors for All Act will help programs, like Outdoor Recreation Legacy, thrive.

Hiking, simply walking along a trail, be it urban or wild, poses the fewest participation barriers of almost any outdoor activity. But it requires trails, paved and unpaved, and trails don't build and maintain themselves. That requires human labor and Federal funding. Specifically, for the Forest Service, which is responsible for over 80 percent of all federally-managed trails in the U.S., we recommend funding the capital improvement and maintenance trails budget at $100 million, which will allow the completion of annual maintenance needs and begin addressing the huge trail maintenance backlog.

For the Bureau of Land Management, we urge the creation of a trail specific line item in their budget. The BLM manages over 13,000 miles of trails, traversing a rich diversity of landscapes for hikers, anglers, hunters, and other outdoor enthusiasts. Unlike other Federal land managers, though, BLM does not have an individual funding line item for trails, resulting in inconsistent funding levels and a lack of clarity on allocations. For the U.S. Fish and Wildlife Service, we recommend funding for refuge visitor services at just over $74 million. National wildlife refuges provide incredible opportunities for outdoor recreation on 11 national scenic and historic trails and 44 national recreation trails, supporting more than 37,000 jobs.

In conclusion, the nearly 1 million square miles that comprise U.S. public lands are our most treasured natural, historic, and cultural resource. Whether you are a hiker enjoying the abundance of American trails, which span over 4 times the total length of interstate highways, whether you are a member of the indigenous populations for whom these lands are their ancestral homes, or one of the 145 million outdoor recreation users, our public lands are of incalculable value to hundreds of millions of Americans. As we all strive together to protect these lands and trails and make them accessible and welcoming to all communities for generations to come, Congress must do its part to ensure adequate funding. I thank the committee for holding this public witness day and providing me with the opportunity to give this testimony.

[The statement of Ms. Van Waes follows:]

United States House of Representatives, Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Non-Tribal Public Witness Days
Testimony of:
Kathryn Van Waes, PhD., Executive Director
American Hiking Society
February 6, 2020

Introduction

Chair McCollum, Ranking Member Joyce, and members of the subcommittee, on behalf of the American Hiking Society and the Trails Move People Coalition, I thank the Committee for the opportunity to provide testimony today on the importance of adequately funding our nation's trails and public lands to ensure access for all.

Founded in 1976, American Hiking Society is the only national nonprofit organization dedicated to empowering all to enjoy, share, and preserve the hiking experience. We envision a world where everyone feels welcome in the American hiking community and has permanent access to meaningful hiking, including urban, frontcountry, and backcountry opportunities. American Hiking Society works with Congress and federal agencies and empowers the millions-strong hiking community to shape public policy and legislation. Our efforts ensure funding for hiking trails, the preservation of natural areas, and expansion of access to and inclusion in outdoor recreation.

I'm also testifying today on behalf of the Trails Move People Coalition. The member organizations of the new Trails Move People Coalition represent millions of Americans who spend their time, money and energy to get out on trails for fun and to volunteer. The Coalition strives to elevate the prioritization of trails by developing funding and research resources so that everyone, irrespective of geography, mode of recreation, socio-economic status or experience, will have access to more and better trail opportunities and in turn more fulfilling personal experiences outside.

Importance of Trail Funding for Public Land Access

Trails are the gateway to fishing, hunting, wildlife viewing, camping, climbing, and more. A failure to maintain and manage our nation's trails limits access for all communities, stymies economic growth, and reduces opportunities for healthy outdoor recreation.

Access to open spaces for recreation has been shown by many studies to improve physical and mental health and to increase quality of life.[1] Additionally, outdoor access is crucial for children, impacting their physical and mental development, socialization skills, and a lifelong appreciation of nature.[2]
Trails bring those health benefits to all by providing individuals of diverse backgrounds access to our public lands for all types of outdoor recreation.

Newly-released data from the Department of Commerce's Bureau of Economic Analysis (BEA) calculated that outdoor recreation generated $778 billion in economic activity in 2017, surpassing other sectors such

[1] American Hiking Society, Health Benefits of Hiking, https://americanhiking.org/resources/health-benefits-of-hiking/ (last visited 1/27/2020). *See also* Harvard Medical School, *Exercising to Relax*, Updated July 13, 2018, https://www.health.harvard.edu/staying-healthy/exercising-to-relax.
[2] Harvard Health Publishing, *6 reasons children need to play outside*, May 22, 2018, https://www.health.harvard.edu/blog/6-reasons-children-need-to-play-outside-2018052213880.

as agriculture, petroleum and coal. Outdoor recreation makes up 2.2% percent of U.S. GDP, supports 5.2 million jobs and is growing faster than the economy as a whole.[3]

We already know that outdoor recreation has a massive positive impact on our nation's economy and that much of that impact is generated via trails. According to the Outdoor Industry Association, trail-centered activities directly generate over $594 billion[4] and nearly 3.5 million jobs[5] annually. On federally-managed land, outdoor recreation contributes more than $64.6 billion to the national economy and supports more than 623,000 jobs annually.[6]

Most people would be surprised to learn that citizen volunteers and nonprofit trail organizations perform a large share of the maintenance on our nation's trails, in partnership with government agencies and with the support of private donations. Since our founding in 1976, American Hiking Society has mobilized 558,708 trail volunteers to construct and maintain 41,146 miles of trails on federal and state public lands at a value of over $108 million in labor.[7] This ongoing public "sweat equity" investment has led to an increased recognition of the importance of adequate federal funding for our public lands and trails in order to maintain quality visitor experiences.

It is the trails community's collective belief that Congress must restore to our federal land management agencies proper appropriated funding levels, reversing the cuts made over the past few decades. We believe that restored and adequate funding is not only desperately needed but fully warranted. We expressly thank this subcommittee in recent years for leading congressional efforts to provide incremental increases in funding that benefits trails and the hiking community.

We encourage the Committee to adopt the following funding requests so the federal government can continue to benefit from private contributions and volunteer labor as well as provide inexpensive, healthy outdoor recreation options for your constituents and all Americans.

Land and Water Conservation Fund (LWCF) Funding

Recommendation: Full funding at $900 million

Full funding of the Land and Water Conservation Fund (LWCF) at $900 million is a must to ensure that our nation's trails, public lands, parks, and open spaces remain protected and accessible for generations to come.[8] We are grateful to the Subcommittee for providing increased funding of LWCF in FY20 and hope to see a further increase this year. The LWCF has funded nearly 1,000 trail projects and thousands of other projects ranging from National Parks and Forests and Wildlife Refuges, to community parks and ball fields in all 50 states. LWCF funded the completion of the Appalachian Trail, major segments of the Pacific Crest Trail, and sections of at least ten other scenic and historic trails, totaling over 50 different projects. In the Chair's state of Minnesota, LWCF has funded 54 trail projects to the tune of $3.5 million. In the Ranking Member's state of Ohio, 29 trail projects have been funded at over $3 million.

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[3] Bureau of Economic Analysis, Outdoor Recreation, https://www.bea.gov/data/special-topics/outdoor-recreation (last visited January, 24 2020).
[4] OUTDOOR INDUSTRY ASSOCIATION, OUTDOOR RECREATION ECONOMY 18 (2017), available at https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf. Trail centered activities generated $594,311,835,880 from retail spending, salaries, and federal and state taxes.
[5] Id. Trail centered activities create 3,476,845 jobs.
[6] OUTDOOR INDUSTRY ASSOCIATION, OUTDOOR RECREATION ECONOMY 15 (2017), available at https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf; "Forest Service Makes it Easier for Visitors to Enjoy National Forests and Grasslands." U.S. Forest Service, https://www.fs.fed.us/news/releases/forest-service-makes-it-easier-visitors-enjoy-national-forests-and-grasslands.
[7] American Hiking Society, https://americanhiking.org/ (last visited Jan. 24, 2020).
[8] American Hiking Society also supports passage of the LWCF Full Funding Act (H.R. 3195) to provide full and dedicated funding for LWCF. We express our appreciation to the Chair and five additional members of the subcommittee who have co-sponsored this legislation.

The LWCF and the Outdoor Recreation Legacy Partnership Program (OLRP) have made progress in expanding access to outdoor spaces for urban communities. Continued support of the OLRP program through appropriations funding, and congressional passage of the Outdoors for All Act (H.R. 4512), is needed to ensure that our nation's natural spaces are available and accessible to urban hikers, especially urban communities of color whose access to and inclusion in outdoor recreation have been disproportionately negatively impacted by geography, socio-economic status, and other factors.

Trail Maintenance

Our public lands face a nearly $21.5 billion maintenance backlog. When annual maintenance needs go unaddressed, long-term problems arise, seriously hampering the public's access to outdoor recreation. Closed trails, out-of-service restrooms, campgrounds in poor conditions, and impassable roads are only a few of the barriers that hikers face. In turn, local economies that rely on trail recreation suffer. As of 2018, 193,138 miles of trails on federal lands had an estimated $886 million maintenance backlog. In order to both address the deferred maintenance backlog and keep pace with annual maintenance needs, additional funding for our nations trails is critical.

Forest Service

Recommendation: Fund Capital Improvement and Maintenance, Trails budget at $100M
The Capital Improvement and Maintenance, Trails line item in the Forest Service budget funds construction, reconstruction and maintenance of trails, including by non-profit partners through co-operative agreements. National Forest trails benefit everyone and receive increasing public use each year. Collectively, the National Forests provide 157,000 miles of trails for activities ranging from hiking, biking, horseback riding, off-highway vehicle usage, groomed winter trails for cross-country skiing and snowmobiling, and access points for "river trails." Yet this trail system is increasingly stressed, and maintenance cannot keep pace with the growing demand due to inadequate funding. The lack of maintenance threatens public access to National Forests and could endanger the public safety if funding does not keep pace with public visitation. Funding at $100 million will allow the completion of annual maintenance needs and begin addressing the trail maintenance backlog.

Bureau of Land Management

Recommendation: Creation of Trails Line Item in BLM Budget
The BLM manages 13,468 miles of trails over 245 million acres —more than any other federal land management agency. Most of the country's BLM-managed public land is located in 12 Western States, including Alaska, and contains a diversity of landscapes that often provide the public less structured but nonetheless diverse recreational opportunities. BLM recreation resources and visitor services support strong local economies. More than 120 urban centers and thousands of rural towns (comprising 64 million people) are located within 25 miles of BLM lands.

However, unlike other federal land managers, BLM does not have an individual funding line item for trails. This results is inconsistent funding for trail maintenance and construction year-to-year and a lack of clarity on how trail funding will be allocated. A trails line item in the BLM budget (including at least $10M for National Scenic and Historic Trails) will address the fragmented funding allocations across sub activity accounts and create consistent funding for trails.

Recommendation: Fund National Conservation Lands at $84M
National Conservation Lands comprise 35 million acres of some of our most treasured winding rivers, mountain vistas, national monuments, wilderness areas, and trails. The National Conservation Lands line item provides funding to enhance recreational access, conserve the Nation's heritage, and manage these nationally recognized resources for current and future generations. Funding at $84M will help ensure that some of our most treasured BLM resources are preserved, maintained, and accessible for all types of recreational, cultural, and scientific usage.

National Park Service

National Parks, and the world-class experiences their 18,844 miles of trails provide, are one of the most unifying forces in America. Well-maintained trails improve the quality of visitor experiences and enhance visitor safety.

Recommendation: Funding for the Rivers, Trails, & Conservation Assistance (RTCA) program at $13.478M
The RTCA program brings the expertise of over a century of land management to the greater recreation community. When a community asks for assistance with a project, National Park Service staff provide free critical tools for success, on-location facilitation, and planning expertise, which draw from project experiences across the country and adapt best practices to a community's specific needs. Funding at $13.478M will ensure these trail planning services are made available to communities in all regions of the nation, including recreation programs for youth.

Recommendation: Funding for Park Service Operations for the National Trails System maintained at a minimum of $17.014 M
The NPS has administrative responsibility for 23 National Scenic and Historic Trails established by Congress. Adequate funding is essential for keeping these popular trails accessible. The request will help the work of trail organization partners of the Park Service to build, maintain, and interpret these trails.

U.S. Fish and Wildlife Service

Recommendation: Funding for Refuge Visitor Services at least $74.227M
Refuge Visitor Services provides funding for trail maintenance across FWS-managed land. Located in every U.S. state and territory, and within an hour's drive of nearly every major U.S. city, National Wildlife Refuges provide incredible opportunities for outdoor recreation, including hiking, hunting, fishing, birding, boating and nature photography across 2,500 miles of trails. More than 37,000 jobs are reliant on refuges. Funding at a level of $74.227M will provide for trail maintenance across the land and water trails, refuges, wetlands, and hatcheries, including eleven National Scenic and Historic Trails and forty-four National Recreation Trails.

Conclusion

The nearly 1,000,000 square miles that comprise U.S. public lands are our most treasured natural, historic, and cultural resource. Whether you're a hiker enjoying the 193,500 miles of trail, a member of the indigenous populations for whom these lands are their ancestral homes, or one of the 145 million outdoor recreation users, our public lands are of incalculable value to hundreds of millions of Americans. As we all strive together to protect these lands and trails and make them accessible and welcoming to all communities for generations to come, Congress must do its part to ensure adequate funding.

I thank the Committee for holding this public witness day and providing me with the opportunity to provide this testimony.

THURSDAY, FEBRUARY 6, 2020.

CONTINENTAL DIVIDE TRAIL COALITION

WITNESS

AMANDA WHEELOCK, POLICY AND COMMUNICATIONS MANAGER, CONTINENTAL DIVIDE TRAIL COALITION

Ms. WHEELOCK. Chair McCollum and members of the subcommittee, thank you for the opportunity to testify today on behalf of the Continental Divide Trail Coalition, a nonprofit organization with the mission to complete, promote, and protect the Continental Divide National Scenic Trail. My name is Amanda Wheelock, and I am the policy and communications manager for the Coalition.

For those who haven't had the fortune of visiting the Continental Divide Trail, usually known simply as the CDT, travels 3,100 miles along the spine of the Rocky Mountains, connecting the vibrant Tonahutu of the southern New Mexican desert to the equally brilliant yellow larches of Glacier National Park in northern Montana, as well as countless natural historical and cultural treasures in between, including several hundred miles in the 2nd District of Idaho.

The Continental Divide Trail Coalition and our members greatly appreciate your previous support for the CDT and the entire National Trail System through appropriations to our land management agency partners to build and maintain these trails, and respectfully request that you continue and increase the support as detailed in our written testimony. We are also grateful for your efforts to increase appropriations for the Land and Water Conservation Fund, often referred to as America's best conservation program and the subject of my testimony today.

Statistics abound on the myriad successes of LWCF, but I myself prefer stories to statistics. So let's imagine ourselves on the CDT for a, moment walking just a few miles outside of Steamboat Springs, Colorado on a warm summer's day. As we walk, shimmering Aspen Groves and golden rangeland stretch beyond the horizon in front of us as does the black pavement of the highway we are walking on. An 18-wheeler whizzes by just 5 or 6 feet away, followed by a long line of cars stuck behind it, cursing and wishing they could get up to Rabbit Ears Pass even quicker than they are now. Here in northern Colorado, due to a lack of public land, the CDT is forced to follow along the shoulder of Highways 14 and 40 for almost 15 miles, tempting no one but the most determined of through-hikers to experience this particularly dangerous section of this National Scenic Trail.

Despite more than 4 decades of work by dedicated Land Management agency staff, nonprofit partners, volunteers, and members of trail site communities, the Continental Divide Trail remains incomplete due to gaps just like this one in public land ownership along its corridor. Without LWCF funding, there is no realistic way to acquire the lands necessary to create a continuous corridor for the trail, leaving what should be a world-class recreational resource with no path to completion. That is why the Continental Divide Trail Coalition respectfully requests $900 million for the Land and Water Conservation Fund in Fiscal Year 2021, because we believe

that resources like the Continental Divide National Scenic Trail deserve the protection via LWCF that they were promised.

And we are not alone in this belief. A full 98 percent of small business owners along the CDT support Congress providing dedicated full funding for the Land and Water Conservation Fund, and just last year, more than 200 of those business owners along the trail went a step further, signing open letters urging their senators and representatives to provide LWCF with full permanent funding. Residents of Steamboat Springs, which became an official CDT gateway community in 2018, want dearly to see their section of trail moved off of the highway and made footing of a National Scenic Trail.

The Yampa Valley Community Foundation has provided funding to CDTC to support our work to close the gap. Big Agnes, a multimillion-dollar and much beloved gear company borne out Steamboat Springs, rallied their entire staff of more than a 120 people to relay all 750 miles of the CDT in Colorado to raise awareness of the trail and the need for its completion. And many local residents stand willing and ready to volunteer to build the new trail section. Steamboat Springs resident, Kathleen Lynch, perhaps captured their spirit best when she said, "It is so much more than a trail to the people who live here. It feels so much a part of what defines us as a community that protecting it is inherent to what we believe in."

The Land and Water Conservation Fund is vital to communities like Steamboat Springs all across the United States, to their economies, to their health, and to their identities. We hope to see you invest in these communities and in our public lands by fully funding LWCF in Fiscal Year 2021. Thank you for your time today and for your consideration of these important requests.

[The statement of Ms. Wheelock follows:]



CONTINENTAL DIVIDE TRAIL COALITION

Testimony to the U.S. House of Representatives Appropriations Subcommittee on Interior, Environment, and Related Agencies provided by Amanda Wheelock, Policy & Communications Manager, on behalf of the Continental Divide Trail Coalition

February 6, 2020

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee:

Thank you for the opportunity to testify today on behalf of the Continental Divide Trail Coalition, a non-profit organization with the mission to complete, promote, and protect the Continental Divide National Scenic Trail (CDT). We greatly appreciate your support in the FY 2020 Interior, Environment, and Related Agencies appropriations bill for the CDT and the entire National Trails System through your increased investments in and attention to specific needs of the 30 national trails administered by the U.S. Forest Service, the National Park Service, and the Bureau of Land Management. We also appreciate your continuing efforts to increase appropriations for the Land and Water Conservation Fund and thank you for supporting LWCF investments in trails.

LWCF is often referred to as America's best conservation program. It's no wonder why, with projects funded in every county in the country[1] and a long, long list of internationally-renowned parks and local treasures protected in perpetuity. When the LWCF was created, your predecessors in Congress called for $900 million of federal oil and gas leasing revenues to be dedicated annually to the fund. Yet almost every year since, Congress has broken that promise, diverting much of this funding to other uses. Imagine what we could have protected together with the $22 billion diverted from LWCF over the past 55 years:[2] recreation opportunities in local, regional, and national parks; wildlife habitat and pristine headwaters; and trail networks spanning from remote forests to downtown bike paths. Places, for example, like the Continental Divide Trail.

Administered by the U.S. Forest Service, the Continental Divide National Scenic Trail traverses five states as it wends its way from Canada to Mexico along the spine of the Rocky Mountains. It connects the Sky Islands of southern New Mexico to 14,000' peaks in Colorado to the Greater Yellowstone Ecosystem, one of two remaining intact ecosystems in the lower 48. It connects people living along its 3,100-mile corridor around the protection of a shared resource, and it connects people from all over the world around their love of the trail. And when it is finally completed, it will connect an unbroken corridor of more than 2 million acres of public land for wildlife to safely traverse along their migration routes.

Originally designated by Congress more than 40 years ago, the CDT is just one example of the broken promise of LWCF. Despite decades of work by dedicated federal land management agency personnel, non-profit partners, volunteers, and residents of trailside communities, the CDT remains incomplete due to gaps in protected public land ownership along its corridor. Without LWCF funding, there is no realistic way to fund the willing sales necessary to create a protected public corridor, leaving what should be a world-class recreational resource with no path to completion.

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[1] Department of Interior, *LWCF*, https://www.doi.gov/lwcf.

[2] LWCF Coalition, *Fund LWCF*, https://www.lwcfcoalition.com/fundlwcf.

That is why the Continental Divide Trail Coalition respectfully requests $900 million for the Land and Water Conservation Fund in FY 2021 – because we believe that resources like the CDT deserve the protection via LWCF that they were promised. But I hope you don't just take my word for it. 98% of small business owners along the CDT support Congress providing dedicated, full funding for LWCF.[3] And last year, more than 200 business owners along the trail signed open letters urging their Senators and Representatives to provide LWCF with full, permanent funding. That's because protecting public land isn't just good for our health, ecosystems, and wildlife – though it is indeed good for all those things – but also because it's a sound investment.

Between 2012-2017, the five CDT states all saw their outdoor recreation economies outpace their states' overall GDP by a factor of at least 1.5.[4] In Wyoming, outdoor recreation GDP increased by 15% over this period, while the state's overall GDP actually decreased. This growth is critical for business owners and their employees in rural Western communities. When we surveyed small business owners in 32 towns along the CDT last fall, 88% of them reported economic growth in their community over the last five years that was specifically due to use of the trail.[5] And this isn't isolated to those we think of as working in the "outdoor" industry, for while some of those surveyed own hotels or gear shops, others are graphic designers, healthcare providers, and even barbers.

These people live in communities like Steamboat Springs, CO, and Silver City, NM. While on the surface, these towns can feel worlds apart – one a world-famous ski town in the snowy Colorado mountains, the other situated where forest turns to desert in southern New Mexico, named for the metals that sustained it for so long – they are connected by the thread of the Continental Divide Trail, and have more in common than you might think. Both are mid-sized communities with vibrant downtowns. Both are on the path of establishing themselves as year-round destinations and fantastic places to live due to their access to public lands. And both await access to new public land so that their local sections of the CDT can be routed off of dangerous roads.

Just outside of Steamboat Springs, the CDT travels for 15 miles along the shoulder of Highways 14 and 40, high-speed roads heavily trafficked by tourists, truckers, and oil and gas producers heading to and from the bustling North Park basin. What could be a spectacular trail through aspen forests and historic rangeland is instead a dangerous highway road walk, tempting no one but the most determined of thru-hikers to experience this section of the CDT. Residents of Steamboat Springs, which became a CDT Gateway Community in 2018, want dearly to see this section of the CDT completed. The Yampa Valley Community Foundation has provided funding to CDTC to support our work to close this gap. Big Agnes, a gear company based in Steamboat, rallied their staff to relay all 750 miles of the CDT in Colorado to raise awareness of the trail and the need for its completion. And just this month, when we called on our members and partners to provide feedback on CDTC's draft strategic plan, multiple people asked that we make the completion of the trail at Muddy Pass an even higher priority for our organization (a tough request to incorporate, as it is already our highest priority for acquisition along the entire length of the trail).

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[3] Continental Divide Trail Coalition, *Small Business Survey: Fall 2019*, https://continentaldividetrail.org/wp-content/uploads/2019/11/Small-Business-Survey-WEB.pdf

[4] Headwaters Economics, *The Outdoor Recreation Economy by State*, https://headwaterseconomics.org/economic-development/trends-performance/outdoor-recreation-economy-by-state/

[5] Continental Divide Trail Coalition, *Small Business Survey: Fall 2019*, https://continentaldividetrail.org/wp-content/uploads/2019/11/Small-Business-Survey-WEB.pdf

Steamboat Springs resident Kathleen Lynch perhaps said it best:

> *"It's so much more than a trail to the people who live here. It feels so much a part of what defines us as a community here that protecting it is inherent to what we believe in."*

BLM and U.S. Forest Service staff are supportive, as is the Colorado State Land Board (construction of the CDT in this area would also open up thousands of acres of state land to public access). Potential routes and willing sellers have been identified. The community has made it clear that they want to see this project completed, and many local residents stand willing and ready to volunteer to build the trail. All that is required is funding, which is why **we respectfully request $2.8 million of LWCF funding in FY 2021 for the BLM to acquire land that will help move the CDT off of the highway and onto a protected corridor fitting of this National Scenic Trail.**

More than 1,300 miles south along the CDT lies Silver City, which became the first official CDT Gateway Community in 2014. This town of 10,000 is home to a diverse mix of people, a bustling arts scene, and a fast-growing trail network. It's home to Richard and Carol Martin, who have maintained almost 30 miles of the CDT for more than a decade. And it's home to Martyn Pearson, co-owner of the Gila Hike and Bike, a knowledge and gear hub for tourists and locals alike. Martyn is a powerful champion for the CDT, and has spoken to why he wants to see LWCF fully funded:

> *"The Land and Water Conservation Fund is vital to protecting New Mexico's public lands and outdoor recreation opportunities, and those places in turn have a huge impact on our local businesses and tourism economy. It isn't a political issue to me whether or not outdoor access should be a priority – it just is."*

Silver City has benefited from LWCF investment before. In 2016, 605 acres along Upper Bear Creek were added to the Gila National Forest, protecting a mile of the CDT and opening up access to more than eight miles of the creek. In a letter of support for the project, Michael Morones, who was Mayor of Silver City at the time, wrote, "the Continental Divide Trail is an important economic resource for our area, and protecting land along the trail is crucial to our well-being."

However, there is more work to be done. Currently, the CDT passes directly through Silver City in the midst of a 19-mile road walk. Lack of access to a small section of private land has kept the trail from being rerouted around town, off of the road, and onto public land in the area. Knowing that the CDT is vital to the town's renaissance as an outdoor recreation destination, residents have advocated for completion of this local section for almost two decades, and the town has already begun to invest in things like the construction of the Silver Spur Trail, which will connect the future CDT route to downtown. But their dollars and hopes rest on funding for the project.

The residents of Steamboat Springs, Silver City, and countless towns like them – these are the people who are negatively impacted when LWCF isn't fully funded.

<u>Funding for Annual Operations</u>

LWCF is a critical program, but it's not the only resource we need to protect and maintain our nation's trails. Funding for the National Trails System enables public-private partnerships that benefit all Americans, as these trails are constructed and maintained in large part each year by volunteers. Since the founding of the Continental Divide Trail Coalition in 2012, for example,

CDTC and other government partners working on the CDT have directly received approximately $2.6 million in federal funding appropriated for the trail. Those organizations have turned $2.6 million into more than 300,000 volunteer hours valued at $7,277,566, and an additional $2,158,697 of private funding. *That's a 256% return on federal funding in value added to our public lands.*

Like the CDT, many trails in our National Trails System remain incomplete, and increased funding is necessary to help close these gaps, in large part by funding the construction and maintenance of new sections of trails. As we see our land management agency partners struggle year after year to adequately manage our lands and trails with fewer and fewer staff, we firmly believe that Congress must restore proper appropriated funding that has been cut over the decades, which our agency partners desperately need. However, in recognizing the political realities of the day, we hope to provide realistic recommendations that, at minimum, maintain current funding. **As such, the Continental Divide Trail Coalition respectfully requests the following to serve as annual operations funding for each of the 30 National Scenic and Historic Trails in FY 2021:**

- U.S. Forest Service: $100 million for trails construction and maintenance (CMTL) with $9.886 million of it as a separate budgetary item specifically for the administration of 6 national trails – including $2 million for the CDT - and $1.3 million to manage parts of 16 trails administered by the NPS or BLM
- National Park Service: $16.426 million for administration of 23 trails and for coordination of the long-distance trails program by the Washington office. Construction and Maintenance: $686,041 for the Ice Age Trail, $75,000 for the Arizona Trail, and $200,000 each for the Pacific Crest and Pacific Northwest Trails
- Bureau of Land Management: $2.812 million to administer three trails and for coordination of the National Trails program and $7.14 million to manage portions of 13 trails administered by the Park Service or the Forest Service and for operating five National Historic Trail interpretive centers. Construction: $1 million for the Iditarod Trail. Maintenance: $300,000 for the Iditarod Trail, $100,000 for the Arizona Trail, and $300,000 for the Pacific Crest Trail

Dedicated funding for these trails helps ensure that Congress' desire to create and maintain quality visitor experiences is met, and that these long-distance trails which span multiple administrative units and agencies are appropriately managed, with funding distributed across units and agencies based on trail administration and management responsibilities. This funding is necessary to support agency staff, partners, and volunteers alike in building and maintaining these crown jewels of our nation's trails. In 2019, for example, dedicated CDT funding was used to construct and maintain four miles of trail in New Mexico's Carson National Forest, officially opening more than 100 miles of CDT built over the last decade in partnership between the U.S. Forest Service, CDTC, and New Mexico Volunteers for the Outdoors. It was also used to enable CDTC volunteers to control erosion along the CDT in highly-trafficked areas of Yellowstone National Park, mitigate wildfire damage outside of Lincoln, MT, and train more than 30 new volunteers who collectively adopted over 200 miles of the CDT that they will maintain on behalf of the U.S. Forest Service and CDTC.

Your continued investment in the CDT and all of our National Trails System will ensure that these innovative public-private partnerships continue to provide value for trailside communities, recreationists, volunteers, land management agencies, and the American public. Thank you for your time today, and for your consideration of these important requests.

THURSDAY, FEBRUARY 6, 2020.

PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

WITNESS

KATHY DECOSTER, ADVOCACY & POLICY COORDINATOR, PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

Ms. DECOSTER. Good morning. My name is Kathy DeCoster, and thank you for the opportunity to testify today. I am testifying this morning on behalf of the Partnership of the National Trail System, but I wanted to echo what Kameran and others earlier have said about our appreciation for the time you put into these public witness days. It is probably underappreciated or certainly unknown maybe outside these walls, but we are very grateful that you are listening to the American people for many days. I am just glad I am on the early panel. [Laughter.]

I am testifying today for the Partnership, which represents the 30 congressionally-designated national historic and scenic trails that make up the National Trail System. I brought a couple of maps to look at while we are talking because you may know about the one or two trails that are in your district or your State, but you may not know that there is at least one national trail in each of the 50 States. Altogether, they are a significant public land resource for the American people worthy of investment.

The 19 national historic trails help tell our uniquely American story from colonial exploration, to the forced relocation of Native Americans, to the civil rights struggle, and so much more. And the 11 National Scenic Trails, like Amanda just discussed, along the Continental Divide Trail, provide millions of Americans with access to the outdoors over thousands of miles close to home and in remote wilderness areas.

Here are some quick statistics to keep in mind. These 30 trails connect with 84 national parks, 89 national forests, 70 national wildlife refuges, over 100 BLM public land areas, and 179 national wilderness areas. The individual national trails and their supporting groups have engaged 129 trail towns mostly in rural areas at the local level, and they run near or through 100 major urban areas. So the system is really something we are working to expand and appreciate the support you all have given. Your ongoing commitment in the past and last year's appropriations bill has made an enormous difference to this system and to the successful work of trail groups and trail administrators on the ground.

It is also worth noting that in 2019, the Federal funds invested in the trails leveraged over $13 million in private funding and 1 million volunteer hours that are valued at almost $26 million. So you can be assured that every dollar you appropriate is stretched much farther on the ground, and the Partnership is committed to expanding this leveraging power of the national trails. This impressive system of trails is not yet complete, however, as Amanda talked about so effectively. In order to ensure that the national trails serve the American people most effectively, we are requesting investments in Fiscal Year 2021 for operations, construction, and maintenance for all 30 trails in the Park Service, the Forest Service, and the Bureau of Land Management, and full funding at $900

million for the Land and Water Conservation Fund, with over $38 million of that allocated for the parks. I mean, for the trails. My old job just surfaced. Sorry.

Ms. MCCOLLUM. As you say, everything connects.

Ms. DECOSTER. Everything connects. [Laughter.]

These funds are critical to ensuring that the integrity of the trails that make up the National Trail System is supported and enhanced now and into the future.

My written testimony includes specific funding requests for the varied needs within the Agency's operations, construction, and maintenance categories for all 30 trails, and we are happy to dig in later as you put your bill together on those. We also want to extend our gratitude, as others have, for your continued robust investments in the Land and Water Conservation Fund and the annual allocations to specific national trails.

We call for full funding for LWCF in Fiscal Year 2021 so that the entire $900 million that is deposited into the LWCF account every year can be allocated by Congress by this subcommittee to the conservation and recreation programs for which that funding is intended. We understand that within your current budget allocations this is very challenging as well as your need to meet all the other programs, as has been testified to and will continue to be today. So that said, we were very heartened to see a final LWCF appropriation in Fiscal Year 2020 that was the highest in 17 years. We really appreciate that.

LWCF funding for the national trails is critical. There continued to be identified needs for land acquisitions along several national trails, totaling almost $40 million in Fiscal Year 2021, and the specifics are highlighted in our written testimony. Full funding of LCWF and the allocation of some of those funds to specific trails will give trail managers the tools they need to protect important trail resources and ensure that the National Trail System can meet the needs of the American people.

Thank you again for allowing us to testify today, and we look forward to working with you as you put your bill together.

[The statement of Ms. DeCoster follows:]

Partnership for the National Trails System
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February 6, 2020

KATHY DECOSTER, ADVOCACY & POLICY DIRECTOR
STATEMENT TO THE
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES

Chair McCollum, Ranking Member Joyce and members of the subcommittee:

The Partnership for the National Trails System is grateful for the opportunity to provide testimony today. We urge your continued support in the FY 2021 Interior, Environment and Related Agencies appropriations bill for **investments in America's National Trails System** and for attention to **specific needs of the 30 national trails administered by the National Park Service, the US Forest Service and the Bureau of Land Management.** This Subcommittee's continued support for the various needs of the National Trails System in the FY 2020 bill is most appreciated and builds on efforts over the past 25 years to support trails that make up the system. We also appreciate your continuing efforts to increase **appropriations for the Land and Water Conservation Fund** as we work towards full funding and thank you for supporting **LWCF investments in the trails.**

The **National Trails System** is a bold experiment in public/private collaboration for public benefit. While most of the trail making is done by tens of thousands of citizen stewards increased funding is needed to close gaps in these trails. To continue the progress that you have fostered **with an increased investment in the National Trails System**, the Partnership requests that you provide **annual operations funding for each of the 30 national scenic and historic trails** for **Fiscal Year 2021** through these appropriations:

- **National Park Service: $17.014 million** for **administration** of **23 trails** and for coordination of the long-distance trails program by the Washington office. **Construction and Maintenance: $686,041** for the **Ice Age Trail, $2,791,829** for the **Appalachian Trail, $75,000** for the **Arizona Trail,** and **$200,000 each** for the **Pacific Crest and Pacific Northwest Trails.**
- **USDA Forest Service: $100 million for trails construction and maintenance (CMTL) with $9.886 million** of it to **administer 6 trails** and **$1.3 million** to manage parts of **16 trails** administered by the NPS or BLM. **$510,000** for **Iditarod Trail** construction and maintenance.
- **Bureau of Land Management: $2.812 million** to **administer three trails** and for coordination of the National Trails program and **$7.14 million** to manage portions of **13 trails** administered by the Park Service or the Forest Service and for operating five National Historic Trail interpretive centers. **Construction: $1 million** for the **Iditarod Trail. Maintenance: $300,000** for the **Iditarod Trail, $100,000** for the **Arizona Trail,** and **$300,000** for the **Pacific Crest Trail.**

We ask you to appropriate **$900 million** from the **Land and Water Conservation Fund and allocate $38.354 million** of it to these agencies to purchase properties that protect **five national scenic** and **five national historic trails**:

- **Bureau of Land Management: $5.695 million**
- **US Fish and Wildlife Service: $5.419 million**
- **US Forest Service: $16.74 million**
- **National Park Service: $10.5 million**

National Park Service

The **$17.014 million** we request for **Park Service operations** includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding Congress provided last year and several

years ago. An **increase of $82,500** for the **Old Spanish Trail** will enable the Park Service to continue working with the Old Spanish Trail Association to increase volunteer participation in signing, interpreting, and educating the public about the trail. The Park Service will be better able to collaborate with the Bureau of Land Management in administering the trail and to consult with other agencies to protect the cultural and natural resources along it from destruction by energy projects. An increase of **$203,000** for **El Camino Real de los Tejas** will enable the Park Service to better support work to increase interpretive signage along the trail and public understanding of the trail, its cultural and historic resources and how to protect them.

We request an **increase of $315,000** to expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail,** to develop GIS mapping, and to fund public educational and community outreach programs of the Santa Fe Trail Association in preparation for the 200th Anniversary of the Trail. An **increase of $139,400** for the **Oregon** and **California Trails** will enable the Park Service to better support the work Oregon-California Trails Association volunteers to develop digital and social media to connect with youth in the cities along these trails providing information about their many layers of history and to better protect the historical and cultural heritage sites and landscapes along them from destruction by energy development in the West. Congress doubled the length of the **Trail of Tears** in 2009, but provided no additional funding to manage the additional trail. An increase of **$150,000** to **$645,000** will provide for management of this additional trail and more support for the work of Trail of Tears Association volunteers.

We request an increase of **$172,000** to **$300,000** for the **New England Trail** to strengthen the outreach and community engagement of the Connecticut Forests & Parks Association and the Appalachian Mountain Club along the trail and support trail relocations and reconstruction work of these organizations' volunteers.

We request an **increase of $100,000** to **$640,000** for the **Ala Kahakai Trail** to enable the Park Service to work with E Mau Na Ala Hele and the Ala Kahakai Trail Association to care for resources and with the University of Hawaii to conduct archaeological and cultural landscape studies along this trail. We also request increases of **$400,000** for the **Captain John Smith Chesapeake Trail**, **$123,000** for the **Overmountain Victory Trail,** and **$122,000** for the **Washington-Rochambeau Trail.**

The **$2 million** we request for the **4,600-mile North Country Trail** will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association. The **$1.05 million** we request for the **Ice Age Trail** includes a **$207,000 increase** to build partner and citizen capacity for building new and maintaining existing trail, protecting the natural and cultural resources on the lands purchased for the trail, and to provide the Park Service with a planner to accelerate planning of the land protection corridor for the trail.

Construction and Maintenance: We request that you provide **$686,041** for the **Ice Age Trail** to build 17 miles of new trail and several trailhead parking lots and repair damage from catastrophic floods; **$75,000** for maintenance of the National Park Service segments of the **Arizona Trail;** and **$200,000** each for trail construction on National Park Service segments of the **Pacific Crest and Pacific Northwest Trails**. For the **Appalachian Trail** we request **$1.0177 million** for Cyclic Maintenance**; $1.417 million** for Repair Rehab: and **$357,129** for Public Land Corps to support youth corps crews.

USDA - Forest Service

We ask you to appropriate **$100 million for trails construction and maintenance (CMTL)** to begin to address the considerable maintenance backlog on the trails in the National Forest System. Within this appropriation we request that you provide **$9.886 million** as a separate budgetary item specifically for the **Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails and the Nez Perce National Historic Trail** within the over-all appropriation for **Capital Improvements and Maintenance for Trails.** Recognizing the on-the-ground management responsibility the **Forest Service** has for **1024 miles** of the

Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **$1.3 million** specifically for these trails.

We ask that you provide direction to the Forest Service to specifically allocate the funding appropriated for the administered and managed national scenic and historic trails directly to those trails.

The Partnership's request of $9.886 million includes **$1.5 million** to enable the Forest Service and Florida Trail Association to continue trail maintenance, to control invasive species, do ecosystem restoration, and otherwise manage **4,625 acres** of new **Florida Trail** land. This request also includes **$2.5 million** for the **Pacific Crest Trail, $2 million** for the **Continental Divide Trail, $1 million** for the **Pacific Northwest Trail, $926,000** for the **Nez Perce Trail**, and **$1.45 million** for the **Arizona Trail.** The additional funds requested will enable the Forest Service to develop Comprehensive Management Plans for the latter three trails and will support rehabilitation of existing trail and construction of new trail along all these trails and support the youth engagement work being done by the partner trail associations. We also request **$510,000** of **additional funding** for construction and for maintenance of sections of the **Iditarod Trail** in the Chugach National Forest.

Bureau of Land Management

Although considerably more money is needed to fully administer the **National Conservation Lands System** and protect its resources, we request that you appropriate **$84 million** in **base funding** for the System. We ask that you appropriate as **new permanent base funding $250,000 for National Trails System Program Coordination, $1 million** for the **Iditarod Trail, $230,000** for **El Camino Real de Tierra Adentro Trail, $1.332 million** for the **Old Spanish Trail,** and **$4 million** for the Bureau to manage **4,645 miles** of thirteen other national scenic and historic trails. We request **$1 million** to construct new sections of the **Iditarod Trail** and to maintain these trails: **Iditarod Trail - $300,000, Arizona Trail - $100,000,** and **Pacific Crest Trail - $300,000.** We also request **$3.14 million** to operate **five historic trails interpretive centers.**

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System** (NLCS), we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY19 , FY20, and FY21 and to direct the Bureau to include unit-level allocations within **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau has done for the national monuments, wilderness, and conservation areas -- within a **new activity account** for the National Landscape Conservation System in FY21. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

Land and Water Conservation Fund

The Partnership strongly supports full funding of the **Land and Water Conservation Fund** at the authorized **$900 million** for the component federal and state programs funded under **LWCF**. Within this amount we request that you appropriate **$38.354 million** to acquire 43 parcels along 10 national scenic and historic trails:

Bureau of Land Management: $5.695 million | 1,845 acres

Continental Divide National Scenic Trail (CO) - $2.8 M to acquire land around the Muddy Pass area to facilitate relocation of the trail off a busy highway.

Nez Perce National Historic Trail (ID) - $2.295 million to protect riparian ecosystems and migratory corridors with habitat for sage grouse, pronghorn antelope, and elk, and historic and cultural resources.

Pacific Crest National Scenic Trail (OR) - $600,000 for trail and resource protection within the Cascade Siskiyou National Monument in Southern Oregon.

US Fish and Wildlife Service: $5.419 million | 1,790 acres

California National Historic Trail (ID): $1.57 million to protect the largest breeding concentration of Sandhill Cranes and a haven for other waterfowl near Grays Lake NWR from agricultural development;

Captain John Smith Chesapeake National Historic Trail (VA) $3 million to preserve and provide access to sites of historic encounters between John Smith and indigenous peoples and protect major eagle and migratory bird stopover habitat in the Rappahannock River and James River NWRs.

Lewis and Clark National Historic Trail (WA) $849,000 to preserve a wealth of unique ecosystems and enhance ecosystem connectivity between State-protected lands and the Steigerwald NWR.

US Forest Service: $16.74 million | 16,000 acres

Appalachian National Scenic Trail (NC, TN, VA, VT) $5.45 million for four national forests in four states to protect miles of several trout streams, relocate trail segments, preserve trail viewsheds, and provide habitat for rare birds and ecological connectivity and watershed protection near or adjacent to the **Appalachian Trail.** One parcel in NC is also within the viewshed of the **Overmountain Victory National Historic Trail.**

Arizona National Scenic Trail (AZ) $200,000 for an easement in Little Casa Blanca Canyon closing a gap in the trail and removing it from a dangerous road.

Florida National Scenic Trail (FL) $90,000 to fill trail gaps and provide connectivity between protected areas along the Withlacoochee River and adjacent to Suwannee River State Park;

Lolo National Forest (MT) - $6 million for 7,500 acres (Phase II) of the Lolo Trails Landmark project that protects existing portions of both the **Lewis and Clark** and **Nez Perce National Historic Trails.** Phase I of this project was the #3 national priority for the USFS in FY 2020;

Shasta-Trinity National Forest (CA) - $5 million for Phase III of the Trinity Divide project (5,600 acres) which includes or is adjacent to portions of the **Pacific Crest Trail** in northern California. Previous LWCF appropriations over three years ensured the completion of the first two phases of Trinity Divide in 2019.

National Park Service: $10.5 million | 1,420 acres

Ice Age National Scenic Trail (WI) $3.5 million to help acquire three parcels totaling 400 acres within the Cross Plains Unit of the Ice Age National Scientific Reserve in Dane County.

Captain John Smith Chesapeake National Historic Trail (VA) $4 million to purchase 1000 acres.

Washington-Rochambeau Revolutionary Route National Historic Trail (NY) $3 million for preservation of a Revolutionary War-era supply depot site and cemetery.

We also request that you continue allocating LWCF funds for "recreation access" in the four land management agencies, with report language encouraging them to use those funds to close gaps in the National Trails System.

Private Sector Support for the National Trails System

Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception. These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. **They also provide private financial support for public projects, often resulting in a greater than equal match of funds.**

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In **2019 the trail organizations coordinated and guided 23,964 volunteers who contributed 1,010,962 hours** of documented labor valued at **$25,708,751** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of $13,259,246** for the trails.

Ms. MCCOLLUM. Well, thank you, and thank you very much for helping me make the case, along with all the colleagues on this committee, that we need a bigger baseline budget. And thank you for the acknowledgement for what this committee did for all LCWF. But we need your help in getting a bigger topline number altogether, and many of the programs that you pointed out, you also want to see an increase in, and that is some of the lines in Forest, and BLM, and Park. So altogether, it just puts more pressure on the dollars.

And I appreciate also the singling out of some of the trails and some of the connections that you want to do, but as of right now, we are not able to specify anything but putting things in the topline number due to constraints with not having full agreement with my colleagues on the other side of the aisle that that we can specify certain trails or certain projects. I would like to see us do some of that where we can get something completed and done, and move on to the next one, but that is the discussion that will continue to take place on this side of the Capitol, but also has to take place on the other side of the Capitol to do that.

So thank you. I just want to thank you for helping me make the case where we need to work with a bigger allocation, and for also recognizing not only the testimony that you heard today, but what we will hear from our tribal brothers and sisters who also work on many of the projects that you are working on together. So I can't thank you enough. I don't have a question for you because you got everything laid out for me to take when I go in and make my argument. So thank you from the top of my heart for helping me make the case that our subcommittee needs a larger allocation, period. And we all want to work together for finding that permanent funding solution for LWCF because that will help this committee in being able to move forward on those joint projects that you so all eloquently put out. Ms. Pingree?

Ms. PINGREE. No, I didn't really have anything. I appreciate your helping people to understand just beyond this room that it is the big number that governs everything else. So thanks for everyone's hard work and doing all that we can. I get to work with almost all of you, except the Continental Divide, which is way too far away. [Laughter.]

But anyway, it is a wonderful part of the trail system, and thanks for providing this map. It is really impressive to see what all of them are. Thank you, Madam Chair.

Ms. MCCOLLUM. And I know, having worked on environmental policy for many, many years, Peter, we like you. But I just want to cherish this moment of all the women sitting here at the table on both sides. [Laughter.]

Thank you very much. Thank you.

[Applause.]

Ms. DECOSTER. Thank you.

Ms. MCCOLLUM. So as I pointed out—thank you to the third panel—we have colleagues coming in and out. We have full testimony in front of us, and they will be joining back again shortly. I figured out a way to kind of get us back on time, and that is not to do the double introductions. So, Ms. White, I am going to let you lead it off and give us the full background of who you are sup-

porting, and go right into your testimony. And we will start it will start the timer when you go into your testimony, not for introducing yourself. Thank you.

THURSDAY, FEBRUARY 6, 2020.

GEOLOGICAL SOCIETY OF AMERICA

WITNESS

KASEY WHITE, DIRECTOR FOR GEOSCIENCE POLICY, GEOLOGICAL SOCIETY OF AMERICA

Ms. WHITE. Okay, wonderful. Thank you so much, Chairwoman McCollum. My name is Kasey White, and I am pleased to testify today in support of the U.S. Geological Survey, on behalf of the Geological Society of America. GSA is a scientific society with more than 20,000 members from Academia industry, and government in more than 100 countries. GSA applauds the work of the subcommittee to increase the USGS budget in Fiscal Year 2020. Thank you for supporting the Survey and ensuring its ability to continue to serve the Nation through its research and partnerships.

GSA or urges Congress to build on these investments and provide USGS with $1.35 billion in Fiscal Year 2021. This increase will allow the USGS to implement new initiatives created by recent legislation, sustain base funding for critical research and monitoring, and update and maintain its facilities.

The USGS is one of the Nation's premier science agencies with the distinctive capacity to engage interdisciplinary teams of experts to gather data, conduct research, and develop integrated decision support tools about our earth. In addition to underpinning the science activities and decisions of the Department of the Interior, USGS research is used by communities and businesses Across the Nation to make informed decisions regarding land use planning, emergency response, natural resource management, engineering, and education.

The recent passage of several pieces of legislation illustrates the bipartisan congressional support for the Agency. Last year, the John D. Dingell, Jr. Conservation Management and Recreation Act established a national volcano early warning and monitoring system at the USGS, and reauthorize the USGS' National Cooperative Geologic Mapping Program. The previous year, the enactment of the National Earthquake Hazard Reduction Program Reauthorization Act of 2018 reauthorized and expanded this important program, including adding our earthquake early warning capabilities. GSA recommends adequate funding to implement these laws.

USGS research addresses many of society's greatest challenges. For example, natural hazards are a major cause of fatalities and economic losses. NOAA found that in 2019, the United States saw 14 weather and climate events with losses exceeding $1 billion, which included floods, severe storms, tropical cyclones, and wildfires. USGS data is utilized by decision makers in many sectors to mitigate the effects of these natural disasters. For example, the aviation sector relies upon USGS volcano monitoring to create safe flight routes. NOAA depends on data from the USGS to issue flood, drought, and tsunami warnings.

USGS is a key partner in obtaining measurements necessary to predict severe space weather events, which can have drastic impacts on the electric power grid, satellite communications, and navigation systems as highlighted in the March 2019 executive order coordinating national resilience to electromagnetic pulses. GSA urges investment in the USGS hazards programs as an improved scientific understanding of these events will reduce future losses by informing effective planning and mitigation.

In addition to conducting research on long-term patterns of climate change, USGS connects science to local communities. Climate adaptation science centers provide scientific information necessary to anticipate, monitor, and adapt to the effects of climate change at regional and local levels. These centers work with communities to make smart, cost-effective decisions on issues as diverse as protecting cultural resources to planning for wildfires. GSA appreciates the expansion of this important program and Fiscal Year 2020.

As the U.S. increases its use of renewable energy, there is a vital need to understand the abundance and distribution of critical mineral resources both within the U.S. and globally. This goal will require expanded collection and analysis of geological, geochemical, and geophysical data. Earth MRIs are an important part of this effort, and GSA appreciates congressional support for this program.

The Landsat Satellite Program has amassed the largest archive of remotely-sensed data in the world, a tremendously important resource for everything from natural resource planning, land use planning, and assessing water resources, the impacts of natural disasters, and global agriculture. GSA supports interagency efforts to ensure the continuation of this vital monitoring program.

All of these endeavors are supported by the core systems sciences, facilities, and science support. These programs and services, such as geologic mapping and data preservation, provide critical information and infrastructure that form the foundation of USGS research.

Thank you for the opportunity to provide testimony today for the support of the U.S. Geological Survey. I would be happy to answer any questions.

[The statement of Ms. White follows:]



THE GEOLOGICAL SOCIETY OF AMERICA®

Testimony of the
Geological Society of America
Kasey White
Director for Geoscience Policy
Regarding the
U.S. Geological Survey
FY 2021 Budget
to the
United States House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

February 6, 2020

Summary
The Geological Society of America (GSA) recommends that Congress provide $1.35 billion for the U.S. Geological Survey (USGS) in Fiscal Year 2021. We thank Congress for the investments made in FY 2020 and encourage a path of sustainable growth moving forward. As one of our Nation's key science agencies, the USGS plays a vital role in understanding and documenting mineral and energy resources that underpin economic growth; researching and monitoring potential natural hazards that threaten U.S. and international security; informing communities about the impacts of a changing climate; and determining and assessing water quality and availability. Approximately two thirds of the USGS budget is allocated for research and development. In addition to supporting the science activities and decisions of the Department of the Interior, this research is used by communities across the nation to make informed decisions in land-use planning, emergency response, natural resource management, engineering, and education. GSA believes that it is important to grow the USGS budget, given the importance of its many activities that protect lives and property, contribute to national security, and enhance the quality of life.

Founded in 1888, The Geological Society of America (GSA) is a scientific society with more than 20,000 members from academia, government, and industry in more than 100 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind and stewardship of the Earth. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth-science education.

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The Geological Society of America (GSA) appreciates the increase to the U.S. Geological Survey (USGS) budget in FY 2020 and thanks the Committee for recognizing the importance of the work of the agency to protect lives, property, and national security. GSA urges Congress to build on these investments and provide USGS $1.35 billion in Fiscal Year 2021. This increase will allow the USGS to implement new initiatives, maintain the base funding for critical research and monitoring, and update and maintain its facilities. GSA appreciates the Committee's efforts to ensure that any changes to the organizational structure of USGS support rather than hinder the ability of the USGS to serve the nation with its research.

U.S. Geological Survey Contributions to National Security, Health, and Welfare
The USGS is one of the nation's premier science agencies, with a distinctive capacity to engage truly interdisciplinary teams of experts to gather data, conduct research, and develop integrated decision support tools. Approximately two thirds of the USGS budget is allocated for research and development. In addition to underpinning the science activities and decisions of the Department of the Interior, this research is used by communities and businesses across the nation to make informed decisions regarding land use planning, emergency response, natural resource management, engineering, and education.

As noted in the Preamble to its Endorsement of American Meteorological Society's *Freedom of Scientific Expression* statement, GSA "strongly believes that science and society benefit greatly from careful and ample technical peer review of scientific findings, and subsequent communication of scientific results must be permitted freely and without concern by the scientist for censorship, intimidation, or political interference." GSA encourages Congress to ensure that USGS follows these principles and others outlined in the Department of the Interior's Integrity of Scientific and Scholarly Activities policies.

USGS research addresses many of society's greatest challenges for national security, health, and welfare. Several are highlighted below.

- Natural hazards are a major cause of fatalities and economic losses. NOAA found that in 2019, the United States saw 14 weather and climate disaster events with losses exceeding $1 billion each, which included floods, severe storms, tropical cyclones and wildfires. An improved scientific understanding of geologic hazards will reduce future losses by informing effective planning and mitigation.

  Decision makers in many sectors rely upon USGS data to respond to natural disasters. For example, USGS volcano monitoring provides key data to enable decisions on aviation safety. NOAA depends on data from the USGS to issue flood, drought, and tsunami warnings. USGS is a key partner in obtaining data necessary to predict severe space weather events, which affect the electric power grid, satellite communications, and navigation systems. The March 2019 Executive Order, Coordinating National Resilience to Electromagnetic Pulses, highlights these research needs.

  The recent enactment of several bills illustrates the bipartisan, bicameral support of hazards research and GSA recommends adequate funding to implement these bills. Last year, a lands package included a hazards and mapping title that establish a National Volcano Early

Warning and Monitoring System at the USGS and reauthorize the USGS' National Cooperative Geologic Mapping Program. The previous year, the enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2018 indicates the support of Congress and the Administration for enabling advance warning of impending hazards, such as the Earthquake Early Warning System.

GSA urges Congress to support efforts for USGS to modernize and upgrade its natural hazards monitoring and warning systems, including additional 3-D elevation mapping and earthquake early warning systems, while maintaining fundamental research and monitoring.

- There is a vital need to understand the abundance and distribution of critical mineral resources, as well as the geologic processes that form them, both within the United States and globally. This goal will require expanded collection and analysis of geological, geochemical, and geophysical data.

  GSA supports increases in minerals science, research, information, data collection and analysis that will allow for more economic and environmental management and utilization of minerals. In addition, GSA supports increases in funding for research to better understand domestic sources of energy, including conventional and unconventional oil and gas and renewables. GSA appreciates congressional support for the new EarthMRI program, which will provide new resources and leverage current data to accelerate geological and geophysical mapping, identify critical mineral sites for further scientific review, among safety, security, scientific, and industrial uses.

- Improved fundamental understanding of the quantity, quality, distribution, and use of water resources through monitoring and research by the USGS is necessary to ensure adequate and safe water resources for the health and welfare of society. Improved representation of geological, biological, and ecological systems—including underlying physical and chemical processes and their interactions—is needed. In addition to maintaining current monitoring capabilities, new hydrologic data are required to improve the reliability and reduce the uncertainty of scientific analyses that support water resources management and policy decisions.

- USGS research on climate impacts is used by local policymakers and resource managers to make sound decisions based on the best possible science. In addition to fundamental, long-term climate change research, the USGS provides scientific information necessary to anticipate, monitor, and adapt to the effects of climate change at regional and local levels, allowing communities to make smart, cost-effective decisions. For example, the Alaska Climate Adaptation Science Center (CASC) has conducted research on the relationship between wildfire and other ecological disturbances, such as drought, which will help resource managers plan for and adapt to the evolving threat that fire poses to humans, infrastructure, and ecosystems. Across the country, the Southeast CASC is working with local stakeholders to protect cultural resources in the face of a changing climate.

- The Landsat satellites have amassed the largest archive of remotely sensed land data in the world, a tremendously important resource for natural resource exploration, land use planning,

and assessing water resources, the impacts of natural disasters, and global agriculture production. GSA supports interagency efforts for future support of Landsat. The recent National Academy of Sciences' *Earth Science and Applications from Space (ESAS) Decadal Survey* report notes,

"Earth science and applications are a key part of the nation's information infrastructure, warranting a U.S. program of Earth observations from space that is robust, resilient, and appropriately balanced."

Activities from hazard monitoring to mineral forecasts are supported by Core System Sciences, Facilities, and Science Support. These programs and services, such as geologic mapping and data preservation, provide critical information, data, and infrastructure that underpin the research of the USGS. GSA appreciates the committee's recent investments in Facilities to address many deferred maintenance issues.

Knowledge of the earth sciences is essential to scientific literacy and to meeting the environmental and resource challenges of the twenty-first century. GSA is very concerned that cuts in Earth science funding will cause students and young professionals to leave the field, potentially leading to a lost generation of professionals in areas that are already facing worker shortages. Investments in these areas could lead to job growth, as demand for these professionals now and in the future is assessed to be high. Strong investments in geoscience research are needed to prepare citizens for these job opportunities.

Thank you for the opportunity to provide testimony about the U.S. Geological Survey. For additional information or to learn more about the Geological Society of America – including GSA Position Statements on climate change, water resources, mineral and energy resources, natural hazards, and public investment in Earth science research – please visit www.geosociety.org or contact GSA's Director for Geoscience Policy Kasey White at kwhite@geosociety.org.

Ms. MCCOLLUM. Make sure the mike is on.

THURSDAY, FEBRUARY 6, 2020.

3DEP COALITION

WITNESS

JOHN M. PALATIELLO, 3DEP COALITION

Mr. PALATIELLO. Thank you, Madam Chair. My name is John Palatiello, and I am pleased to be here today on behalf of the 3DEP Coalition. I am also the government affairs consultant to the National Society of Professional Surveyors, and the founder and president of USGO, the informal coalition of leading geospatial firms.

The 3DEP Coalition includes more than 40 organizations. If I may, I would like to insert into the record a list of these organizations that support the 3DEP program.

Ms. MCCOLLUM. We will do that. Just make sure that you leave that at the end of the presentation.

Mr. PALATIELLO. I will do. Thank you. Thank you very much. As the subcommittee is aware, 3DEP is the USGS program that is satisfying the growing demand for consistent, high-quality topographic data across the country, primarily through the collection of elevation data with LIDAR. There are more than 600 applications that benefit from this data. They support economic growth, responsible environmental protection and resource development, infrastructure improvement, and many more.

USGS' own assessment of this program shows that it generates about $13 billion in annual benefits and has a benefit cost ratio of 4.7 to 1, so it is an extraordinary investment of our tax dollars. And I would say that it provides the underpinning to a number of the programs that you will hear about in the course of the public witnesses here today.

Since 2015, over 200 Federal, State, local, and nongovernmental partners have collaborated in support of 3DEP. I have a map here that my colleague is showing that where now about 67 percent of the Nation is completed with this data for the first time over. The optimal funding for this program is at $146 million a year. At that level, the country can be mapped in 7 years and then go on another repeat cycle. So at our current funding level, we are at about 67 percent.

I would like to draw your attention to two things with regard to this map. One, Madam chair, I think jumps out at you is there is unfortunately a big white space in the middle of the country other than perhaps the Twin Cities. And so is a tremendous need for precision agriculture for stormwater management, for a variety of applications in agricultural America. The other point that I think is very important to draw attention to is the fact that the other major unmapped part of the country is the public lands west, and there is a critical need whether you are talking about wildfire mapping, rural broadband development, rural infrastructure. We would hope that the subcommittee could fund this program not only through USGS, but through the other agencies. It is the landowners, the

Forest Service, BLM, that have an inherent interest in having this data for good management.

As I mentioned in the beginning of my statement, 3DEP has supported numerous programs, applications, and activities. I would hasten to add, Mr. Joyce, that in my written statement, I talk about some great work that an Ohio firm is doing on the 3DEP program, and that is being replicated by the other firms that are involved as well. But when we talk about hazard mitigation, energy resource development, wildlife and habitat management, flood plain mapping, flood risk management, agriculture, precision farming, natural resource, conservation, invasive species mapping and mitigation infrastructure, transportation, climate change monitoring, all of these are activities where the 3DEP data becomes good baseline data for all of them.

So we would urge the full funding of the program at its optimum level of a $146 million. We understand the constraints on you. Whether we do this solely within USGS or through the other agencies, as I mentioned, there is a critical need to finish the country and provide that data and the benefits that I mentioned. Thank you very much for the opportunity to be with you this morning.

[The statement of Mr. Palatiello follows:]

Statement of John M. Palatiello
On behalf of the 3D Elevation Program (3DEP) Coalition
Before the House Committee on Appropriations Subcommittee
on Interior, Environment and Related Agencies
February 6, 2020

Madam Chair, members of the subcommittee, I am John Palatiello and I am honored to appear before you today on behalf of the 3D Elevation Program (3DEP) Coalition. I serve as Government Affairs Consultant to the National Society of Professional Surveyors (NSPS), the national professional society of individual licensed surveyors, and Founder and President of U.S. GEO, an informal coalition of leading geospatial firms. The 3DEP Coalition is comprised of representatives of a broad cross section of stakeholders, including over 40 organizations from surveying, mapping and geospatial; real estate; home building; flood management; emergency response; environmental; science; mining; insurance; telecom; agriculture; and infrastructure. The 3DEP Coalition enthusiastically supports the U.S. Geological Survey (USGS) 3DEP, or 3-dimentional elevation program.

3DEP

3DEP is satisfying the growing demand for consistent, high-quality topographic data and a wide range of other three-dimensional representations of the Nation's natural and constructed features, primarily through elevation data collected with Light Detection and Ranging (LiDAR). Among the applications that benefit from 3DEP data are flood risk management; infrastructure; landslides & other hazards; water resources; aviation safety; telecom; homeland security; emergency response; precision agriculture; energy; pipeline safety; and other areas.

Indeed, USGS has identified more than 600 applications that benefit from such enhanced elevation data and the list is growing every day. 3DEP promotes economic growth, facilitates responsible environmental protection and resource development and management, assists with infrastructure improvement, and generally enhances the quality of life of all Americans. The USGS, with involvement from the private sector and other stakeholders, conducted a National Enhanced Elevation Assessment (NEEA) to determine and document the need for national elevation data within government and private markets. The results indicated that enhanced elevation data have the potential to generate $13 billion in annual benefits, at a benefit:cost ratio of 4.7 to 1.

Congress provided an innovative mechanism for cooperative activities in elevation data when it enacted the Biggert-Waters Flood Insurance Reform Act, in the MAP-21 Act, Public Law 112-141. It included section 100220, which can be utilized to pool funding from Federal, state and local government entities for elevation data. USGS was specifically named in that provision.

USGS Public-Private Partnership

3DEP stands out as a best practices model for coordination, inter-agency and inter-governmental cooperation, and a strong definition of government and private sector roles and responsibilities in a public-private partnership. There is significant capacity and capability in the private sector to support the program and USGS currently has contract vehicles in place to efficiently implement the program. The USGS manages a

series of Geospatial Products and Services Contracts (GPSC) with ten main contractors, which include six large businesses and four small businesses, to perform a variety of surveying, mapping and geospatial services. These Qualifications Based Selection (QBS) contracts are competitively awarded under the "Brooks Act" (40 USC 1101 et. seq. and part 36.6 of the Federal Acquisition Regulation (FAR), 48 CFR 36.6) and task orders are negotiated directly with selected firms to provide contract services. The primary data currently procured via the GPSC contracts is for the 3DEP program. This features LiDAR data in the conterminous United States and interferometric synthetic aperture radar (IFSAR) in Alaska.

3DEP has been acquiring three-dimensional information across the United States using light detection and ranging (LiDAR) technology - an airborne laser-based remote sensing technology that collects billions of LiDAR returns while flying - and making results available to the public. Since 2015, over 200 federal, state, local and non-government partners have collaborated to support over 1.5 million square miles of 3DEP acquisition across the nation, and 3DEP data is now available or in-work for nearly 67% of the nation. The 3DEP BAA provides an opportunity for continued collaboration across the nation so that government at all levels, the private sector, and citizens may have access to and derive the benefits of 3D elevation data.

Funding Status

Optimally, USGS views this program to be funded at $146 million annually. 3DEP has been a recent success as the trend for certain budgets for other civilian agency programs have been reduced. In FY 2013, this Subcommittee helped 3DEP to achieve $20 million in data collection efforts. By FY 2018, data collection efforts reached $120 million, thanks in large part to the continued support of this Subcommittee as well as to additional funding provided from other Federal agencies outside of this Subcommittee's jurisdiction, particularly FEMA. It is our understanding that USGS received nearly $40 million in FY 2019 for all 3DEP-related activities. The recently enacted funding agreement for FY 2020 included an additional:

> *"$7,722,000 for the Alaska mapping initiative and the following increases: $5,000,000 for the 30 Elevation program (3DEP) to accelerate achievement of 100 percent coverage of the Great Lakes region; $2,000,000 for the US Topo program to procure product-on-demand updates; and $3,000,000 to produce digital surface models using unclassified satellite optical data for the U.S. and territories not mapped with LiDAR in 2021. .... $10,598,000, the budget request, for the critical minerals Earth Mapping Resources Initiative, (Earth MRI)."*

We deeply appreciate the leadership of this Subcommittee to achieve those levels. We also want to highlight that the single agency within Interior to contribute to 3DEP from its budget is USGS. However, public land states in the West are largely not mapped to the 3DEP standard. Given that elevation data, including a focus on slope and topographic data are vital to wildfire mapping, rural broadband deployment and other forms of rural infrastructure, then this Subcommittee should also encourage other Interior agencies such as the Bureau of Land Management, as well as the Forest Service in USDA, to participate and contribute in, or increase its level in 3DEP.

Added Benefits

The feedback we've received from 3DEP stakeholders has been overwhelming. Let me share a sampling.

First, 3DEP is a model of efficiency due to its well-designed, consistent approach from data acquisition through development of deliverables and derivative products. As you may know, GAO has been critical of some Federal agency geospatial activities for the lack of coordination and inattentiveness to duplication. USGS has implemented a strategy and governance framework that efficiently engages partners and stakeholders. This is a model for the concept to "map it once, use it many times".

USGS has done an excellent job making the source data and derivative products readily available to the public via its website and other means, which is an accomplishment in and of itself (compared to most other Federal agencies). 3DEP data are used regularly by many entities (including software manufacturers that include ready access to the data via links within the software) which many believe makes the ROI even greater than USGS first projected and results in a "bang for the buck" from this program.

The contracting strategy implemented by USGS is exemplary. A premium is placed on quality, qualifications, competence, and performance, yet USGS staff is assuring that prices paid to contactors are negotiated to be fair and reasonable to the government, as the law and regulations require. 3DEP has particularly been a lifeline to the success of numerous small businesses, both at the prime and subcontractor levels. Small businesses have reported that larger business prime contractors have been very accommodating to include small business subcontractors on their team and provided them with plentiful work.

3DEP is in high demand to meet many needs and applications. I recently had a conversation with the Secretary of Planning in a Governor's Cabinet and I asked, "Is there any geospatial data you don't have for your state that you would like to have?" and without hesitation he said, "LiDAR".

Moreover, 3DEP is meeting needs that were not evident, or did not receive significant attention when the NEEA study was done that are now in the forefront. For example, to meet the need for critical minerals, as outlined in the President's Executive Order, and included in the Earth Mapping Resources Initiative (Earth MRI), for use in the production of a wide range of products in modern society, has never been greater. Today's consumer demand for personal high-tech devices, applications of alternative energy solutions, national defense and many more essential needs, make the demand for critical minerals central to the U.S. economy a significant concern. Locating these minerals to reduce our risk of reliance on imported minerals, particularly from less-than-friendly nations, is dependent on 21st century tools such as LiDAR from 3DEP.

Wildfires have been increasingly devastating in some parts of the country, especially in the West. 3DEP, through the USGS partnership with the Federal Emergency Management Agency (FEMA), enabled, for example, the contracting with Woolpert, a USGS contractor, to collect, process, and deliver roughly 9,500 square miles of LiDAR data across Southern California immediately following the wildfires that raged across the region in 2018. Similar USGS contracting with other firms have occurred as well.

This data was collected to enable wildfire risk mapping assessment and planning, identify fuel load reduction programs and escalate the emergency assessment of post-fire debris flow hazards. 3DEP data provided the necessary LiDAR information about the forest canopy and vegetation structure, which is used to map wildfire fuel like trees and clusters of trees that are more likely to burn and escalate a wildfire.

Wildfire risk mapping and planning assessment requires analysis of a LiDAR dataset in order to determine the vegetation, fuel load, and potential structures that are in danger for future events. From analysis of the

LiDAR data, fuel-load reduction programs are developed to lessen the material that contributes to the propagation of a wildfire. One way to decrease the fuel load is to reduce the understory that grows beneath the forest canopy. By identifying, creating, and maintaining fire breaks, a wildfire can be mitigated, slowed, or even redirected. By strategically decreasing these fuels from targeted areas, like near homes and businesses, the likelihood that the wildfire will destroy those structures is considerably lessened. Wildfires also spark other potentially devastating natural disasters. FEMA reports that wildfires dramatically alter the terrain and greatly increase the risk of flooding from heavy rains and mudflows. Post-wildfire LiDAR data collection helps develop predictive models of flood and mudflow hazards that result from steep terrain that has been stripped of vegetation. When the vegetation, whose root network holds the dirt together, is burned off it can turn into mudslides. LiDAR data supports the fundamental science of how flows initiate, how they grow and evolve, and where they go. Statistical debris flow models, generated by LiDAR data, illustrate the likelihood and rainfall intensity thresholds of a region.

Across much of the western United States, invasive vegetative species are a threat to native plants, wildlife, and public safety. For example, Cheatgrass displaces native grasses and shrubs, initiates nutrient loss, reduces agriculture productivity and, most imperatively, leads to a higher risk of fire and perpetuates potentially larger and more frequent fires. LiDAR data from 3DEP is vital before, during, and after wildfires, supporting prevention, mitigation and analysis. Following the LiDAR data acquisition, surveyors and remote sensing scientists have worked to create a highly useful data set that is utilized to map Cheatgrass infestations. Utilizing LiDAR, imagery, ground truth surveys, and remote sensing data analytics areas of Cheatgrass are detected and defined. The resultant data help mitigate the spread of the invasive species across the state using a highly focused and efficient approach.

Conclusion

As mentioned in the beginning of my statement, 3DEP has supported numerous programs, applications and activities. The benefits from this enhanced elevation data include those mentioned previously, as well as water supply and quality management, rangeland management, wildfire management, geologic resource assessment and hazard mitigation, energy resource development, wildlife and habitat management, floodplain mapping and flood-risk management, agriculture and precision farming, natural resource conservation, invasive species mapping and mitigation, infrastructure, transportation, and many, many others. In fact USGS is conducting a follow-on to the NEEA study to document those recent, new,and emerging applications and benefits.

In conclusion, we respectfully urge the Subcommittee to work with other relevant subcommittees to fully fund this important program to meet the extraordinary demand for current, accurate elevation data for the nation. Our request and recommendation to the Subcommittee is to appropriate funds for the 3DEP program at its optimal annual level of $146 million among all participating agencies.

Thank you for the opportunity to share our views and we look forward to working with the subcommittee to continue the work to build on past success and further improve the Interior Department's surveying, mapping and geospatial activities including the collection, management and dissemination of enhanced elevation data through the USGS 3DEP.

THURSDAY, FEBRUARY 6, 2020.

GEOMAGNETISM

WITNESS

DAVID JONAS BARDIN, GEOMAGNETISM

Mr. BARDIN. Chair McCollum, Ranking Member Joyce, Mr. Simpson, Vice Chair Pingree, Mrs. Watson Coleman, I am David Jonas Bardin, and I appreciate your again holding this public hearing and again letting me testify.

This subcommittee was the leader on the USGS Geomagnetism Program that had such success in the minibus that was signed into law on December 20th, and I am going to give you all the credit in the world. You identified issues. You identified the issue of what happens when the Air Force withdraws a stipend. You dug into the facts. Your staff went and found out with the Air Force on the one hand, but also with USGS stuff, which they don't tell you in the way the green book, the budget justifications are done nowadays. So you have to dig them out on why three observatories might have been closed down, which really had to do with deferred maintenance issues that I want to raise.

And you fully funded the Administration's request for the $1.7 million for 1 more years' worth of the magnetotelluric survey in order to try to do what the President's executive order of March last year calls for, completion in 4 years. So I give you credit. I give you hosanna, and I hope, Madam Chair, that you and your staff again will dig in on some of the issues I want to raise.

Today I just want to talk thematically. I am not asking. You raised the appropriation for the USGS Geomagnetism Program, Congress did, to $4 million, which is almost all of the $4.1 million that the House voted for. Your Senate colleagues came around to your advice and your insights, for which I give them credit, but I give you the most credit and thanks.

Ms. MCCOLLUM. They didn't bring any money with it.

Mr. BARDIN. The $4 million the minibus appropriates is almost the entire $4.1 million that the House did. The Senate would have had a somewhat lower number. One of the differences was on the magnetotelluric survey that you fully funded the Administration's request. They initially didn't, but then finally in the minibus, they did.

There are a couple of things I would like you to look into, and, as I say, this is thematic testimony. After we see the Administration's actual proposal next week, I probably will supplement it. At the very least, I will give you a table which shows you year by year what has been requested and what has been appropriated. And I can't fill in the bottom line now because I don't know it yet. But basically, the history flat, flat, flat until the sequester, and then down, and only last year. Thanks to this subcommittee and the minibus did it go up to the $4 million. I think it should be higher.

I would like you to look into at least two questions. One is the $1.7 million for the magnetotelluric survey. This is a new undertaking for USGS and the Geomagnetism Program. They have never done it before. They are working hard to figure out how to do the details, and I hope that you want on a tactful staff level will follow

what are the issues at the moment. None of that money has been obligated. Now, it is not remarkable since it was appropriated on December 20th, and none of it has been obligated. But we are not going to feel good about it if that isn't corrected and cured by the end of the Fiscal Year. And I think it is a question of finding what are the roadblocks for the money and what needs to be done there.

The second area I would like you to take a look into is deferred maintenance. There is a problem for some of the observatories on deferred maintenance. The formula which works very well for much of the Interior Department doesn't really apply very much to geomagnetic observatories. They are not catering to visitors like national parks. They don't have large numbers of staff people. So to the extent that priorities are set based on health and safety of staff, health and safety of businesses, they really don't apply to a facility wherever it is located. And I think we need some reconsideration. Perhaps the Administration will come up with something on its own, but if not, perhaps either in report language or even more, once you get the facts, that would be helpful.

The Geomagnetism program staff does an excellent job of keeping track of the deferred maintenance issues, the accumulating balance. They have the facts. So if you ask them the questions, they can produce the answers, and I trust they will produce truthful answers. But they are not being volunteered because that is not the way it is normally run.

I am supposed to stop now, so I will stop.

[The statement of Mr. Bardin follows:]

USGS Geomagnetism Program for 2/6/2020 public hearing

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing (non-tribal programs)
February 6, 2020, 10:00 AM USGS Panel
2007 Rayburn House Office Building (Formerly B-308)

Thematic Testimony of David Jonas Bardin on USGS Geomagnetism Program

Chair McCollum and Ranking Member Joyce,

Thank you for letting me testify orally, as an individual. Following your lead, [1] a Minibus [2] preserved the Geomagnetism Program under the Natural Hazards mission, enlarging it to complete a geophysical, earth-conductivity reconnaissance survey ("MT Survey") of the contiguous United States (CONUS) - in accord with Executive Order 13865 (of March 2019). — The Appropriators explained: "The recommendation includes ... $4,000,000 for Geomagnetism including $1,726,000 for the magnetotelluric survey as well as funding to maintain operation of all observatories." [3]

- USGS has been working to carry out that recent law.
- My testimony today focuses, thematically, on USGS's post-Minibus responsibilities:
  - How will USGS describe all aspects of its Geomagnetism Program?
  - How soon will USGS carry out new responsibilities for MT Survey of CONUS?
  - Should USGS expand geomagnetic observatories and variometer stations and operations?
- Supplemental written testimony may address specifics of the forthcoming FY 2021 Request.

Enhancing descriptions of Geomagnetism Program activities and observatories.

USGS should enrich its useful Geomagnetism web site to update activities and outputs (see https://www.usgs.gov/natural-hazards/geomagnetism). USGS could well add to that web site:

[1] See House Report 116/100 (June 3, 2019), pp. 45, 47, 191: https://www.congress.gov/congressional-report/116th-congress/house-report/100/1 [PDF pp. 45, 47, 191 of 247].

[2] Public Law No. 116-94, approved December 20, 2019; H.R. 1865 - Further Consolidated Appropriations Act, 2020 (116th Cong.).

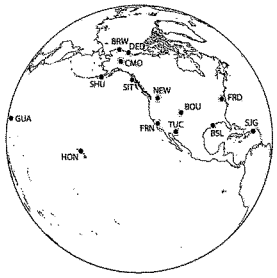
[3] Division D of the Joint Explanatory Statement [posted at https://docs.house.gov/billsthisweek/20191216/BILLS-116HR1865SA-JES-DIVISION-D.pdf], which also includes following table:

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

(Amounts in thousands)

	FY 2019 Enacted	FY 2020 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Natural Hazards:					
Earthquake Hazards	93,403	64,303	84,903	+1,500	+20,600
Volcano Hazards	30,266	28,121	30,266	---	+2,145
Landslide Hazards	3,538	3,554	4,038	+500	+484
Global Seismographic Network	6,653	6,661	7,153	+500	+492
Geomagnetism	1,888	1,888	4,000	+2,112	+2,112
Coastal/Marine hazards and resources	40,510	40,498	40,510	---	+12
Total, Natural Hazards	166,258	145,025	170,870	+4,612	+25,845

A. USGS ground-based, geomagnetic data are:
— used by the National Geospatial Agency to calculate the World Magnetic Model (WMM), on which all forms of navigation rely;
— used by NOAA Space Weather Prediction Center for real-time monitoring of geomagnetic disturbances (GMDs);
— used by Air Force to calculate atmospheric expansion, for tracking low-orbiting satellites;
— used by the oil and gas industry for directional drilling; and
— used to calibrate (validate) non-USGS facilities.



B. USGS collects *geomagnetic* field data at all 14 observatories (see map) — six in CONUS (in Virginia, Mississippi, Colorado, Arizona, California, and Washington), as well as at variometer stations — three in CONUS (in Minnesota, Montana, and New Mexico), but does not yet report locations of variometer stations. [4] —
USGS now collects *geoelectric* field data at only one of its observatories (in Colorado). (Hopefully, USGS will come to collect such data at more venues.)

Dr. Jeffrey J. Love's USGS staff profile includes information not yet in the Geomagnetic Program's own website. See https://www.usgs.gov/staff-profiles/jeffrey-j-love.

New responsibilities for MT Survey of CONUS

USGS has not yet obligated any of the FY 2020 $1.726 million toward completion of an MT Survey. MT survey field work requires equipment, trained field crews, planning, organization.

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[4] USGS describes its 14 geomagnetic observatories at https://www.usgs.gov/natural-hazards/geomagnetism/science/observatories?qt-science_center_objects=0#qt-science_center_objects. It does not yet describe its variometer stations or report their total number.
— Ground-based monitoring of geomagnetic field variation (for frequencies less than 1 Hz) is typically accomplished with a fluxgate magnetometer or "variometer." For many applications, raw variometer data are sufficient, but for other applications, "observatory"-standard data are required, whereby the drifting variometer response is minimized through temperature stabilization and, otherwise, corrected in data processing with application of auxiliary calibration measurements. Magnetic observatories are more expensive and labor-intensive to operate than variometer stations, and their geographic distribution is relatively sparse; variometer stations are less expensive to operate and their deployments are sometimes geographically dense.
— USGS magnetic observatories are operated with a 99%+ temporal continuity, for decades of time, and data from each observatory are promptly made openly available to the user community in near-real-time.
— Variometer stations in the United States are typically operated on a campaign basis by universities for specific research projects, often funded by the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA). These variometer operations are not usually intended to provide long-term, continuous, real-time data service; for this reason, variometer data are not commonly used in operational space-weather projects, such as those supported by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Air Force (USAF).

- EO 13865 gave the Secretary of the Interior four years to complete the CONUS MT Survey. [5]
- FY 2020 budget request and Minibus appropriation were in line with that four year schedule.
- Will USGS ever expend that entire $1.726 million on the MT Survey? How much in FY 2020?
- How much will USGS actually need in FY 2021 and each subsequent year?
- Multi-year planning is in order at least through FY 2023.
- Moreover, as electric power researchers, the North American Electric Reliability Corporation (NERC), Electric Power Research Institute (EPRI), Federal Energy Regulatory Commission (FERC), and possibly others, study and use MT Survey data, there may well be reasons to repeat or intensify some of the reconnaissance surveying.
- Prudence dictates that MT Survey funding be part of Geomagnetism Program's recurring base.

Observatories and variometer stations in CONUS; gap summary; deferred maintenance

National priorities for maintaining and expanding ground-based geomagnetic monitoring are established by the National Space Weather Strategy and Action Plan (NSWSAP, 2019), and the Executive Order for Coordinating National Resilience to Electromagnetic Pulses (EO 13865, March 2019). These specify that the Department of the Interior (DOI), and, by proxy, the USGS, will ensure baseline observation capabilities (NSWSAP, Action 2.1). The USGS Geomagnetism Program magnetic observatory network has been identified as being of "critical" importance in assessments of geophysical monitoring systems. Please note:

- Observatories such as Tucson and Guam have unresolved deferred maintenance issues.
- From an electric grid standpoint, of six observatories in CONUS only 2 are in the Eastern Interconnection area where most Americans live and work; and none is in the Texas Interconnection area.

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[5] Last year I testified that "the magnetotelluric (MT) Survey begun by the [NSF] as part of its EarthScope program (... ended in FY2018) ... included geophysical mapping that uses an Earth imaging technique known as the MT method — overseen by Incorporated Research Institutions for Seismology (IRIS) and executed by Oregon State University (OSU). They were charged with mapping three-dimensional (3-D) geological structure of CONUS; specifically variation in electrical properties of crust and mantle. EarthScope data obtained by OSU were quickly put in the public domain for use without restriction. But there are no data for all or part of 14 southern tier states." Written Testimony dated February 26, 2019.

I explained: "NSF's funding purposes were entirely for geological mapping and related benefits, but others discovered early in this decade that MT data obtained proved of critical importance to evaluating and mitigating space weather risk to electric power transmission grids. Recent studies suggest these data have similar importance for protecting critical infrastructure from EMP.

"There has been broad uptake of these MT data by space weather researchers in USGS Geomagnetism, other government agencies, academic institutions and industrial laboratories.

"NSF's now-ended program (plus USGS mapping of Peninsular Florida and small areas elsewhere) supported completion of MT Survey for nearly 2/3 of CONUS. Researchers found large regional variations in ground conductivity with some extremely high geomagnetic hazard concentrations (for example in Minnesota and Maine), to which electric utilities can respond (for example, American Transmission Company and Central Maine Power Company).

"Research into impact of regional variations in ground conductivity seen over the 2/3 of CONUS for which there are MT data indicate that critical infrastructure (such as power grids) in areas still without MT data are just as likely to face high risk from space weather and EMP as the rest of CONUS."

- Advisers to the electric power-grid industry (for example) depend upon observatories to supply regional data which are not currently available otherwise and are needed to protect critical infrastructure in both coastal and inland locations.
- USGS has only a sparse network of six observatory magnetometer stations in CONUS. (Through its Global Seismic Network, USGS also operates three variometer stations in CONUS which are being integrated into Geomagnetism Program operations.)
- Comparison of storm-time magnetometer time series demonstrates that the CONUS observatory network is too sparse - the difference between Fredericksburg, Virginia observatory time series and those from the closest "nearby" station — in Ottawa, Canada (over 800 km away) — can be as much as 100%.
- The Nation needs additional operational magnetometer stations, especially across CONUS, so that geomagnetic and geoelectric hazards can be accurately evaluated and monitored.
- USGS magnetometer operations could be expanded with establishment and operation of a combination of magnetic observatories and variometer stations that are operated at high USGS standards and on an essentially *permanent* basis.

The Nation needs more direct *measuring* of geoelectric field amplitudes and orientations, which are often *estimated* instead based on geomagnetic field data and assumed relationships.

- Yet it is geoelectric fields that actually drive geomagnetically induced currents (GICs) which can impact electric power grids and pipelines; and it is geoelectric field *orientations* (i.e., whether parallel to metal facilities, which act as antennas) that determine actual impacts.
- Geoelectric fields are rarely at right angles (orthogonal) to magnetic fields (as some assume).
- Geomagnetic field data alone may inaccurately estimate geoelectric fields and GICs.

Expansion of ground-based magnetometer (and geoelectric field measurement) monitoring operations seems desirable and would benefit projects of importance for the economy and National security, such as assessing space weather conditions and monitoring magnetic storms, mapping of hazardous geoelectric hazards, enabling directional drilling for oil and gas, and performing aeromagnetic surveys for mineral exploration and geophysical investigation.

- Data from such new CONUS magnetometer stations would substantially improve real-time maps of storm-time geoelectric fields across CONUS (NSWSAP Task 2.5), a collaborative project between the NOAA Space Weather Prediction Center (SWPC) and the USGS Geomagnetism Program. (Priority might go to monitoring in areas that statistical analysis shows can experience high storm-time hazard. USGS found such as areas in the Northern Midwest and the Eastern United States — some being of concern for electricity supplies to some very large cities.)
- Data from such new CONUS stations will contribute to hazard vulnerability evaluation projects of NERC that are mandated by FERC.

Respectfully submitted, *David Jonas Bardin* [davidbardin@aol.com] [6]

[6] Retired member of Arent Fox LLP submitting as individual citizen on my own behalf.

Ms. MCCOLLUM. Thank you. We mentioned with the other panel, you know, their succinct way in which they outlined how we needed to have more funding. And I appreciate the way this panel, and, you, sir, in particular, Mr. Bardin, pointed out that the House had money for some of the projects that we're talking about today. But when Mr. Joyce and I went to conference with the Senate, when we left conference, we had $1.3 billion less than what we left the House with. So it is a challenge. And that is why these hearings today are so important to hear your priorities, to give us some questions to be asking the administration, discussions for us to have amongst ourselves, so that with the dollars that we have, we put forth the most robust budget that that meets the needs of the people here.

I just want to take an observation because we are talking about earth. And in the testimony about earth science and the studying of earth science, most high schools don't even have an earth science class anymore. They might have a climate studies class in which they are talking about climate trends, but that is different and needs to be incorporated into a more robust earth science class. So I was the only girl in my earth science class——

[Laughter.]

And it is something that I have found very useful for me just as taking a biology class or other things like that, because it is the planet we live on. So thank you. As a social studies teacher, I want to thank you for shouting out for earth science because that is where social science and physical science meet each other and other things. So thank you for pointing that out. And I am going to talk to my education colleagues and do some lobbying.

Ms. WHITE. Terrific. Thank you.

Ms. MCCOLLUM. So, Mr. Joyce, thank you for joining us, and I didn't have a question, I had a comment, and so I will turn it over to you and see if there is a question or comment you have.

Mr. JOYCE. None at this time, but thank you very much for the recognition, and I thank Mr. Simpson for helping me out here.

Mrs. WATSON COLEMAN. I am good.

Ms. MCCOLLUM. Okay.

Ms. PINGREE. Can I ask a question?

Ms. MCCOLLUM. Yes. Ms. Pingree.

Ms. PINGREE. Sorry. I will go home and do a little homework. Thank you all for the important work you do. It is obviously under recognized most of the time, but I will do a little homework. But will you just tell me what 3DEP means?

Mr. PALATIELLO. It is 3-Dimension Elevation Program.

Ms. PINGREE. Oh, okay. So——

Mr. PALATIELLO. It is the topographic mapping of the country. It is primarily collected through LIDAR, which is a process where a sensor is mounted in the fuselage an airplane. As it goes along a flight path, it is sending thousands of lasers to the ground, and measuring the time it takes for that laser to leave the airplane, hit the ground, and come back and register with the sensor. And by doing thousands of pulses a second, it goes along and all of a sudden the mountains rise and the valleys fall. And that is how modern topographic mapping is done. So this is a program to do with current topographic mapping of the entire Nation.

Ms. PINGREE. So, what is the range of an airplane? Like is it——

Mr. PALATIELLO. The size of the swath?

Ms. PINGREE. Yeah.

Mr. PALATIELLO. That depends on the altitude of the aircraft, and that will relate to what the scale and resolution of the mapping is that is guys hired.

So the lower it is, the broader the swath, and the higher resolution the data is. The higher the altitude is, the more narrow the swath and the less accurate or larger scale the mapping will be. So what this program does is it did create sort of a common denominator for the accuracy. All the stakeholders were brought together. A study was done and looked at both what was a reasonable budget and what was a scale of mapping that would meet the greatest number of needs. And that is the standard in 3DEP.

Ms. PINGREE. So last question. So the topographic maps that we currently have, we have them, but you are doing like the next sort of digital electronic——

Mr. PALATIELLO. Yes. So you remember the pink and green topographic maps with the contours. This is the next generation. This is the replacement to that, which produces the benefit of being both digital data so it can be used to plot it and manipulate it, and also it can be printed.

Ms. PINGREE. Perfect. Thanks so much.

Mr. PALATIELLO. Thank you.

Ms. MCCOLLUM. I am just going to add on because I think one of the things that you can 3DEP that we can't do with some of the better precision satellites that we have where we can move and position faster, is now we have a full complement. And I think this is very exciting that if we need to look at something, what is happening with a flood plain in a large swath area, we are getting better satellite image to do that. But you can do something that they can't do, and that is, and I know the reason why Minnesota is not mapped is because of our trees.

Ms. PINGREE. Yes——

Ms. MCCOLLUM. No, the reason why they are not mapped is because of our trees, because the satellites can't do what you can do. And if you would explain a little more about what LiDAR can do that the satellites can't do. And this is why they complement each other and it is so exciting. My trees don't get in the way. That is not why I am not mapped.

Mr. PALATIELLO. Well, there are a lot of trees in Maine as well, and you can see Maine is a further along. [Laughter.]

So LiDAR does——

Ms. MCCOLLUM. All right, guys. I have the gavel. [Laughter.]

Minnesota wins.

Mr. PALATIELLO. What LiDAR does is the technology enables the collection of what I described before about the timing and the distance from the sensor to the ground and back. You can do that to the treetop, or you can do it to the bare earth, and that way you can penetrate those tree canopies.

When we used to do mapping with old conventional aerial photography, in Maine, for example, and Minnesota, particularly the northern tier States in the country, particularly those where you had deciduous trees, you could only fly aerial photography mapping

during a time of the year where there is snow. Think about this in Maine. No snow on the ground. The sun is high enough where you don't have long shadows. You can only do it around noon time, I mean, a couple of hours midday, and no leaves on the tree. What is that? That is 3 days in March in Maine? [Laughter.]

I mean, in all seriousness, that was the challenge with conventional aerial photography and photogrammetry. You no longer have those constraints with LiDAR. The other benefit of LiDAR is because you can measure that tree canopy, this is an extraordinary tool in measuring, monitoring, verifying, and validate the effects of climate change. You can measure the biomass, and if we had a program where were doing the country every year, we can go back year by year and saying, well, we are losing 3 percent of our biomass in the country. And we don't have that data now, so we can't define the effects or measure the effects as precisely as we would like, but the technology is there.

Ms. MCCOLLUM. So we have two tools in the toolbox. When we can combine them now, we can get amazing, amazing in-depth and real-time imagery. So it just means we have to be more creative on how we finance both of these types of mapping to go forward because they are both critically important. Mr. Simpson.

Mr. SIMPSON. No, I don't have any questions. I feel like what I have learned here just in the last few minutes is that we have a lot more forestry programs in Minnesota. [Laughter.]

Thank you.

Ms. MCCOLLUM. Good morning, Mr. Stewart. Did you have a question for the panel?

Mr. STEWART. No. Thank you.

Ms. MCCOLLUM. Thank you. Thank you very much. Thank you.

Mr. JOYCE. Madam Chair.

Ms. MCCOLLUM. Yes?

Mr. JOYCE. I think there is somebody at the table who is celebrating today, if I am not mistaken.

Ms. MCCOLLUM. Really?

Mr. JOYCE. There might be a birthday?

Mrs. WATSON COLEMAN. Thank you. [Laughter.]

Ms. MCCOLLUM. I respect you so much, Bonnie, I will not lead "Happy Birthday" in a song. [Laughter.]

I would drive all our witnesses who are ready to approach the table out of the room. I was asked to sing softly many times in grade school.

So, Ranking Member Joyce, what we have been doing to stay on time is we have been having the panels introduce themselves.

Mr. JOYCE. That is great.

Ms. MCCOLLUM. And not counting their introduction time against their testimony time. And we have found that, as you come down in the panelists, right, you don't want to be the one that is running 15 minutes, now it is 20, now it is a half an hour behind. So I want to thank the panels for doing that.

I will probably be leaving during this panel, so after the introductions, Mr. Joyce, Ms. Pingree will be taking the gavel.

Mr. JOYCE. I am used to ladies being in charge on this committee. [Laughter.]

Ms. MCCOLLUM. Thank you. So please start.

THURSDAY, FEBRUARY 6, 2020.

THE CORPS NETWORK

WITNESS

MARY ELLEN SPRENKEL, PRESIDENT AND CEO, THE CORPS NETWORK

Ms. SPRENKEL. Chairwoman McCollum, Ranking Member Joyce, members of the subcommittee, my name is Mary Ellen Sprenkel, and I am the president and CEO of the Corps Network. On behalf of the Corps Network, our 131 member corps, and the 25,000 diverse Corps members they annually engage, thank you for the opportunity to testify before the subcommittee about utilizing service and conservation corps to complete priority projects with the National Park Service and related public land management agencies.

Based on the model and philosophy of the Civilian Conservation Corps of the 1930s, today's corps are locally-based nonprofit organizations that engage young people between the ages of 16 and 30, and recently returned veterans up to age 35, in service projects that address conservation, recreation, disaster response, and community needs. Through a term of service that could last several months to 1 year, corps participants or corps members gain work experience and develop in-demand skills.

Corps members are compensated with a stipend or living allowance, and often receive an educational award or scholarship upon completing their term of service. Additionally, corps provide participants with educational programming, mentoring, access to career and personal counseling, and supportive services. Like the Civilian Conservation Corps, today's corps work with the land management agencies to maintain and improve our natural resources and recreation infrastructure. Last year alone, corps built, improved, or maintained more than 13,000 miles of multiuse trail and waterways, restored 1.4 million acres of wild wildlife and fish habitat, cleared almost 67,000 acres of invasive species, removed 19,000 acres of hazardous fuel, increased access to and utilization of nearly 8,000 recreational facilities, responded to 223 wildfires and other natural disasters, preserved 336 historic structures, and planted almost 1.1 million trees. Further, they leveraged an additional 107,000 volunteers who completed 537,000 service hours valuing more than $13 million.

In addition to traditional natural resource work, many corps participate in projects to preserve America's historic and cultural resources. Six years ago, the Corps Network partnered with the Historic Trust for Historic Preservation to develop the Hope Crew Model, and under this model traditional corps crews work side by side with a historic preservation expert to refurbish and maintain historic structures and facilities. Several hundred projects have been completed in the years since. Through these projects, corps members not only develop a sense of connection to our country's history, but learn marketable job skills.

Regardless of the type of project, land managers find corps to be cost effective and capable of producing high-quality work. The Na-

tional Park Service commissioned an independent study by Booz Allen Hamilton, which found that corps can save up to 87 percent on certain maintenance projects. In addition, in regular surveys, virtually all Federal partners report being highly satisfied with the project work and say they would work with a corps again.

With over $19 billion in deferred maintenance on Federal lands, we need to harness America's growing enthusiasm for the great outdoors and engage more people in service and volunteerism on public lands. One obvious strategy is to engage and bring to scale the existing network of corps to start tackling a variety of deferred maintenance projects already identified by the Restore Our Parks Project, which we will hear more about in a moment.

The National Park Service relies on several funding streams to engage corps in this work. Therefore, we respectfully request that you support funding increases that directly address deferred maintenance needs within the National Park System. Specifically, we request strong funding levels for the repair and rehabilitation, cyclic maintenance, and line item construction accounts. In addition, we also request robust funding for similar accounts of other land management agencies under your jurisdiction, including the U.S. Forest Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service.

Corps have long been cost-effective partners of Federal land management agencies, and have been working to generate excitement and new ways to engage youth and veterans in outdoor service, while helping to accomplish much-needed project work. The time has come to seriously consider corps as an essential part of any plan to tackle deferred maintenance and usher in future stewards and champions of our natural treasures.

Thank you for the opportunity to testify, and I welcome any questions.

[The statement of Ms. Sprenkel follows:]



www.corpsnetwork.org

Testimony of Mary Ellen Sprenkel, President & CEO of The Corps Network
Interior Appropriations Subcommittee on FY21 Interior & US Forest Service Appropriations

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee,

My name is Mary Ellen Sprenkel and I am President and CEO of The Corps Network. On behalf of The Corps Network, our 131 member Corps, and the 25,000 Corpsmembers they annually engage, thank you for the opportunity to testify before the subcommittee about utilizing Service and Conservation Corps to complete priority projects of the National Park Service and related public land management agencies.

Corps are locally-based non-profit organizations that engage young adults (generally ages 16 – 30) and veterans (up to age 35) in service projects that address recreation, conservation, disaster response, and community needs. Through a term of service that could last from a few months to a year, Corps participants – or "Corpsmembers" – gain work experience and develop in-demand skills. Corpsmembers are compensated with a stipend or living allowance and often receive an education award or scholarship upon completing their service. Additionally, Corps provide participants educational programming, mentoring, and access to career and personal counseling.

Corps History and Background
As far back as the 1930s, Conservation Corps have been helping the federal land management agencies complete important and necessary projects in a high quality and cost-effective manner. The Civilian Conservation Corps (CCC) enrolled approximately 3 million young men from 1933-1942; built more than 125,000 miles of roads, 47,000 bridges, 318,000 dams, and 3,000 fire towers; planted nearly 3 billion trees; and developed more than 3 million acres for public use in 854 state and 94 national parks. The CCC was disbanded in 1942.

Today's 21st Century Conservation Service Corps continue to work with land management agencies to maintain and improve our natural resource and recreation infrastructure.

Last year alone, Corps engaged over 25,000 youth and veterans in conservation-related service in all 50 states and DC, Puerto Rico, and American Samoa. For example, in FY19 Corps built, improved, or maintained 13,317 miles of multi-use trails and waterways; restored 1.4 million acres of wildlife and fish habitat; cleared 66,929 acres of invasive species; removed 19,405 acres of hazardous fuels; increased access to and utilization of 7,914 recreational facilities; responded to 223 wildfires and other natural disasters; preserved 336 historic structures, and planted almost 1.1 million trees. Further, they leveraged an additional 107,000 volunteers who completed 537,879 service hours valuing over $13.6 million dollars.[1]

The Process of Public Private Partnerships
In 1993, Congress passed the Public Lands Corps Act (PLCA) to provide the Departments of Agriculture (USDA) and Interior (DOI) with the authority to utilize contracts and cooperative agreements to engage Corps on conservation and infrastructure projects on public lands. The vast

[1] Value of Volunteer Time, Independent Sector, https://independentsector.org/value-of-volunteer-time-2018/

majority of project work is done through cooperative agreements and as required by law, all Public Lands Corps (PLC) projects must have a "long-term public benefit."

Congress recently updated the PLCA with the John S. McCain III 21st Century Conservation Service Corps Act (21CSC Act), which passed in 2019 as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act.

This update also established a Resource Assistants Program (RAP), through which the DOI and the USDA can engage diverse Corpsmembers, who are in college or have graduated from college, in individual placement or intern positions to assist with more technical projects and needs. RAP members are eligible for direct hire by DOI and USDA.

Land managers find Corps to be cost-effective and capable of producing high quality work. The NPS commissioned an independent study by Booz-Allen-Hamilton which found that Corps can save up to 87 percent on certain maintenance projects[2]. In addition, in regular surveys, virtually all federal project partners (99.6 percent) report being highly satisfied with the project work and say they would work with Corps again.

Expanding the Role of Corps to Meet Public Land Management & Workforce Goals
When Congress established the Public Land Corps, they found three things:1) that a lot of labor intensive work was needed to restore our public facilities and natural resources; 2) that partnering with Corps had proven such work could get done in a cost effective and efficient manner; and 3) that using Corps to enhance and maintain our natural and cultural resources came with tremendous benefits to the young men and women who carried out the work

With over $19 billion in deferred maintenance on federal lands, we need to harness America's growing enthusiasm for the great outdoors and engage more people in service and volunteerism on public lands. One obvious strategy is to engage and bring to scale the existing network of Corps to start tackling a variety of deferred maintenance categories[3] already identified by the Restore Our Parks project. This includes $462 million in trail projects, $612 million needed in landscape projects including cultural, natural, and recreation spaces; $32 million in park boundary projects like signage and fencing; and $31 million in trail bridge work. Those are just a few project categories from the National Park System's backlog and well within the capacity of our existing network of Conservation Corps programs.

During a term of service, Corpsmembers gain important skills in communications, problem solving, and time management, while also gaining industry-recognized credentials in areas including chainsaw operation, wildfire response (also known as earning their Red Card), and wilderness first aid. Corpsmembers are put on a career pathway and gain a broad set of work-based experiences that prepare them for public or private sector employment, or future entrepreneurial endeavors.

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[2] Conservation Corps Project Analysis, Fall 2012, Booz Allen Hamilton commissioned via NPS, https://corpsnetwork.org/wp-content/uploads/2012/07/NPS-PFMD-Conservation-Corps-Project-Analysis-FINALv2.pdf
[3] National Park Deferred Maintenance Needs, A data visualization from The Pew Charitable Trusts, https://www.pewtrusts.org/en/research-and-analysis/data-visualizations/2018/national-park-deferred-maintenance-needs



The CorpsNetwork
Strengthening America through service and conservation

www.corpsnetwork.org

Historic Preservation
In addition to traditional natural resource work, many Corps participate in projects to preserve America's historic and cultural resources. One recent example of expanded use of Corps by the NPS to complete needed maintenance is in the field of historic preservation. Six years ago, TCN partnered with the National Trust for Historic Preservation to form HOPE (Hands on Preservation Experience) Crew, consisting of a traditional Corps crew alongside a historic preservation craft expert to teach and train the crew. Several hundred projects have been completed in the years since.

Corpsmembers have worked on projects at such sites as Grand Teton National Park, Sagamore Hill National Historic Site, Gateway National Recreation Area, and many others. Through these projects, Corpsmembers not only develop a sense of connection to our country's history but learn marketable job skills.

More recently, to build a career track in traditional preservation craft, TCN members have partnered with the NPS Historic Preservation Training Center (HPTC) to place young people in apprentice-level preservation work on needed deferred preservation maintenance projects in the parks. Program participants complete an intensive two-week basic training in historic preservation fundamentals and introductory craft construction skills. Those skills are put to work using tools and materials common in the preservation of older buildings and structures over the next five to six months following their training.

FY21 Appropriations Request
With the passage of the 21st Century Conservation Service Corps (21CSC) as part of the Natural Resources Management Act of 2019, Congress recognized the need to increase the utilization of Corps to address backlogged conservation, recreation, forestry, and infrastructure projects on our public lands.

The National Park Service relies on several funding streams to engage Corps in this work. Therefore, we respectfully request that you support funding increases that directly address deferred maintenance needs within the Operation of the National Park System (ONPS) and Construction accounts in FY21. Specifically, we request strong funding levels for the Repair and Rehabilitation, Cyclic Maintenance and Line Item Construction accounts.

In addition, we also request robust funding increases to similar accounts of other land management agencies under your jurisdiction including the U.S. Forest Service, Bureau of Land Management, and the U.S. Fish and Wildlife Service.

These specific accounts are the main funding sources for Corps partnerships.

Corps also partner with both DOI and USFS to address wildfire remediation needs, and more specifically to help with hazardous fuels and invasive species reduction, which is a major need to prevent larger and more deadly fires. We appreciate the committee's bipartisan efforts the three previous fiscal years to ensure these accounts remain intact despite Administration budget proposals to cut many of these important programs.



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Closing Remarks
Corps have long been cost-effective partners of federal land management agencies and have been working to generate excitement and new ways to engage youth and veterans in outdoor service while helping to accomplish much-needed project work. The time has come to seriously consider Corps as an essential part of any plan to tackle deferred maintenance and usher in future stewards and champions of our national treasures.

Thank you again for the chance to provide testimony. We hope the Committee will help us continue to take advantage of every opportunity to promote 21st Century Conservation Service Corps as a preferred and capable solution to meet the challenges facing our parks and public lands.

Thank you for your time and consideration.

Mary Ellen Sprenkel

Mary Ellen Sprenkel
President & CEO

Ms. PINGREE [presiding]. Thank you. Ms. Brengel.

THURSDAY, FEBRUARY 6, 2020.

NATIONAL PARKS CONSERVATION ASSOCIATION

WITNESS

KRISTEN BRENGEL, SENIOR VICE PRESIDENT OF GOVERNMENT AFFAIRS, NATIONAL PARKS CONSERVATION ASSOCIATION

Ms. BRENGEL. Yes. Thank you so much for having me. My name is Kristen Brengle. I am the vice chair of government affairs for the National Parks Conservation Association. I want to thank Ranking Member Joyce and members of the subcommittee for giving us the opportunity to testify today. We are grateful for the work that all of you do on behalf of the national parks. In fact, this committee is full of park champions that we are thrilled about. Ranking Member Joyce, I want to thank you in particular for your work on the Great Lakes, pollution, invasive species, all of the issues up there. It has been great working with you and your staff.

We truly appreciate all the subcommittee does for parks given scarce funding. As the chair pointed out earlier, the overall budget is tough to work with. In particular, we want to thank you for the land and water conservation funding last year. It was particularly impressive.

So I am here to share some concerns that we have about the current state of our national parks and our worries about the staff who protect them. We are hearing and seeing the following. Morale is low. This is due to weakening policies, a looming reorganization, and a lack of leadership. In fact, as some of you may know, 10 of the 16 senior park service positions that oversee critical departments, including operations, interpretation, visitor, and resource protection, and even the acting National Park Service director, are either vacant or without a permanent leader. Second, many parks are suffering unrepaired damage, as my colleague pointed out to the right, and the effects of climate change. The other issue and, Ms. Pingree, you know this very well, some of our popular parks are completely overcrowded, including Acadia, which I was just there. Beautiful. [Laughter.]

And this can lead to resource harm. The other issue is conservation, is taking a backseat to development outside of their borders. This is due to rampant drilling and mining, proposals which this committee is very well aware of. And specifically we thank you for Chaco, for the language on Chaco Cultural.

In the last 3 years, NPCA has documented 112 administrative actions that erode protections for waterways, wildlife, visitor experiences, air quality, and quality of life for staff. The consequences of these actions could be felt for generations. We appreciate the committee's willingness to consider some of these issues as you deliberate the bill.

To dive specifically into the National Parks Service budget, park operations and deferred maintenance are our highest funding priorities. One of the largest challenges facing park superintendents is operating budgets insufficient to prevent the reduction of personnel. One superintendent recently reported uncontrollable fixed

costs of more than 5 percent. This will no doubt result in fewer staff. One area where the staff shortage becomes a major issue is with the huge influx of visitors to many popular parks. With inadequate staff, national parks are getting crushed.

Joshua Tree, for example, no longer has an off season. There are just tons of people there through the year. In 2018, there were 1.6 million more visitors than a decade prior, similar to Zion and other parks in Utah. That 125 percent increase in visitation was coupled by a 31 percent erosion of base staffing levels. As an example, a Joshua Tree ranger was making sure cars weren't parking on the side of the road, crushing vegetation. When asked the range what his job actually was, he said he was on the trail crew. Because he was dealing with so many visitors, he couldn't work on the trail. This means less maintenance. The lack of operations funding has a ripple effect.

Now getting to the deferred maintenance backlog, it is one of our highest priorities, and my colleague at Pew next to me is going to testify in greater detail on this important issue. But one example to point out is Great Sand Dunes. Some of the pressing projects are very connected to visitors. The visitor center roof, re-roofing of the comfort stations, and rehabilitation of campgrounds, these are just some of the thousands of examples that there are cross the park system. We are working on other funding sources, including the bill that Mr. Kilmer is leading, the Restore Our Parks and Public Lands Act. We are thankful for that bill, and we appreciate all the co-sponsors here. We hope that it gets signed into law this year, but we still need this committee to focus on deferred maintenance and routine maintenance as we look at the budget.

I should note a huge thanks for the Centennial Challenge funding, which also helps with the maintenance backlog and great programs; National Heritage Area funding, which is also a wonderful program; Endangered Species Act funding, and, course, the EPA's geographic programs in last year's bill.

As I mentioned earlier, we are alarmed by the impacts of climate change. We must ensure the Park Service has the resources and guidance they need to monitor climate change impacts to the parks, and utilize the best available science to help parks adapt to climate change. We can reduce repair costs if parks have the funds they need to be resilient from the start. On another topic, we appreciate your oversight on the Interior Department's reorganization. We are concerned not just about the BLM move, but the potential for a larger initiative to harm management and stewardship of our parks. We don't want the reorganization to undermine the Park Service's conservation-driven work or the morale of Park staff. We commend the oversight and the report language on this. We are also happy that you were able to secure statutory reprogramming language, which ensures greater oversight of the administration, and reaffirms the role and powers of the appropriators. This time last year, our parks were recovering from a shutdown made worse by the Administration's use of fees to keep parks open to harm. So we are grateful for your work on the issue and hope we can identify more opportunities for your engagement. Thank you so much.

[The statement of Ms. Brengel follows:]

Statement of Kristen Brengel,
Senior Vice President of Government Affairs, National Parks Conservation Association
Before the Appropriations Subcommittee on Interior, Environment and Related Agencies
February 6, 2020

Chairman McCollum, Ranking Member Joyce and members of the subcommittee, thank you for the opportunity to testify on behalf of National Parks Conservation Association (NPCA). Founded in 1919, NPCA is the leading national, independent voice for protecting and enhancing America's National Park System for present and future generations. We appreciate the opportunity to provide our views regarding the National Park Service (NPS) FY21 budget and funding and related issues facing our national parks this year.

We recognize that the subcommittee's allocation has been limited, so in this context NPCA and our partners in the National Parks Second Century Action Coalition commend and appreciate the efforts you have made to increase NPS funding over the last seven years. These funds have supported staffing to protect and interpret resources, steward our parks and ensure a quality visiting experience. Our parks are unfortunately struggling to meet their mission, so we ask you to do your best to build on this support in FY21.

As members of the committee know, investing in our national parks does not just preserve our cultural and natural heritage, but is also a wise investment. National parks deliver robust economic returns, with $10 in economic benefits for every dollar invested in the NPS. In 2018, visitors spent more than $20 billion in gateway communities. The contribution of this spending to the national economy was 329,000 jobs and $40.1 billion in economic output. The national economy is stimulated when the businesses and employees that benefit from visitor spending in turn purchase goods and services from others.

Top three FY21 Priorities: NPCA requests increased funding for the National Park Service with a focus on these accounts:

1. NPS Operations: Increase the account by $94 million above FY20 to $2.671 billion to address staffing challenges and other operational needs.
2. Construction: Restore this account to $439 million, a $50 million increase over FY20, which would help address repair projects within the deferred maintenance backlog.
3. National Park Partnerships: Increase the Centennial Challenge by $8 million over FY20 to $23 million, to leverage nonfederal dollars to improve the visiting experience in parks across the country.

The Interior 302(b) allocation: We regret that the subcommittee's allocation has been significantly limited by the Budget Control Act of 2011, and we know that this year the cap adjustment is relatively modest, so will limit your ability to invest in the many priorities under your jurisdiction. We hope that the expiration of this problematic law will allow the Interior subcommittee to receive the funds it needs in the years ahead to bolster our parks; we will do our best to convey to congressional leadership and the full committee the importance of a more substantial allocation for this subcommittee.

Operation of the National Park System: We recognize the increases you have provided for park operations over the years but we are dismayed that more is needed and operating our national parks will continue to be a struggle for superintendents without a more robust investment in FY21 and the

years ahead. As this subcommittee recognized in its FY20 bill, staffing remains one of the largest challenges facing park superintendents who are struggling to operate their parks at flat or modestly increased budgets that are insufficient to prevent the erosion of personnel. Between 2011 and 2018, park visitation increased by 11% but staffing was reduced by 11%; we expect finalized 2019 staffing numbers to be lower.

The 3% increase for park operations in FY20 will be helpful, and we know that a more sustained investment is needed, in part because of the significant impact of inflation and uncontrollable fixed costs. For example, one superintendent reported to us that while they were not yet sure of what their base budget would ultimately be in FY20, they must adjust for a 3.1% salary increase and 2.5% benefits increase, which is fantastic for employees but is among the challenging fixed costs when base budgets do not get significant increases.

We also respectfully request broad investments in park operations to address the many operating needs beyond maintenance. While the maintenance backlog is one of our highest funding priorities, we do not want a focus on the backlog to cause other needed work to fall further behind. Interpretation and education need updating, while cultural resource experts, wildlife biologists, law enforcement and other personnel needs continue to lag. We appreciate that appropriators were able to increase park operations by $94 million in FY16, so we ask for this same increase next fiscal year.

Construction/ deferred maintenance backlog: NPCA requests a $50 million increase for this account in FY21, which is the average increase appropriators provided over the last five fiscal years. We appreciate the years of investment in the park service deferred maintenance backlog through both the repair and rehabilitation subaccount within Operations and the construction account. Recent investments in line-item construction projects are helping meet needs at the Arlington Memorial Bridge and the potable water system at the South Rim of the Grand Canyon. Funding in FY20 will address safety and stability issues at the Statue of Liberty and Ellis Island, preserve the Carver Museum at the Tuskegee Institute National Historical Site, improve the visitor center at Curecanti National Recreation Area, and much more. Projects in need of funding in FY21 include repairing the Cape Hatteras Lighthouse at Cape Hatteras National Seashore, replacing obsolete employee housing at Pipe Spring National Monument, and replacing obsolete trailers with multiplex housing at Yellowstone National Park.

For your information, we are also urging the Transportation, Housing and Urban Development subcommittee to fund the Nationally Significant Federal Lands and Tribal Projects Program at the fully authorized $100 million. The program funds large transportation infrastructure projects for parks and other federal lands, and tribal lands. Half of the nearly $12 billion NPS backlog is comprised of transportation projects.

Centennial Challenge: We commend this subcommittee for its continued support for this important program that provides federal funds to match private and philanthropic funds for projects to improve the visitor experience. Oftentimes, the federal investment leverages more than a one-to-one match in private dollars. Recent signature projects include addressing deferred maintenance at the historic Hammond-Cranz farm in Cuyahoga Valley National Park and supporting Native American recreational programming at Glen Canyon National Recreation Area. Many more philanthropic opportunities await, so we hope the subcommittee can increase funding for this successful program that enjoys strong bipartisan support.

While our request for FY21 is focused on these accounts, there are many more areas of park funding that concern us.

The 2018-2019 government shutdown and fee dollars: We were grateful that members of this subcommittee and its Senate counterparts were among many members of Congress who were deeply concerned about keeping parks open during the most recent shutdown. The shutdown was extremely damaging for national parks, their visitors, partner groups, park staff and businesses. It was made worse than recent shutdowns not only because of its extended duration, but also because of the administration's decision to use fee dollars to keep some parks open. This approach proved to be irresponsible, reckless, and illegal. Parks experienced vandalism, looting, damage to fragile natural resources, threats to wildlife and visitor safety and much more. We hope the Government Accountability Office finding that the Department of the Interior (DOI) acted illegally with this approach will prevent this from happening again. However, there is no indication the administration will respect the finding, so we urge this subcommittee to provide the oversight necessary to prevent this misuse of fees. As you know, the shutdown was not the only instance of the administration inappropriately using fee accounts as its slush fund. The appropriations process is an appropriate opportunity to exercise this needed oversight, so we ask you to consider bill language clarifying the Federal Lands Recreation Enhancement Act.

Endangered Species Act (ESA) funding: National parks provide habitat for over 600 threatened and endangered species listed under ESA. Park managers work with the U.S. Fish and Wildlife Service (USFWS) to ensure these species are on the path to recovery. Unfortunately, ESA programs have been inadequately funded for years, leading to delays in listing and insufficient investments in species recovery. We appreciate the committee's efforts to increase FY20 funding for the suite of ESA programs within USFWS, including recovery initiatives, listing, and planning and consultation, and were disappointed to see the final bill did not match the House numbers. We urge the committee to continue to make significant investments in the protection and recovery of our most vulnerable species, including fish, wildlife and plants in our national parks.

Ensuring watershed health: The health and long-term protection of our national parks is also contingent on continuing strong investments in critical watershed protection and restoration programs. NPCA strongly supports Environmental Protection Agency and USFWS programs that restore watersheds essential to the wetlands, rivers, streams, and bays that flow in and around our parks. We applaud the committee for its past commitment and urge its continued support for the efforts of the Great Lakes Restoration Initiative, the Chesapeake Bay Program, Delaware River Restoration Program and the South Florida Program.

National Heritage Areas (NHAs): NPCA commends the $1.6 million funding increase the FY20 budget provided for the NHA program. The increase covered the costs associated with standing up the six new NHAs designated by Congress with passage of the John S. Dingell Conservation Act in March 2019. Looking to the FY21 budget, NPCA requests the funding level for the NHA program be set at $32 million, which will allow these highly effective public-private partnerships to adequately serve the needs of their constituents and partners.

The Land and Water Conservation Fund (LWCF): Development within park lands remains a significant threat, so we commend this subcommittee's increase for the federal LWCF program in FY20. This will protect critical land parcels at Cumberland Island National Seashore, Petersburg National Battlefield, Theodore Roosevelt National Park and other treasured places. We hope the committee can at a minimum maintain this level of funding in FY21.

Dedicated maintenance backlog and LWCF funding: We continue to urge Congress to recognize that a more realistic long-term solution is needed to address the maintenance backlog. We respectfully ask members of this subcommittee to build on their work to address this challenge by urging leadership to bring to the floor the Restore Our Parks and Public Lands Act (H.R. 1225). We fully support this bill being brought to the floor along with the Land and Water Conservation Fund Permanent Funding Act, H.R. 3195. Both are needed to better protect and preserve our parks and provide visitors with inspiring experiences.

The southern border wall and border enforcement: We are alarmed by the construction of the border wall, which threatens communities and wildlife across the southern border region. New border wall is currently under construction at Organ Pipe Cactus National Monument in Arizona using funding from the Department of Defense drug interdiction funding. The damage to the natural and cultural landscape at Organ Pipe is already significant and could well be irreversible. We were deeply disappointed the FY20 bill did nothing to stop this construction or mitigate the damage and that Congress failed to prevent similar projects from moving forward at public lands across the border region. We urge the FY21 appropriations process put a stop to this damaging construction project. NPCA is also concerned the administration will transfer funding from park operations to border enforcement efforts, further depleting needed funds from parks around the system without congressional guidance or direction.

Reprogramming language and DOI reorganization: NPCA remains concerned with the administration's initiative to reorganize DOI and we commend the committee's attention to this issue. We do not want reorganization to undermine NPS' conservation-driven work or the morale of NPS personnel, so your continuing oversight is appreciated. We were very grateful that the FY20 bill did not provide any funding increases though disappointed that the continuation of prior year funding has allowed the Bureau of Land Management (BLM) to continue moving staff west. This action threatens to gut the agency, undermine staff morale, reduce staff expertise and lead to more leasing and other decisions on BLM lands that impact resource protection in adjacent parks. We commend the inclusion of reprogramming language in the final FY21 bill and the report language directing monthly updates. We hope this will reduce the potential harm of the reorganization and ask that you share information gleaned through these reports with the public, as a major challenge with the reorganization has been the administration's lack of transparency.

Policy riders and amendments: We continue to oppose environmentally damaging riders on appropriations bills so we were grateful the final FY20 bill was largely free of these riders. However, we are disappointed that legacy riders were included in the FY20 bill that undermine efforts to address climate change. We ask that the FY21 bill be free of new riders and remove these harmful legacy riders.

In conclusion: We recognize the subcommittee's constrained allocation, and thus commend the recent funding increases for NPS and commitment to our parks' conservation and preservation mission. We respectfully request the best funding level possible for NPS in FY21 to help the agency recover from underfunding. Further, we appreciate your work to prevent environmentally-damaging policy riders. We also appreciate your oversight over the administration's use of fees and its reorganization and hope that the FY21 bill can continue this oversight.

Thank you for the opportunity to testify.

Ms. PINGREE. Rebecca, tell me how to say your last name.
Ms. KNUFFKE. Knuffke.
Ms. PINGREE. Knuffke. Thank you so much.
Ms. KNUFFKE. Thank you.

THURSDAY, FEBRUARY 6, 2020.

RESTORE AMERICA'S PARKS, THE PEW CHARITABLE TRUSTS

WITNESS

REBECCA KNUFFKE, OFFICER, RESTORE AMERICA'S PARKS, THE PEW CHARITABLE TRUSTS

Ms. KNUFFKE. So good morning, Ranking Member Joyce and members of the subcommittee. I am Rebecca Knuffke, officer at the Pew Charitable Trust Restore America's Parks Campaign. And thank you for the opportunity to testify today.

The Pew Charitable Trusts applies a rigorous analytical approach to improve public policy, inform the public, and invigorate civic life. The Restore America's Parks Campaign seeks to conserve the national assets of the National Park System by providing commonsense long-term solutions to its multibillion dollar repair backlog. The National Park Service is responsible for managing and maintaining more than 400 nationally-significant sites in all 50 States and several territories. These park units document the remarkable people, heritage, and the places that comprise the ongoing story of America.

Unfortunately, our 100-plus year old National Park Service has an aging infrastructure that is deteriorating. Compounding this challenge are visitation pressures on park resources. The National Park Service recorded over 318 million visits in 2018 and years of inadequate funding for maintenance needs.

The Park Service is not able to keep up with the pace of repairs for assets that include over 5,000 miles of paved roads, nearly 1,500 bridges, 18,000 miles of trails, more than 28,000 buildings, including historic structures, employee housing, over 2,000 sewage systems, and other facilities, such as battlefields, campgrounds, interpretive facilities, and monuments and memorials. As a result, the Agency must triage repair needs, and it has a backlog of deferred maintenance that is estimated to be $11.9 billion based on 2018 data.

Drawing down a maintenance backlog that has accrued over decades requires a combined approach, one that includes robust annual appropriations funding, dedicated funding, and policy reforms to leverage technology and increased efficiencies. Adequate discretionary investment is essential for NPS to keep up with the maintenance needs, over three-quarters of which are priority projects. Pew commends the subcommittee for providing increases for NPS deferred maintenance in recent years, and we respectfully urge you to build on the support in Fiscal Year 2021 as there still is a substantial gap between NPS discretionary funding and what the Agency needs to address its priority projects repairs.

Specifically, within the operation of the National Park System and construction appropriations, Pew urges the subcommittee to

maximize allocations for repair and rehab, cyclic maintenance, and line item construction accounts. These accounts provide the bulk of the necessary funding for the Park Service to undertake maintenance that will keep our national parks accessible to the public and safe. Funding for planning and adequate staffing capacity, as Kristen mentioned, are also critical to the execution of repair and maintenance needs, and we ask that these accounts be funded as robustly as possible.

Further, we urge the allocation of $4 million for employee housing to help expedite correcting the dilapidated state of ranger housing. According to NPS, deferred maintenance for employee housing totaled more than $186 million in Fiscal Year 2018, yet the Agency received only $2.2 million that year for the housing improvement program. Another important program that my colleagues have also mentioned, the Centennial Challenge program, which matches Federal dollars with private donations and directs the monies towards priority deferred maintenance projects and other park programs. This has the potential to leverage even more funding, and by raising the annual appropriations from $20 million to $30 million, Federal dollars could encourage more partner and private donations, facilitating the repair of even more park infrastructure.

Dedicated funding is also an important way to draw down the backlog, and the Restore Our Parks and Public Lands Act, and thanks again to Representative Kilmer for his leadership on this bill, and also Congressman Bishop here in the House, and the companion Restore Our Parks Act sponsored by Senators Portman, Warner, Alexander, and King in the Senate, would direct over $6 billion of Federal agency energy development revenue to tackle park repairs over a 5-year period. This dedicated funding source would provide consistent, reliable funding to enable NPS to better plan for complicated large-scale project repairs. If enacted, this bipartisan, widely-supported legislation, endorsed by over three-quarters of the House, half of the Senate, the Administration, and 82 percent of the American public, would provide NPS the resources to help tackle its highest priority repairs. The intent of the legislation is not to supplant annual appropriations, however, which are needed to ensure that NPS can do current maintenance work needed to prevent the repairs from escalating and becoming more expensive over time.

In conclusion, fixing our parks has overwhelming support from Congress and the American public. To be successful, NPS needs robust annual appropriations and dedicated funding, and we appreciate the discretionary increases in park maintenance accounts over the past several years, and encourage the subcommittee to continue to build on that investment. Thank you for your consideration of Pew's request and for your continued support of our national parks. And, Chairwoman McCollum, I will just add that it comes to me through my family. My stepmother was a Park Service superintendent at Voyageurs National Park in your beautiful State. So thank you again.

[The statement of Ms. Knuffke follows:]

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Statement of Rebecca Knuffke, Officer, Restore America's Parks, The Pew Charitable Trusts to the Appropriations Subcommittee on Interior, Environment and Related Agencies
February 6, 2020

Chairman McCollum, Ranking Member Joyce, and Members of the Subcommittee, thank you for the opportunity to testify on behalf of The Pew Charitable Trusts' Restore America's Parks initiative.

The Pew Charitable Trusts (Pew) applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life. The Restore America's Parks campaign seeks to conserve the natural and cultural assets of the National Park System by providing common sense, long-term solutions to its multi-billion dollar repair backlog.

Overview of the National Park Service Repair Backlog – Overview
The National Park Service (NPS) is responsible for managing and maintaining more than 400 nationally significant sites in all 50 states and several territories. These park units document the remarkable people, heritage, and the places that comprise the ongoing story of America.

Unfortunately, our 100-plus year old NPS has aging infrastructure that is deteriorating. Compounding this challenge are visitation pressures on park resources—NPS recorded over 318 million visits in 2018—and years of inadequate funding for maintenance needs. The Park Service is not able to keep up with the pace of repairs for assets that include: over 5,000 miles of paved roads; nearly 1,500 bridges; 18,000 miles of trails; more than 28,000 buildings including historic structures and employee housing; over 2,000 sewage systems; and other facilities such as battlefields, campgrounds, interpretive facilities, and monuments and memorials. As a result, the agency must triage repair needs and it has a backlog of deferred maintenance that is estimated at $11.9 billion (based on FY2018 data).

Drawing down a maintenance backlog that has accrued over decades requires a combined approach—one that includes robust annual appropriations funding, dedicated funding, and policy reforms to leverage technology and increase efficiencies.

Annual Appropriations
Adequate discretionary investment is essential for NPS to keep up with maintenance needs, over three-quarters of which are priority projects. Pew commends the Subcommittee for providing increases for NPS deferred maintenance in recent years. We respectfully urge you to build on this support in FY2021, as there is still a substantial gap between NPS discretionary funding and what it needs to address its priority repair projects.

Specifically, within the Operation of the National Park System (ONPS) and Construction appropriations, Pew urges the Subcommittee to maximize allocations for the Repair and

Rehabilitation, Cyclic Maintenance and Line Item Construction accounts. These accounts provide the bulk of the necessary funding for the Park Service to undertake maintenance that will keep our national parks accessible to the public and safe. Funding for planning and adequate staff capacity are also critical to the execution of repair and maintenance projects. We ask that these accounts be funded as robustly as possible.

Further, we urge an allocation of $4 million for employee housing to help expedite correcting the dilapidated state of ranger housing. According to NPS, deferred maintenance for employee housing totaled more than $186 million in fiscal year 2018, yet the agency received only $2.2 million that year for its Housing Improvement Program.

Another important program, the Centennial Challenge, which matches federal dollars with private donations and directs the monies toward priority deferred maintenance projects and other park programs, has the potential to leverage even more funding. By raising the annual appropriations from $20 million to $30 million, federal dollars could encourage more partner and private donations, facilitating the repair of even more park infrastructure.

Dedicated Funding Legislation --Restore Our Parks Act

The Restore Our Parks and Public Lands Act (H.R. 1225), sponsored by Reps. Bishop and Kilmer in the House, and the companion Restore Our Parks Act sponsored by Sens. Portman, Warner, Alexander, and King in the Senate (S. 500), would direct over six billion dollars of federal energy development revenue to tackle park repairs over a five-year period. This dedicated source of funding would provide consistent, reliable funding to enable NPS to better plan for complicated, large-scale repair projects. If enacted, this bipartisan, widely-supported legislation—endorsed by over ¾ of the House, ½ the Senate, the Administration, and 82% of the public—would provide NPS the resources to help tackle its highest priority repairs. The intent of the legislation is not to supplant annual appropriations, however, which are needed to ensure NPS can do current maintenance work needed to prevent repairs from escalating and becoming more expensive over time.

Conclusion

Fixing our parks has overwhelming support from Congress and the American public. To be successful, NPS needs robust annual appropriations and dedicated funding. We appreciate the discretionary increases in park maintenance accounts over the past several years and encourage the Subcommittee to continue to build on that investment.

Thank you for your consideration of Pew's requests and for your continued support of our national parks.

THURSDAY, FEBRUARY 6, 2020.

NATIONAL TRUST FOR HISTORIC PRESERVATION

WITNESS

TOM CASSIDY, VICE PRESIDENT FOR GOVERNMENT RELATIONS AND POLICY, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. CASSIDY. Okay. Chair McCollum, Ranking Member Joyce, and members of the subcommittee, I appreciate this opportunity to present the National Trust testimony. My name is Tom Cassidy. I am the vice president of government relations. The National Trust is a privately-funded nonprofit chartered by Congress in 1949. We work to save America's historic places to enrich our future. And this is the line I have been practicing, and it is the best line I have ever delivered in this room. [Laughter.]

Thank you for creating and enacting last year's bill. It was the most preservation-friendly appropriations bill in the history of the republic, both for its historic funding levels and also for policy directions throughout the report. Thank you. We are confident that this subcommittee will continue its robust support for funding for programs within your jurisdiction. My written testimony includes recommendations on a variety of reports, as did our best-selling report from last year now in production for this year.

Let's start with the third successive year of record funding for the Historic Preservation Fund. Last year's level of $118.6 million represents a 46 percent increase from Fiscal Year 2017 levels. HBF funding supports fundamental preservation activities provided by State and tribal preservation officers, including survey, nomination of properties to the National Register, and project reviews required for historic tax credit projects. Among many highlights within the competitive grants programs, we would like to emphasize the committee's $15-and-a-half million appropriation for the successful African-American Civil Rights Program and the new $2-and-a-half million program to preserve and highlight sites and stories associated with securing civil rights for all Americans, including women, American Latino, Native American, and LGBTQ Americans. This subcommittee made that happen. Thank you. And this really promises to be a lasting legacy to recognize the sights and stories that tell our fullest and most inclusive history. And, of course, our national stories also benefit from your strong commitment to increased funding for Save America's Treasures.

In terms of National Park Service and the operation of the Park System, a small, but important, increase last year within resource stewardship was $1 million for the African-American Civil Rights Reconstruction Era and other networks. We urge an increase for these programs this year, including language that would make some of these funds available for grants to network sites. We have had a lot of discussion about in NPS deferred maintenance, so I will try to shorten this area. But this committee has been a champion of tackling this program, and of the $12 billion DM backlog, 47 percent of that is attributed to historic assets.

We have for years really focused on the repair and rehab and the cyclical maintenance programs. Marginal increases in these accounts are spread out throughout the system. They form the basis

to fund core network projects and crew projects, so we would just really emphasize sustained investment in these. They are not high profile. Cyclical maintenance is not like a line item construction project, but it has broad-based impact throughout the system. And we also strongly support the creation of a reliable dedicated funding source. Thank you, Mr. Kilmer, for your sponsorship of that, and Mr. Bishop. And everybody here is a co-sponsor, so thank you for that.

In terms of the Park Service cultural programs, thank you for your attention to the Agency's proposed revisions of procedures for listing projects on the National Register, and language calling for the agency to withdraw its proposed rule and consult with stakeholders. We are monitoring the situation closely, but remain concerned with the direction the Service may take. I would also like to address the Bureau of Land Management, specifically, the Cultural Resources Program. Not as many people realize that BLM oversees the largest, most diverse, and scientifically-important collection of historic and cultural resources on our Nation's public lands. We appreciate the committee's commitment to ongoing oversight of the Department's reorganization. Please sustain that oversight. The Trust and many other organizations continue to be concerned with the impact of the reorganization and loss of staff within the Cultural Resources Division.

You directed funding last year of $1-and-a-half million within the BLM cultural resources account for something called the National Cultural Resources Information Management System. But basically, as we learned from our USGS friends earlier, if you don't map it, you can't save it. And this program is an innovative partnership between BLM and state historic preservation officers to support predictive modeling and data analysis to enhance planning for large cross-jurisdictional projects. It is a significant and too often overlooked preservation success story, and we would recommend once again providing specific funding for that above enacted.

And my time is over, so thank you.

[The statement of Mr. Cassidy follows:]

National Trust *for* Historic Preservation
Save the past. Enrich the future.

Statement of the National Trust for Historic Preservation
Tom Cassidy, Vice President for Government Relations and Policy
Fiscal Year 2021 Interior, Environment, and Related Agencies Appropriations
Committee on Appropriations, United States House of Representatives
February 6, 2020

Chair McCollum, Ranking Member Joyce, and Members of the Subcommittee, I appreciate this opportunity to present the National Trust for Historic Preservation's recommendations for Fiscal Year 2021 appropriations. My name is Tom Cassidy and I am the Vice President of Government Relations and Policy. The National Trust is a privately funded nonprofit organization chartered by Congress in 1949. We work to save America's historic places to enrich our future.

Thank you for the FY 2020 Interior Appropriations bill -- it was the most preservation friendly appropriations bill in the history of the Republic. We look forward to continuing our work with this Subcommittee as you address the ongoing needs for investments to sustain our nation's rich heritage of cultural and historic resources that also generate lasting economic and civic vitality for communities throughout the nation.

National Park Service: Historic Preservation Fund. The Historic Preservation Fund (HPF) is the principal source of funding to implement the nation's preservation programs. The National Trust is enormously appreciative of the historic funding levels the Committee has provided in recent years, including the FY 2020 level of $118.66 million, a 46% increase from FY 2017 levels. HPF funding supports fundamental preservation activities such as survey, nomination of properties to the National Register of Historic Places, public education, and project reviews required for federal Historic Tax Credit (HTC) projects. Among many highlights, we would like to emphasize the Committee's $15.5 million appropriation for the successful African American Civil Rights grants program and the new $2.5 million program to preserve and highlight sites and stories associated with securing civil rights for All Americans, including women, American Latino, Native American, Alaska Native, Native Hawaiian, and LGBTQ Americans. And, of course, increased funding for Save America's Treasures.

We request that Congress provide a total FY 2021 HPF appropriation of $150 million. Within that funding we recommend:

- $61 million for State Historic Preservation Officers (SHPOs);
- $22 million for Tribal Historic Preservation Officers (THPOs);
- $20 million for competitive grants to preserve the sites and stories of efforts to advance African American Civil Rights;
- $8 million for the newly established competitive grants program to preserve the sites and stories associated with securing civil rights for All Americans, including women, American Latino, Native American, Alaska Native, Native Hawaiian, and LGBTQ Americans;
- $10 million for grants to Historically Black Colleges and Universities to preserve and rehabilitate historic buildings;
- $18 million for Save America's Treasures grants;
- $10 million for Paul Bruhn Historic Revitalization grants;
- $1 million for competitive grants for the survey and nomination of properties associated with communities currently underrepresented on the National Register of Historic Places and National Historic Landmarks.

We also recommend the Committee encourage the NPS to work with states and tribes to improve what has become a burdensome apportionment process so that SHPOs and THPOs can more readily and efficiently access funding Congress has allocated for their work.

National Park Service: Operation of the National Park System. The NPS is responsible for 419 units of the National Park System ranging from the battlefields where our ancestors fought and died to recent additions like the Birmingham Civil Rights National Monument and the Reconstruction Era National Monument. Over the past 25 years, more than 50 new parks have been added to the park system, many of which preserve historic places and themes that have been underrepresented within the system. We encourage the Committee to provide funding above the $2.576 billion from FY 2020 to maintain stewardship of historic and cultural resources and prevent reductions in visitor services at a time when our national parks are more popular than ever. Within this funding, we recommend robust funding for Resource Stewardship, including $1 million for the National Underground Railroad Network to Freedom, $2 million for the African American Civil Rights Network, and $2 million for the Reconstruction Era National Historic Network. We recommend the Committee make some of these funds available for grants to Network sites.

National Park Service: Deferred Maintenance. The NPS is responsible for maintaining a system comprised of more than 84 million acres that tells the stories of remarkable people and events in our country's history. Unfortunately, after over 100 years of operation and inconsistent public funding, the National Park System faces a deferred maintenance backlog estimated at nearly $12 billion, of which 47% is attributed to historic assets. Deferred maintenance in our national parks puts historic and cultural sites at risk of permanent damage or loss, and in the absence of funding, the condition of these assets will continue to deteriorate and become more expensive to repair and preserve in the future.

- **Construction**. We recommend sustained robust funding of at least $283 million for Line Item Construction projects that address the deferred maintenance for the NPS' highest priority non-transportation assets with project costs greater than $1 million.

- **Repair and Rehabilitation; Cyclic Maintenance.** We are enormously appreciative of the Committee's commitment to enhancing these accounts with significant investments since FY 2016. We recommend an increase to $150 million for Repair and Rehabilitation, an increase of $14 million above FY 2020 enacted and $166 million for Cyclic Maintenance, an increase of $12.4 million above FY 2020 enacted.

- **Dedicated Funding for Deferred Maintenance:** We strongly support the creation of a reliable, dedicated federal funding source distinct from annual appropriations to address the deferred maintenance backlog, as provided in the bipartisan Restore Our Parks and Public Lands Act (H.R. 1225) introduced in the House and the Senate's Restore Our Parks Act (S. 500). We are grateful for the introduction of H.R. 1225 by Representatives Kilmer and Bishop, and the co-sponsorship of 39 members of the Appropriations committee.

- **Leasing Historic Structures in National Parks.** We appreciate the Committee's strong support of expanded use of historic leasing authorities by the NPS. Leasing is a well-established tool that can bring non-federal resources to the rehabilitation and use of under-utilized or abandoned buildings within the parks. However, the NPS has been slow to advance a successful national leasing program. We would like to work with the Committee to address this ongoing lost opportunity to bring more abandoned buildings to public use.

- **Volunteerism:** As part of our commitment to assist the NPS with reducing its maintenance backlog, the National Trust launched the HOPE (Hands-On Preservation Experience) Crew initiative in 2014. The program has trained over 750 young people and veterans and engaged 3,700 volunteers at over 175 projects nationwide, helping to support more than $18 million in preservation work. This work has included projects at Martin Luther King, Jr. National Historical Park, Little Big Horn Battlefield National Monument, and Golden Gate National Recreation Area. Projects like these help to reduce the maintenance backlog while providing job skills and education for the next generation of stewards of America's historic sites.

National Park Service: Cultural Programs. Within its cultural programs, the NPS manages the National Register of Historic Places, certifies federal HTC projects, coordinates federal archaeology programs, and provides funding through the Native American Graves Protection and Repatriation Act Grants, Japanese American Confinement Sites Grants, and American Battlefield Protection Program Assistance Grants. The National Trust recommends $32.627 million in FY 2021, an increase of $1.5 million from FY 2020. We greatly appreciate the increase Congress provided in FY 2020 for grant programs and for grants administration, recognizing the need for additional staffing to effectively administer these programs. A further modest increase in this account will enhance modernization of the National Register and support sustained demands to review and approve federal HTC projects.

National Park Service: International Park Affairs, Office of International Affairs. The National Trust recommends $2 million for the Office of International Affairs to ensure engagement in the World Heritage Program and support the dozens of communities and sites across the country seeking nomination to the World Heritage List. This office is responsible for selecting sites for the World Heritage Tentative List and shepherding them through the detailed nomination process. Examples of pending sites include Hopewell Ceremonial Earthworks (Ohio) and Civil Rights Movement Sites (Alabama, Arkansas, Georgia, Mississippi). We appreciate the Committee's rejection of last year's budget proposal to shift the Southwest Border Resource Protection Program into the Office of International Affairs, which would have drastically reduced overall program funding.

National Park Service: National Heritage Areas. We recommend $32 million for the Heritage Partnership Program and National Heritage Areas (NHAs). This funding supports commissions and grants to the 55 individual NHAs, as well as administrative support for coordination, guidance, assistance, and training.

Bureau of Land Management: Cultural Resources Management. The BLM oversees the largest, most diverse and scientifically important collection of historic and cultural resources on our nation's public lands, as well as the museum collections and data associated with them. We appreciate the Committee's commitment to ongoing oversight of the Department's reorganization. The National Trust and many other organizations are profoundly concerned with the impact of the reorganization and loss of staff within the Cultural Resources Division. The cultural resources program also supports Section 106 review of land-use proposals, Section 110 inventory and protection of cultural resources, compliance with the Native American Graves Protection and Repatriation Act, and consultation with Tribes and Alaska Native Governments. Moving forward, we are very appreciative of last year's dedicated increase of $1.5 million for the agency to enhance its National Cultural Resources Information Management System (NCRIMS). This collaboration with state historic preservation offices is one of the nation's most innovative programs to support predictive modeling and data analysis to enhance planning for large-scale, cross-jurisdictional land-use projects. It is a significant and too-often overlooked preservation success story, and we recommend once again providing specific funding of $1.5 million above

enacted.

Bureau of Land Management: National Landscape Conservation System. The BLM's National Landscape Conservation System (National Conservation Lands) includes 36 million acres of congressionally and presidentially designated lands, including National Monuments, National Conservation Areas, Wilderness, Wilderness Study Areas, National Scenic and Historic Trails, and Wild and Scenic Rivers. In 2019, new congressional designations added approximately 1.25 million acres to our National Conservation Lands. We encourage the Committee to provide $49.5 million to the base program for the National Landscape Conservation System, an increase of $5.681 million above the FY 2020 enacted level. An increase in funding will allow for greater inventory and monitoring of cultural resources in this growing system, prevent damage to the resources found in these areas, ensure proper management, and provide for a quality visitor experience. We also support at least level funding for wilderness and national monument management on Oregon and California Grant Lands.

Department-Wide: Land and Water Conservation Fund. The National Trust supports robust funding for the Land and Water Conservation Fund (LWCF), and we encourage the Committee to continue increasing LWCF toward its authorized level of $900 million. Many of the nation's most significant historic and cultural places have been permanently protected through LWCF investments, including Martin Luther King Jr. National Historical Park, Canyons of the Ancients National Monument, and Dayton Aviation National Historical Park. Recent LWCF funding will benefit historic parks including Lewis and Clark National Historical Park and El Malpais National Monument. In total, more than $550 million has been invested to acquire historic sites and 137,000 acres in 162 NPS units. Within LWCF funding, we encourage the Committee to provide $20 million for the American Battlefield Protection Program.

Independent Agencies: National Endowment for the Arts and National Endowment for the Humanities. We urge the Committee to provide $170 million each for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). NEA and NEH funding is critical to communities around the country. It has also supported efforts by the National Trust's Historic Sites and others to tell a fuller American story and engage visitors with history in compelling ways. For example, support from the NEA has created programs like Art and Shadows at the Shadows-on-the-Teche in Louisiana, which put regionally-based artists in residence at the site, resulting in programming that attracted new audiences and brought people from around the country to the town's downtown commercial district. NEH support has brought teachers from around the country to learn about history in the places that it was made and to carry those experiences back to their classrooms, including exploring the Constitution at James Madison's Montpelier and discovering the rich, but largely unknown, African American history in the President's neighborhood at Decatur House.

Independent Agencies: Advisory Council on Historic Preservation. We recommend $7.878 million for the Advisory Council on Historic Preservation (ACHP), an increase of $500,000 over enacted. The increase would enhance the ACHP's performance of its essential roles in ensuring that the nation's historic and cultural resources are protected while also advancing timely delivery of major infrastructure projects and improving consultation with Indian Tribes. The increase would also support the ACHPs efforts to promote enhanced mapping and digitization of cultural resources.

Thank you for considering our testimony. I would be pleased to answer any questions you may have.

Ms. PINGREE. Thank you very much for your presentation and your thoughtful words, and thank you to everybody here. Of course, we greatly appreciate the work that all of you do. It is vitally important in States like mine, but everywhere across the country. Mr. Kilmer, do you have any questions or thoughts?

Mr. KILMER. I had a couple. Is that all right?

Ms. PINGREE. Go for it, yeah.

Mr. KILMER. First, for the Corps Network, it is not a question. I just want to take a moment to say thank you for the amazing work you do. Thanks for the amazing work you do. In our neck of the woods, Jay Satz from the Northwest Youth Corps, does outstanding work, innovative work. We are really lucky to have him. And it is really, I think, a great example of the work that happens in our local communities by the Corps Network. So I can make it a question by just saying don't you agree——

[Laughter.]

So let the record show she said yes. I do also want to express gratitude for your references to the maintenance backlog within our Park System. This subcommittee and our chair, I think, has worked very hard to ensure that the Agency has sufficient funding, but we know that there is an $11 billion, with a "B," maintenance backlog. And to your point, the Restore Our Parks and Public Lands Act is targeted at addressing that. NPCA, Pew, have been terrific partners in this. We have got 330 co-sponsors at this point, and I think that is a testament to your organizations collectively for making the case. I guess my question is, so what else should we be doing?

Ms. BRENGEL. We need to get it to the floor as quickly as possible.

Ms. KNUFFKE. We need to get it to the floor. And I will just add that there are 39 appropriators on the bill as co-sponsors on the dedicated funding bill, so that is impressive.

Ms. BRENGEL. Yeah. I don't know if you read in the E&E newsletter this morning, Mr. McConnell also talked about bringing it to the Senate floor, so it would be really great if we could move it in both chambers this year. So we did so much work.

Mr. KILMER. Yeah.

Ms. BRENGEL. It is time to move it.

Mr. KILMER. Yeah, let's get it done. Thank you. Thanks. I yield back.

Ms. PINGREE. Thank you very much. Mr. Joyce? No? Mr. Stewart? Again, we greatly appreciate your support helping to make the case for the things that I think this committee knows are really important, and I feel confident Mr. Kilmer will get the bill to the floor. Laughter.]

With his great power and wisdom. Thank you, and thanks so much for the work that all of you do.

Mr. KILMER. Thank you.

Ms. PINGREE. The next panel will come up. You guys are so quick and efficient, getting right up there. So we are excited to have our next panel. Thank you, Mr. Kolton.

THURSDAY, FEBRUARY 6, 2020.

ALASKA WILDERNESS ACTION

WITNESS

ADAM KOLTON, EXECUTIVE DIRECTOR, ALASKA WILDERNESS ACTION

Mr. KOLTON. Thank you. Thanks for having me. My name is Adam Kolton. I am the executive director of Alaska Wilderness League, which is the only national organization devoted exclusively to the production of Alaska's national treasures, for which the Interior Department plays such a critical role in stewarding for the benefit of all Americans here, because there are two of our national treasures in Alaska that are at grave risk, the Arctic National Wildlife Refuge and the Tongass National Forest.

As we speak, the Administration is rushing to hold the first-ever oil and gas lease sale in the Arctic National Wildlife Refuge, and in the process, we believe it is sidestepping environmental laws, sidelining scientists, skipping required consultation with indigenous people. This process jeopardizes the very values to which President Eisenhower originally set aside this area, endangering not only iconic wildlife, such as threatened polar bears, but the way of life the Gwich'in people and their 15 villages.

Beyond that, and perhaps most notable for members of the subcommittee, the Interior Department has also completely abandoned its commitment and the legislative requirement of the 2017 Tax Act that arctic refuge lease sales generate $2.2 billion in revenue, half of which for the Federal Treasury. Thanks to this subcommittee and the good work of the chair, last year's bill attempted to direct the Bureau of Land Management to set minimum lease sale bids to meet the required revenues of the Tax Act, and it was retained on the House floor in a strong bipartisan fashion.

But unfortunately, it wasn't included in the final bill, and, as a result, the BLM could in the coming months hold a lease sale that auctions off this cherished landscape at fire sale prices, setting up a future scenario in which Congress will need to appropriate even more money to buy back leases from oil companies that will bid low and attempt to sell back high. Last year in response to the subcommittee's actions, we heard drilling proponents argue against any requirement to meet the promised revenue targets. This begs the question, were the highly-touted revenue and oil bonanza production simply a ruse to catch a ride on the budget reconciliation train? Why are some now so fearful and opposed to language that simply enforces what Congress already passed? Might they be worried that major banks, like Goldman Sachs, who are unwilling to finance arctic refuge oil and gas development?

Alaska's senior center acknowledged that the goal here is simply to get leases out in the hands of oil companies because then, "it is tougher to throw roadblocks in place." The Administration's intent here is clear: get leases sold no matter the cost or, in this case, whatever the taxpayer rip-off may be. Considering this, it is not surprising that the Administration is barreling toward a lease sale in ways that not only disregard the fiscal consequences, but also the impact to the resources on the ground.

Take the issue of polar bears. Climate change and disappearing sea ice is causing bears to come on shore more frequently in search of food and to build their winter maternity dens. Yet the Interior Department has developed no meaningful restrictions on seismic exploration to prevent the killing of polar bears. If all that weren't troubling enough, Politico has reported the Administration has silenced scientists and pressured others in pursuit of advancing leasing as quickly as possible. Given the reckless manner which the Interior Department is seeking to hand over this national treasure to oil companies and its disregard for the requirements of the Tax Act, including its own revenue assumptions, we ask you to again include language in the underlying bill that forces the Administration to meet its promises and its legal responsibilities.

We similarly ask the subcommittee's help to rein in the Administration as it seeks to exempt the entire 17 million acre Tongass National Forest from roadless protections. You know, we heard the President talk about planting a trillion trees. These are 800-year old trees. This is America's rain forest, and there are enormous subsidies that are still intact for the Tongass. It makes no sense to, on the one hand, talk about planting trees to sequester carbon, and the other, subsidize the destruction of our most iconic cherished American rainforests.

The Alaska Wilderness League strongly supported Representative Blumenauer's amendment, successful amendment, to last year's bill to end taxpayer subsidies for road building activity in the Tongass. And, you know, even now, the Forest Service timber program is costing taxpayers about $30 million per year for a loss of approximately $600 million over the last 20 years. We urge you to include the Blumenauer language which passed the House with a bipartisan 243–188 vote in this year's underlying bill. Doing so would protect U.S. taxpayers, southeast Alaska's vibrant outdoor economy, hunting, fishing, and outdoor recreation interests, as well as wildlife and our climate.

Thank you for the opportunity to testimony and share our views.

[The statement of Mr. Kolton follows:]

Adam Kolton Public Witness Testimony
Alaska Wilderness League
Submitted to the Interior, Environment and Related Agencies Subcommittee
Committee on Appropriations, U.S. House of Representatives
Regarding FY 2021 Funding related to drilling in the Arctic National Wildlife Refuge
January 29, 2020

Madame Chairwoman and Members of the Subcommittee:

Thank you for having me. My name is Adam Kolton and I am the Executive Director of Alaska Wilderness League, the only national organization that is devoted exclusively to the conservation of Alaska's treasured landscapes. With more than 100,000 members and supporters across the country, Alaska Wilderness League exists to help give a voice to those who care about Alaska's public lands and waters, which we collectively own and for which the federal agencies are entrusted to manage for the benefit of all Americans. This testimony will address funding needs related to the Department of the Interior's Bureau of Land Management (BLM) budget and the U.S. Forest Service (USFS) budget.

I'm here today because we urgently need your help to ensure that the administration follows the law, honors congressional intent and protects the vital interests of taxpayers when it comes to two of our national treasures in Alaska that are at grave risk, the Arctic National Wildlife Refuge and the Tongass National Forest.

Arctic National Wildlife Refuge

As we speak, the Trump administration is putting the finishing touches on a rushed plan to hold the first ever oil and gas lease in the Arctic Refuge. To date, we have seen an environmental review process that sidesteps environmental laws, sidelines scientists and skips required consultation with indigenous people. This process jeopardizes the very values for which this area was set aside to protect, endangering not only iconic wildlife such as the threatened Southern Beaufort Sea polar bear population, but the way of life for the Gwich'in people and their 15 villages. Beyond that, and perhaps most notable for the members of this subcommittee, the Interior Department has also completely abandoned its commitment and the legislative requirement of the 2017 Tax Act that Arctic Refuge lease sales generate $2.2 billion dollars in revenue, half of which going to the federal treasury. This was literally the only offset for more than $1.5 trillion in tax cuts contained in that legislation.

Thank you, Madame Chair, and members of the subcommittee for addressing this important concern in the FY2020 Interior and Environment Appropriations bill by simply requiring the Bureau of Land Management to set minimum lease sale bids sufficient to meet its promised and statutory revenue obligations (Section 118). While this language was retained by the House in a strong bipartisan fashion it was regrettably not included in the final bill.

As a result, the BLM could, in the coming months, hold a lease sale that auctions off this cherished landscape at fire sale prices, blowing an even larger hole in the deficit and setting up a

future scenario in which even more precious taxpayer resources may be needed to buy back leases from oil companies that will bid low and attempt to sell back high.

Of course, this can still be avoided if the agency fulfills its responsibility to set minimum lease sale bids tied to the enacted revenue targets in the Tax Act. What would those bids need to be set at? According to Taxpayers for Common Sense, an independent, nonpartisan voice working to ensure that taxpayer dollars are spent responsibly and that government operates within its means, for the BLM to generate the projected revenue, assuming it offers and receives bids on 800,000 acres from two lease sales, oil company bids would need to average $2,250 per acre. This is one hundred times the average bid per acre for Alaska's North Slope on the thousands of square miles adjacent to the coastal plain. Arctic Refuge drilling proponents, who have long argued about the enormous oil potential of this area and its "deficit reducing" potential, now seem to be running fast and furious from these audacious claims.

Even Congressman Don Young, speaking on the floor during the debate on HR 3055, suggested that "the first sale may not make [the revenue target]." Senator Lisa Murkowski, the driving force pushing for Arctic Refuge development in the Senate, referred to minimum lease sale bids as "something that's designed to kill exploration in ANWR" to E&E News, signaling clearly that revenue promises made during the tax bill process were never serious.[1]

Why are some fearful and opposed to language that simply enforces what Congress already passed in 2017? Perhaps they're concerned about the implications of BP's Alaska asset sell-off and what it says about broad oil industry interest. Maybe they're worried that more than $2.5 trillion worth of investors and more than a dozen major national and international banks including Goldman Sachs have signaled an unwillingness to finance Arctic Refuge oil and gas development. Or perhaps they never really believed nor cared if this would be the kind of oil revenue bonanza that they've been touting all these years. What appears to matter more is simply to hold a lease sale whatever the cost, or in this case, the taxpayer rip-off may be.

Indeed, Alaska's senior Senator Lisa Murkowski, in a moment of candor, acknowledged that, "They [officials within the Trump Interior Department] are working fairly and aggressively to put in place, to lay the groundwork for what comes next ... because once you get those leases out into the hands of those who can then move forward, it's tougher to throw the roadblocks in place."

In light of this, it may not be surprising that the administration is barreling toward a lease sale in ways that not only disregard the fiscal consequences but also the impact to the resources on the ground. Take for example the issue of the Southern Beaufort Sea polar bear population. Climate change and disappearing sea ice is causing these bears to come onshore more frequently in search food and to build their winter maternity dens. Scientists warn that proposed seismic exploration in the Arctic Refuge—with its convoys of 90,000 pound trucks, tractors and bulldozers that would roll over extensive areas of fragile tundra 24 hours a day, 7 days a week, for months, and two 160-person worker "camps" that would be dragged across the landscape—poses an unacceptable risk to these denning bears and their cubs. Yet the Interior Department has

developed no credible plan or meaningful restrictions on seismic exploration to prevent killing polar bears.

Of course, Arctic Refuge drilling is not just bad news for bears. The Interior Department has also glossed over potential impacts to the awe-inspiring Porcupine caribou herd, even as new science was released last month documenting how existing North Slope oil development has displaced caribou from preferred calving areas.

If similar displacement occurs in the Arctic Refuge, the consequences could be catastrophic for the 8,000 Gwich'in Athabaskan people of Alaska and Canada who have depended on the caribou for thousands of generations. The Gwich'in have been unified in their opposition to drilling and fully expected the Interior Department to consult with them as required in by the Alaska National Interest Lands Conservation Act. That request was denied.

If all that weren't troubling enough, Politico reported that the administration has silenced scientists and pressured others in pursuit of advancing leasing as quickly as possible:

> *"According to interviews with more than a dozen current and former employees at the Fish and Wildlife Service and the Bureau of Land Management in Alaska, that speed has come at a significant cost to the reliability and comprehensiveness of the overall environmental review."*[ii]

Furthermore, leaked documents have shown that the work of career scientists has been altered or disregarded to underplay the potential impact of oil and gas development on the coastal plain.

Given the reckless manner at which the Interior Department is seeking to hand over this national treasure to oil companies and its disregard for the requirements of the Tax Act, including its own revenue assumptions, we ask you to again include language in the underlying bill that forces the administration to meet its promises and legal responsibilities.

Tongass National Forest

We similarly ask for the subcommittee's help to rein in the administration as it seeks to exempt the entire 17 million-acre Tongass National Forest from the federal Roadless Rule. The Forest Service had originally been considering options to modify the Roadless Rule as it applies to "America's Rainforest," but President Trump specifically directed the agency—over its objection—to exempt every single area from this nearly 20-year-old, widely supported and successful policy.

As a result, an already costly, money-losing timber program in the Tongass could fleece taxpayers even more. Alaska Wilderness League, joined by many other businesses and organizations, strongly supported Representative Earl Blumenauer's (D-OR) successful amendment (#136) to last year's bill to end taxpayer subsidies for roadbuilding activity in the Tongass National Forest. Even now, the Forest Service's Tongass timber program costs taxpayers approximately $30 million per year for a loss of approximately $600 million over the last 20 years—incredible, especially when you consider that the Forest Service desperately needs that money for its $68 million maintenance backlog on national forest roads in Alaska.

The good news is that the economy of Southeast Alaska has become less reliant on industrial scale old-growth clearcutting and instead depends increasingly on commercial fishing, tourism and other aspects of the outdoor recreation economy—businesses that depend on a healthy forest. Additionally, according to a Center for American Progress analysis:

> *"Any climate change solution will require healthy natural carbon sinks, especially in places such as the Tongass where forests are especially good at capturing carbon... Removal of roadless protections [Tongass National Forest] threatens a carbon sink that already stores more than 400 million metric tons of carbon dioxide equivalent and sequesters an additional 3 million metric tons of carbon dioxide equivalent annually, equivalent to taking more than 637,000 cars off the road each year."*[iii]

It makes no sense to turn back the clock and have the federal government continue to subsidize the destruction of 800-year-old trees in ways that exacerbate climate change, threaten Alaska's outdoor economy, and imperil fish and wildlife.

We urge the Interior, Environment and Related Agencies Subcommittee to include the Blumenauer language, which passed the House with a bipartisan vote of 243-188, in this year's underlying bill. Doing so would protect U.S. taxpayers, Southeast Alaska's vibrant outdoor economy, hunting, fishing and outdoor recreation interests, as well as wildlife and our climate.

Thank you for the opportunity to testify and share the views on behalf of our members and supporters.

[i] https://www.eenews.net/eedaily/stories/1060381265/
[ii] https://www.politico.com/interactives/2019/trump-science-alaska-drilling-rush/
[iii] https://www.americanprogress.org/issues/green/news/2019/11/20/477495/trumps-energy-policies-put-alaska-climate-crosshairs/

Ms. PINGREE. Thank you very much. Mr. Stretton.

THURSDAY, FEBRUARY 6, 2020.

PROJECT ON GOVERNMENT OVERSIGHT (POGO)

WITNESS

TIM STRETTON, POLICY ANALYST, PROJECT ON GOVERNMENT OVERSIGHT (POGO)

Mr. STRETTON. Thank you, Congresswoman Pingree, and Ranking Member Joyce, and members of the subcommittee. Thank you for the opportunity to testify today. My name is Tim Stretton, and I am a policy analyst at the Project on Government Oversight, or POGO. POGO is a nonpartisan, independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public. For decades, POGO has shed the light on the need for the Federal Government to ensure oil and natural gas industries are paying their fair share for the publicly-owned onshore and offshore resources they extract and profit from.

POGO has recommendations to provide more accountability and transparency for oil and gas royalty policy at the Bureau of Ocean Energy Management. We urge the subcommittee to prohibit the use of funds to approve leases where the bureau retroactively lowered its valuations without public notice, and requires that no public funds be spent on approving delayed value leases that were not evaluated by a neutral third party.

The Bureau administers offshore drilling rights and periodically holds auctions in which bidders obtained leases for the underlying oil and gas deposits under specific tracts of land. These resources are owned by the taxpayer, so the Bureau is legally required to ensure that taxpayers receive fair market value, in part, by collecting royalties on the sale for oil and gas produced from these lands. But the Bureau's royalty release procedures often leave tens of billions of dollars in the pockets of the extractive industry rather than being returned to taxpayers.

In a recent report, the Government Accountability Office identified two additional procedures the Interior Department has engaged in for decades that may not have resulted in a full fair market return. The GAO's analysis closely tracks with the findings of POGO's 2018 report, "Drilling Down Big Oil's Bidding." And the nonpartisan organization, Taxpayers for Common Sense, has reported similar problems at the Department's Bureau of Land Management through its increased use of awarding of noncompetitive leases.

The Bureau sets royalty rates for offshore oil and gas and can reduce or waive royalty payments in an attempt to increase production. But as the Bureau itself has found, the practice often means taxpayers lose out on the fair return they are owed. The GAO found that leases that had been awarded between 1996 and 2000 resulted in about $18 billion—that is billion with a "B"—in foregone royalties through 2018. When it auctions off tracts of land, the Bureau is supposed to reject bids that are below the estimated value of the land. Instead, however, the GAO found that when a

bid comes in lower than the Bureau's own valuation, the Bureau often retroactively lowers its initial value and then accepts the bid. The GAO estimated that between March 2000 and June 2018, the Bureau could have collected $567 million in addition auction revenue if it had not engaged in this practice so consistently.

The Bureau does not disclose when it awards drilling rights based on reduced valuations, and because of this, the practice of lowering valuations has resulted in the loss of hundreds of millions of dollars in public revenue. This committee has a vested interest in ensuring that the Bureau is held accountable. To provide that accountability, we urge the subcommittee to prohibit the use of funds to approve leases when the Bureau retroactively lowers its valuation without public notice.

The GAO's report also highlighted problems with how the Bureau considers the present value and the delayed value of a tract of sea floor, which may have resulted, again, in $873 million in foregone revenue from March 2000 to June 2018. Again, that is money that should have gone to the American taxpayer. If a bid is lower than the present value, but higher than the delayed value, the Bureau can accept it, but the Bureau has been projecting delayed values to be lower than they should be, allowing it to accept lower bids.

The GAO found that the Bureau's unrealistically large forecast of depreciation have increasingly been the deciding factor in accepting lower bids, and, as a result, the government is unnecessarily passing up hundreds of millions of dollars in potential revenue. GAO recommended that an independent third party should examine whether the Interior Department's use of delayed values deliver fair market value and whether it should stop using these lower valuations. POGO believes that such an independent examination would bring about greater accountability to the bid valuation process. We recommend that this subcommittee require no funds be spent on approving a delayed value lease that was not evaluated by a third party.

Again, POGO has prepared recommendations to provide more accountability and transparency for oil and gas policy at the Bureau, which we would be happy to provide to the subcommittee. Thank you for the opportunity, again, to testify today, and I am happy to answer any questions you may have.

[The statement of Mr. Stretton follows:]

PROJECT ON GOVERNMENT OVERSIGHT

Testimony of Tim Stretton, Policy Analyst
Project On Government Oversight
before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
on "Increasing Accountability and Transparency for Oil and Gas Royalty Policy"
February 6, 2020

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee, thank you for the opportunity to testify on the need to increase accountability and transparency for oil and gas royalty policy at the Department of the Interior's Bureau of Ocean Energy Management. I am Tim Stretton, policy analyst at the Project On Government Oversight (POGO). POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles. For decades, POGO has shed the light on the need for the federal government to ensure the oil and natural gas industries are paying their fair share for the publicly owned resources they extract and profit from.[1]

Offshore drilling and the lease of publicly owned tracts of seafloor together constitute a significant revenue stream for the federal government, bringing in nearly $90 billion between 2006 and 2018.[2] The Bureau of Ocean Energy Management administers offshore drilling rights and periodically holds auctions in which successful bidders obtain leases for tracts of the seafloor and rights to explore and drill for the underlying oil or gas deposits. These resources are owned by the taxpayer, so the bureau is legally required to ensure that taxpayers receive "fair market value" for the resources extracted by private industry, in part by collecting royalties on the sale of oil and gas produced from leases.[3]

But the bureau's so-called "royalty relief" procedures often result in forgone royalty payments worth tens of billions of dollars. In a September 2019 report, the Government Accountability Office (GAO) also identified two additional procedures the Interior Department has engaged in for decades that may not have resulted in a full fair market value return for oil and gas leases: retroactively lowering its valuations of tracts of seafloor in order to accept bids that would be

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[1] See, for example: "Investigative Series: Drilling Down," Project On Government Oversight, 2018-2019. https://www.pogo.org/series-collections/drilling-down/; *Getting Royalties Right: Recent Recommendations for Improving the Federal Oil & Gas Royalty System*, 110th Cong. 95 (March 11, 2008) (testimony of Danielle Brian, Executive Director, Project On Government Oversight). https://www.govinfo.gov/content/pkg/CHRG-110hhrg41378/html/CHRG-110hhrg41378.htm; POGO Staff, "Taxpayers Could Lose $53 Billion From Oil Leases," Project On Government Oversight, May 28, 2008. https://www.pogo.org/analysis/2008/05/taxpayers-could-lose-53-billion-from-oil-leases/

[2] Government Accountability Office, *Offshore Oil and Gas: Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, GAO-19-531 (September 2019), 1. https://www.gao.gov/assets/710/702062.pdf

[3] 43 U.S.C. § 1344 (2019). https://www.law.cornell.edu/uscode/text/43/1344

unacceptable under the bureau's stated procedures; and accepting lower bids because it unreasonably determined the tracts might be worth less in the future.[4]

Royalty Relief and Billions in Foregone Royalties

The Bureau of Ocean Energy Management sets royalty rates for offshore oil and gas based on market conditions. The bureau also has several options to reduce or waive royalty payments in an attempt to increase production. But, as the bureau itself has found, its practices often mean taxpayers lose out on the fair return they're owed.[5] For example, from 1996 to 2000, the Interior Department leased tracts on which it did not collect royalties on the initial volume of oil or gas produced. As a result, the GAO found that companies tended to submit higher bids for those tracts, amounting to an estimated $2 billion in public revenue the department would not have collected based on the pre-1996 royalty rate. But $2 billion pales in comparison to what the government could have taken in through royalties. The GAO found that the leases that had been awarded between 1996 and 2000 with a guarantee of no royalties on initial volumes of production resulted in about $18 billion in foregone royalties through 2018.[6]

Lowered Tract Valuations Behind Closed Doors

When it auctions off tracts of seafloor, the bureau is supposed to reject bids that are lower than its own estimated value of the tracts' worth. Instead, the GAO found, when a bid comes in lower than the bureau's own valuation, rather than rejecting the bid, the bureau often lowers its initial valuation "to justify accepting bids it otherwise would reject," and then accepts the bid on the basis of the altered valuation.[7]

This would be rational if the government thought that rejecting bids would result in tracts not being sold, leading to forgone revenue, similar to a landlord not collecting rent on a vacant apartment building, but that's not the case. Rather, when the bureau rejected bids that were too low, industry would often submit higher bids for the same tracts in subsequent auctions, resulting in higher bid revenue for the government.[8] As the GAO noted, by resubmitting bids at higher amounts, companies signaled that they viewed certain tracts as more valuable than their initial bids had indicated. In other words, industry often purposely submits lowball bids, and the majority of the time, the government accepts them. But that doesn't give the taxpayer a fair return as the law requires.

The GAO found the bureau's practice of lowering its valuations "is nearly systematic" in cases where it had originally estimated that tracts were worth up to twice as much as the amount bid.[9] The GAO estimated that from March 2000 to June 2018, the bureau could have collected $567

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[4] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 42 [see note 2].
[5] Bureau of Ocean Energy Management, *Recommended Discount Rates and Policies Regarding Special Case Royalty Relief for Oil and Gas Projects in Shallow Water* (November 2019), 14. https://www.boem.gov/sites/default/files/documents/oil-gas-energy/energy-economics/SW_SCRR_Discount_Rate_Paper.pdf
[6] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 18 [see note 2].
[7] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 27 [see note 2].
[8] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 28 [see note 2].
[9] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 34 [see note 2].

million in additional auction revenue if it had not lowered its valuations.[10] That's $567 million the government could have collected on land owned by the American people. In short, the extractive industry made the profit instead of taxpayers, with the government's permission.

As POGO has previously noted, the bureau does not disclose when it awards drilling rights based on reduced valuations, and revising valuations is not part of the bureau's published procedures.[11]

Because the practice of lowering valuations has resulted in the loss of hundreds of millions of dollars in public revenue—which will likely continue—this subcommittee has a vested interest in ensuring that the bureau makes public its revised valuations. Congress and taxpayers should know when and why the government adjusts its valuations to match industry's before accepting a lower bid on a tract that it previously stated was worth more. In order to provide more accountability and transparency, this subcommittee should prohibit the use of funds to approve leases where the bureau retroactively lowered its valuations without public notice.[12]

Forecasts of "Unreasonably" High Depreciation

The GAO's report also highlighted problems with how the bureau considers two key measures of the worth of a tract of seafloor: the present value and the delayed value. The GAO found the bureau's broad calculations and use of delayed valuation may have resulted in more than $873 million in forgone additional bid revenue from March 2000 to June 2018.[13]

The present value is supposed to reflect the tract's value at the time of the auction, and the delayed value should show what it would be worth if it were offered at the next auction. Calculating the delayed value is meant to help the bureau determine the cost of delaying the auction of a lease. If a bid is lower than the present value but higher than the delayed value, the bureau can accept it. But, the GAO found, the bureau has been projecting delayed values to be lower than they should be, leading the bureau to accept lower bids.

Until August 2017, the bureau held auctions once a year and typically forecasted a median loss of 23% of value by the next auction. Although the bureau has since held auctions about every six months, its predicted decline in value has grown to a median of about 27%.[14] Because the frequency of auctions has doubled, it's surprising that the bureau's predicated cost of delay has increased and not decreased. As the GAO noted, with oil prices generally forecasted to rise, the value of oil and gas resources would be expected to increase over time, not decrease.

The GAO found that the bureau's "unreasonably large forecasts of depreciation have increasingly been the deciding factor in decisions to accept bids." By lowering a tract's predicted

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[10] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 39 [see note 2].
[11] David S. Hilzenrath, "Report: Interior Gives Oil Companies Discounts on Drilling Rights," Project On Government Oversight, November 4, 2019. https://www.pogo.org/analysis/2019/11/report-interior-gives-oil-companies-discounts-on-drilling-rights/
[12] Note: For fiscal year 2020, the Trump administration requested $193.4 million for BOEM, an increase of 8% from fiscal year 2019. Laura B. Comay, Congressional Research Service, *Offshore Energy Agency Appropriations, FY2020*, IF11405 (January 10, 2020), 1. https://crsreports.congress.gov/product/pdf/IF/IF11405
[13] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 32 [see note 2].
[14] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 31 [see note 2].

future value, the government is unnecessarily passing up hundreds of millions of dollars in potential revenue. According to the GAO, had the bureau rejected 205 bids that it accepted on the basis of delayed values, "it might have subsequently collected more than $873 million in additional bid revenue for these tracts."[15]

The GAO's analysis tracks with the findings of POGO's 2018 report *Drilling Down: Big Oil's Bidding*. POGO reported:

> When the Bureau considered bids placed in the August 2017 auction, it determined that the [present value] for one tract was $17 million and that the delayed value of the tract was $6.9 million. In other words, BOEM estimated that, over several months, an unusually valuable tract would lose more than half its value. On that basis, the BOEM accepted a bid of $12.1 million, much less than it said the drilling rights were worth at that time.
>
> ... In fact, by the government's own account, rejecting bids and offering the tracts again later "has consistently resulted in higher average returns in subsequent lease sales for the same tracts, even when those tracts not receiving subsequent bids were included in the calculation of the average returns."
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> In the Gulf of Mexico from 1984 through 2017, BOEM has stated, the Bureau "rejected total high bids of $638 million, but when the blocks were reoffered, they drew subsequent high bids of $1.8 billion, for a total net gain of $1.2 billion, or an increase of 187 percent."[16]

Conclusion and Recommendations

In its response to the GAO's report, the Interior Department stated that it did "not concur with how its bid valuation process is characterized." Nor did it agree with the recommendation of having "an independent third party" examine whether its use of delayed valuations delivers fair market value and whether it should stop using those lower valuations.[17] POGO believes such an independent examination would bring greater accountability to the bid valuation process. We recommend that this subcommittee require that no funds be spent on approving a delayed-value lease that was not evaluated by a third party.

POGO has prepared report language to provide more accountability and transparency for oil and gas royalty policy at the bureau, which we are happy to provide to the subcommittee. As mentioned above, the language would require the bureau to disclose accepted bids when it retroactively lowers the initial valuation, and would require that a third party examine the bureau's delayed valuation system.

Thank you for the opportunity to submit testimony. I am happy to answer any questions.

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[15] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 32 [see note 2].
[16] David S. Hilzenrath, "Drilling Down: Big Oil's Bidding," Project On Government Oversight, February 22, 2018. https://www.pogo.org/investigation/2018/02/drilling-down-big-oils-bidding/
[17] GAO, *Opportunities Exist to Better Ensure a Fair Return on Federal Resources*, 66 [see note 2].



Ms. PINGREE. Thank you very much. Mr. Messmer.

THURSDAY, FEBRUARY 6, 2020.

OCEANA

WITNESS

MICHAEL MESSMER, OCEAN ADVOCATE, OCEANA

Mr. MESSMER. Good morning. Thank you, Congresswoman Pingree, Ranking Member Joyce, and members of the subcommittee for this opportunity. I am Mike Messmer, an ocean advocate at Oceana, the largest international advocacy organization devoted solely to oceans conservation. I am here to speak in opposition to expanded offshore oil and gas drilling, particularly to the Trump Administration's 2019–2024 5-year program for offshore oil and gas leasing that the Department of Interior's Bureau of Ocean Energy Management is currently developing.

Oceana thanks the committee and members for including provisions in the Fiscal Year 2020 Interior, Environment appropriations bill to restrict funding for offshore oil and gas leasing in the Atlantic Ocean, Pacific Ocean, and Eastern Gulf of Mexico. There is longstanding precedent for this as Congress for nearly 3 decades heeded concerns from the communities it represents and restricted spending on offshore Federal oil and gas leasing and drilling activities via the appropriations process.

We urge the committee to include these offshore drilling moratoria again as you craft the Fiscal Year 2021 base bill. We also encourage committee leaders to work with the Senate to include these provisions in any final package.

The 5-year program governs when and where BOEM can offer offshore drilling leases to the oil and gas industry. In January 2018, the Trump Administration released its 2019–2024 draft proposed program. As it stands, this proposal would radically expand future oil and gas leasing to the Atlantic, Pacific, and Arctic Oceans as well as off Florida's Gulf Coast. The draft plan proposes opening the vast majority of the outer continental shelf. Reinstating offshore drilling moratoria through the appropriations process would prevent BOEM from leasing specific areas that Congress wishes to protect from future offshore drilling. Without moratoria provisions, Congress relinquishes its power to influence the future of offshore drilling to the executive branch.

Offshore drilling threatens the continued prosperity of coastal communities and States whose economies are directly tied to clean oil-free shores and waters. As of today, opposition and concern over offshore drilling activities has been expressed by every East and West Coast governor, more than 380 municipalities, over 2,300 State, local, and Federal elected officials, Democrats and Republicans alike, and alliances representing over 56,000 businesses and more than 500 fishing families. In addition to permanently altering the landscape of many towns up and down the East and West Coasts, offshore drilling is a dirty investment with long-term implications for the environment and the safety of workers.

Large-scale catastrophies, such as BP's Deepwater Horizon in 2010, highlight how a single accident can cause enormous and lasting consequences. The Deepwater Horizon tragedy killed 11 rig workers, spilled more than 200 million gallons of oil, fouled thousands of miles of coastline, endangered public health, and killed thousands of birds, dolphins, and fish. Seaside communities on the Gulf are still recovering physically and economically from the estimated $36.9 billion in damage caused by the Deepwater Horizon spill.

Offshore oil development is dirty across the board beyond catastrophic spills that make headlines. At least 6,500 oil spills occurred in U.S. waters between 2007 and 2017; further, are typically far larger than what is reported. During that same time period, hundreds of workers were injured every year, and, on average, a fire or explosion erupted on offshore rigs every 3 days on the outer continental shelf.

Offshore oil and gas exploration activities, such as high-intensity geophysical seismic surveys, pose dangers to marine life before commercial drilling even begins. Noise from these dynamite-like blasts is so loud that it can disturb, injure, or even kill animals across the entire marine ecosystem from the smallest zooplankton to the largest whales. The North Atlantic right whale, one of the most endangered marine mammal species in the world, is a particular concern. Experts say seismic air gun blasting for oil and gas exploration may well represent a tipping point for the survival of this critically-endangered whale.

We urge the subcommittee and committee to restrict any funding in the Fiscal Year 2021 Interior, Environment appropriations bill for the purpose of conducting any new offshore oil and gas leasing and related activities. Threats to coastal economies, marine wildlife, and your own constituents are simply too great to risk expanding the footprint of offshore drilling. Thank you again for the opportunity to testify today.

[The statement of Mr. Messmer follows:]

Testimony of Michael Messmer
Ocean Advocate, Oceana
before the
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
February 6, 2020

Good morning. Thank you, Chair McCollum, Ranking Member Joyce, and members of the Subcommittee for the opportunity to testify as a public witness. My name is Michael Messmer and I am the Ocean Advocate on Oceana's Offshore Drilling Campaign. Oceana is the largest international advocacy organization devoted solely to ocean conservation. I am here to speak in opposition to expanded offshore oil and gas drilling, and specifically in opposition to the 2019-2024 five-year program for offshore oil and gas leasing that the Department of the Interior's Bureau of Ocean Energy Management (BOEM) is currently developing.

Oceana thanks the Committee and Members for including provisions in the FY2020 Interior-Environment Appropriations bill to restrict funding for offshore oil and gas leasing in the Atlantic Ocean, Pacific Ocean, and eastern Gulf of Mexico. Blocking funding for such leasing activities would effectively ensure a one-year moratorium on offshore drilling for those areas. There is longstanding precedent for this, as Congress – for nearly three decades – heeded concerns from the communities it represents and restricted spending on offshore federal oil and gas leasing and drilling activities via the appropriations process. We ask the Committee to make it a priority to include these offshore drilling moratoria again as you craft the FY2021 bill, and that the House insist upon the retention of such restrictions in any negotiations with the Senate.

The five-year program governs when and where BOEM can offer offshore drilling leases to the oil and gas industry. In January 2018, the Trump administration released its 2019-2024 Draft Proposed Program. As it stands, this proposal would radically expand future oil and gas leasing to the Atlantic, Pacific, and Arctic Oceans, as well as off Florida's Gulf Coast. The draft plan proposes the largest number of potential offshore leases ever offered by any president – 47 lease sales – and proposes opening more than 90 percent of the acreage of the entire Outer Continental Shelf.

Reinstating offshore drilling moratoria through the appropriations process would prevent BOEM from leasing specific areas that Congress wishes to protect from future offshore drilling. Without moratoria provisions, Congress relinquishes its power to influence the future of offshore drilling to the executive branch.

Offshore drilling threatens the continued prosperity of coastal communities and states whose economies are directly tied to clean, oil-free shorelines and waters. The administration's proposal to expand oil and gas activities to nearly all federal ocean waters poses a real threat to every business and industry that relies on a healthy marine environment to thrive. Oceana found that tourism, fishing, and recreation — all major drivers of coastal economies — in the Atlantic, Pacific, and eastern Gulf of Mexico support over 2.6 million American jobs and generate roughly $180 billion in GDP each year. If fisheries are properly managed and coastlines are continuously

protected, these jobs can be sustained for generations to come. This stands in stark contrast to offshore drilling for oil and gas, which produces finite resources. When the oil and gas run out, so will the jobs. Coastal communities want a reliable source of revenue – not more dirty drilling and dangerous seismic airgun blasting for oil and gas. In fact, as of today, opposition and concern over offshore drilling activities has been expressed by:

- Every East and West Coast governor;
- More than 380 municipalities;
- Over 2,300 local, state, and federal elected officials, including Democrats and Republicans;
- Alliances representing over 50,000 businesses and more than 500,000 fishing families;
- The Department of Defense, the Air Force, NASA, and the Florida Defense Support Task Force;
- The fishery management councils for New England, the South Atlantic, Mid-Atlantic, and Pacific regions; and
- Numerous commercial and recreational fishing interests such as Southeastern Fisheries Association, Snook and Gamefish Foundation, Fisheries Survival Fund, Southern Shrimp Alliance, North Atlantic Marine Alliance, Billfish Foundation, and International Game Fish Association.[1]

Proponents of offshore drilling often fail to mention that developing oil and gas in new areas would require construction and development along much of the coast. Adding large-scale refineries, platforms, offshore and onshore pipelines, and other support infrastructure would drastically transform the character of coastal towns. Heavy industrialization of many coastlines is also likely to harm nearby resources and ecosystems.

In addition to permanently altering the landscape of many towns up and down the East and West Coasts, offshore drilling is a dirty investment with long-term consequences for the environment. Efforts to pursue offshore oil have consistently resulted in spills that are incredibly toxic to living organisms, both physically and biochemically.[2] Large-scale catastrophes such as BP's *Deepwater Horizon* disaster in 2010, highlight how a single accident can cause enormous and lasting consequences. The *Deepwater Horizon* tragedy killed 11 rig workers, spilled more than 200 million gallons of oil, fouled thousands of miles of coastline, endangered public health, and killed thousands of birds, dolphins, and fish.[3] Seaside communities on the Gulf are still

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[1] Oceana, *Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic and Eastern Gulf of Mexico*, http://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and (last visited Feb. 20, 2019); *see also* Oceana, *Opposition to New Offshore Drilling in the Pacific Ocean*, http://usa.oceana.org/pacific-drilling (last visited Feb. 20, 2019).

[2] NOAA, Office of Response and Restoration, *The Toxicity of Oil: What's the Big Deal?* (Aug. 27, 2012), https://response.restoration.noaa.gov/about/media/toxicity-oil-whats-big-deal.html.

[3] National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, *Deep Water, The Gulf Oil Disaster and the Future of Offshore drilling*, (January 2011), https://www.govinfo.gov/content/pkg/GPO-OILCOMMISSION/pdf/GPO-

recovering, physically and economically, from the estimated $36.9 billion in damages caused by the *Deepwater Horizon* spill.[4]

Offshore oil development is dirty across the board, beyond the catastrophic spills that make headlines. Smaller spills happen on a routine basis during day-to-day rig operations, as well as during exploration, production, and transportation.[5] At least 6,500 oil spills occurred in U.S. waters between 2007 and 2017, and a recent study found that spills are typically far larger than what is reported.[6] During that same time period, hundreds of workers were injured every year and on average, a fire or explosion erupted on offshore rigs every three days on the Outer Continental Shelf .[7] Expanding offshore drilling to new frontiers when the industry remains dirty and dangerous is both ill-advised and out of touch with the needs and wishes of those who inhabit the coast.

Offshore oil and gas exploration activities such as high-intensity geophysical seismic surveys, pose dangers to marine life before commercial drilling even begins. In November 2018, the federal government issued Incidental Harassment Authorizations for private companies to harm marine mammals during seismic surveys for oil and gas in a stretch of the Atlantic from Cape May, New Jersey to Cape Canaveral, Florida. BOEM is currently working on the second stage of this process, the finalization and issuance of Geological and Geophysical permits that will allow these companies' vessels to begin seismic airgun blasting.

Noise from these dynamite-like blasts is so loud that it can disturb, injure, or even kill animals across the entire marine ecosystem from the smallest zooplankton to the largest whales.[8] The

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OILCOMMISSION.pdf and Haney, J. C., Geiger, H. J., and Short, J. W. (2014). *Bird mortality from the Deepwater Horizon oil spill.* Inter-Research Marine Ecology Progress Series, 513.

[4] Lawrence. C. Smith et al., *Analysis of Environmental and Economic Damages from British Petroleum's Deepwater Horizon oil spill*, 74 Albany L. Rev. 563, 563–85 (2011).

[5] Cheryl McMahon Anderson et al., BOEM, *Update of Occurrence Rates for Offshore Oil Spills* (2012), *available at* *https://www.boem.gov/uploadedFiles/BOEM/Environmental_Stewardship/Environmental_Assessment/Oil_Spill_Modeling/AndersonMayesLabelle2012.pdf.*

[6] Oceana. *Dirty Drilling: Trump Administration Proposals Weaken Key Safety Protections and Radically Expand Offshore Drilling.* (2019), available: https://usa.oceana.org/sites/default/files/offshore_drilling_safety_report_final_0.pdf

[7] Oceana. *Dirty Drilling: Trump Administration Proposals Weaken Key Safety Protections and Radically Expand Offshore Drilling.* (2019), available: https://usa.oceana.org/sites/default/files/offshore_drilling_safety_report_final_0.pdf

[8] McCauley RD, Day RD, Swadling KM, et al. (2017) Widely used marine seismic survey air gun operations negatively impact zooplankton. Nature Ecology & Evolution 1: 0195. doi: 10.1038/s41559-017-0195; Farmer NA, Baker K, Zeddies DG, et al. (2018) Population consequences of disturbance by offshore oil and gas activity for endangered sperm whales (Physeter macrocephalus). Biological Conservation 227: 189–204. doi: 10.1016/j.biocon.2018.09.006; Castellote M, Clark CW and Lammers MO (2012) Acoustic and behavioural changes by fin whales (Balaenoptera physalus) in response to shipping and airgun noise. Biological Conservation 147: 115–122. doi: 10.1016/j.biocon.2011.12.021; Cerchio S,

North Atlantic right whale — one of the most endangered marine mammal species in the world — is a particular concern as its only known calving grounds are located in coastal and offshore waters from the Carolinas through northern Florida. Experts say seismic airgun blasting for oil and gas exploration may well represent a tipping point for the survival of this critically endangered whale.[9]

Threatening our oceans with harmful exploration and drilling would be a short-sighted and permanent mistake. Given the Trump administration's proposal to expand offshore drilling to nearly all federal waters, it is time for Congress restore the precedent of enacting appropriations moratoria to protect our oceans and coastal communities once again.

We ask the Committee to restrict any funding provided to the Department of Interior in the FY2021 Interior-Environment Appropriations bill to prohibit the Department from conducting any oil and gas preleasing, leasing, and related activities for any areas excluded from the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program. The threats to coastal economies, marine wildlife, and your own constituents are simply too great to risk expanding the footprint of offshore drilling. Thank you again for the opportunity to testify today.

Strindberg S, Collins T, Bennett C and Rosenbaum H (2014) Seismic Surveys Negatively Affect Humpback Whale Singing Activity off Northern Angola. PLoS ONE 9: e86464. doi: 10.1371/journal.pone.0086464; de Soto NA, Delorme N, Atkins J, et al. (2013) Anthropogenic noise causes body malformations and delays development in marine larvae. Scientific Reports 3 doi: 10.1038/srep02831; McCauley RD, Fewtrell J and Popper AN (2003) High intensity anthropogenic sound damages fish ears. The journal of the acoustical society of America 113: 638–642.

[9] Oceana. Seismic Airgun Blasting Could Be the Tipping Point for North Atlantic Right Whales https://usa.oceana.org/sites/default/files/17335/narw_and_seismic_factsheet_final_3.25.19_-_with_sources.pdf

Ms. PINGREE. Thank you all very much for your testimony and for the critical work that your organizations are doing. I just want to make a couple of comments, particularly, well, to each one of you. But thank you to POGO for the work that you have done on the report, researching this. And I think particularly in light of the last panel where, funding for land and water conservation, the Kilmer bill that is proposed, so much of it depends on how much we receive on these leases. So the idea that there would be any mechanism that would reduce the amount that we receive, and also that there is no transparency, is really unthinkable. So thank you for bringing to light, and I hope we can do some work on that in the next bill.

Certainly we are all concerned about the Administration's proposals in Alaska, and even as far as Maine, I hear from my constituents about this all the time because I do think we think of these as national treasures. In terms of the logging rights, as you mentioned, the President just said we are going to plant 1 million trees, and we don't need to cut down trees in areas where we should be protecting them. And obviously there are appropriate places for forestry harvesting. My State is one of them. But there are places in public lands where we shouldn't be doing that.

And I am particularly disturbed about the leasing of oil and gas opportunities, particularly when we are not paid the full value. But even more importantly, I think as solar, and wind, and renewable resources become even more affordable, the fact that we are not investing in that, yet we are encouraging and supporting and subsidizing oil and gas leases, is ridiculous at this moment in time when we have bigger concerns to think about.

I just heard someone give a talk that said 5 years ago in 1 percent of the world, solar and wind was more financially feasible than oil and gas. Five years later, today, in two-thirds of the world, it is more cost-effective to invest in solar and wind. So the very idea that we are supporting that is unthinkable. It also makes a lot of those resources subprime, and so over time, the reason the value is going down is because it is increasingly less valuable. The reason these companies want, you know, a cheaper, no expense to their bid is because they know in the future there is not going to be much support for it. So it is just bad policy all the way.

And, of course, being from an ocean State where we have so many concerns about the future of the ocean, and I think you know our entire delegation, our tripartisan delegation, and our governor, our State legislature are just furious at the idea that the Administration would suggest that we should drill. It would be a huge challenge to our fishing industry, it would be a disaster to our tourism industry, two very important industries to our State. And it doesn't make any sense, and we are much more interested in offshore wind and solar projects, and that is where our money should be.

So obviously I didn't ask you guys any questions, but I just wanted to rant there for a minute and really support the work that you are doing. And I am so grateful for you helping us to make that case. Mr. Joyce.

Mr. JOYCE. I certainly appreciate all of you coming today and the information that you have provided all of us. I don't have any further questions. Thank you.

Mr. KILMER. Thank you, Madam Chair. Thank you each for the work you do. Mr. Messmer, last week I was in Grays Harbor County, Washington out on the coast meeting with folks who work in the fishing industry. And obviously it has been a challenging time. And the concern about offshore drilling is real, you know. It is perceived in our region by Democrats, Republicans, you name it, as a real threat to those livelihoods, to our maritime industry, to commercial fishing, sport fishing, tourism. We have a $50 billion maritime economy, almost 200,000 jobs supported by it just in Washington State alone, and it is incompatible with oil and gas development.

You spoke about hoping to see in the bill restriction of funds to be used for offshore drilling. Any other direction either to this committee or to Congress to protect the coastal communities that are really put at risk?

Mr. MESSMER. Thank you. I think at this time what we would really like to see is the restoration of these funding restrictions to the bill. They had a 30-year. This is nothing new. They are something out of the legacy of Congress. This is something that Congress had done in response to the will of its constituents and because of the interest of members as well for almost 30 years from 1982 to 2008. And so we very much think that this is returning, restoring these provisions to the bill as you did last year. Unfortunately, we didn't make it through the Senate and on to the White House. But, you know, obviously regardless, we keep pushing on that front as well as protecting the North Atlantic from seismic. I know there was language that Mr. Cunningham offered last year, which was amended to the bill. And we obviously support that language as well.

Mr. KILMER. Okay. Thank you.

Mr. MESSMER. Thank you.

Ms. PINGREE. I want to just add, I meant to say that. But thank you so much for the data and the support around limiting seismic drilling exploration. Obviously the right whale is a huge topic in the Gulf of Maine, and we are concerned about every threat to the right whales, and so thank you for making that case.

Thank you to the panel. We appreciate all your work, and we appreciate your being here today. And we will look forward to our last, but certainly not least, panel of the morning.

Okay. Well, thank you for being so prompt, and we will go ahead and begin this panel. Thank you, Ms. Kraska.

Ms. KRASKA. Kraska.

Ms. PINGREE. Kraska, yes.

Ms. KRASKA. Mm-hmm.

Ms. PINGREE. Thank you. Please go ahead.

Ms. KRASKA. Exactly how it sounds. Thank you so much. I appreciate it.

THURSDAY, FEBRUARY 6, 2020.

ASPCA

WITNESS

KATIE KRASKA, SENIOR MANAGER OF FEDERAL LEGISLATION, ASPCA

Ms. KRASKA. Good morning, Vice Chair Pingree, Ranking Member Joyce, and members of the subcommittee. Thank you for the opportunity to testify on the non-lethal and sustainable management of our Nation's wild horses and burros under the care of the BLM. My name is Katie Kraska, and I am the senior manager of Federal legislation for the American Society for the Prevention of Cruelty to Animals.

Wild horses and burros are a key segment of the equine population at the ASPCA is working hard to protect. We appreciate the subcommittee's continued commitment to non-lethal management, most recently extending these protections to herds on U.S. Forest Service lands in Fiscal Year 2020. Recognizing the American public's overwhelming opposition to horse slaughter and killing for population control, Congress has, since the late 1980s, prohibited lethal management of our wild herds, and we urge that this continue in Fiscal Year 2021.

But wild horses and burros need more than these protections to thrive for generations to come. That is why I am here today to speak in support of a new humane path forward for the Wild Horse and Burro Program. If there is one thing that everyone on all sides of this highly-polarized issue can agree on, it is that the status quo is not working. This program is in desperate need of a change, and know that ASPCA does not agree with the BLM's current view that the 31 million acres of land allotted for wild horses and burros can only support 27,000 equines. We know that achieving a sustainable program requires a stable population over time.

The current strategy of moving horses off range and into holding facilities is not capable of achieving this goal because it does nothing to address population growth. We end up with more horses on range, more horses off range, and a shrinking budget to use on active management. Last year, off-range holding costs devoured 67 percent of the program's annual budget. Despite the negativity and polarization that has plagued this issue for decades, we want to focus on solutions.

For the first time, and in large part due to the subcommittee's leadership, we have an opportunity to slowly but surely steer this program on to a sustainable and humane course. The ASPCA, along with other humane and wild horse advocacy groups, recognize that the BLM's Wild Horse and Burro Program needed not only an overhaul, but direction on how to accomplish it. Our goal was a paradigm shift away from removals and towards on-range management achieved with proven, safe, and humane fertility control. That is why we developed a comprehensive science-driven, non-lethal management plan that will achieve this goal within 1 decade.

Wild horse and burrow management has vexed administration after administration, Congress after Congress, which is why it is a privilege to be able to thank the vice chair, the ranking members of the subcommittee, and their staff for their hard work and unprecedented action in the Fiscal Year 2020 Interior appropriations bill. In the end, this committee allocated an additional $21 million for a new management plan. It takes courage and expertise to recognize the need for action.

This was a truly bipartisan effort, and we applaud the subcommittee's directive to BLM to ensure that effective and humane fertility control is adopted as the central pillar of its management program, and to strictly adhere to its comprehensive animal welfare program to ensure that horses and burros on and off range are always handled humanely. With the support of a wide variety of stakeholders, we are carving a humane path forward for these iconic animals of which Americans can be proud.

Assuming that the BLM meets Congress' requirements, we urge the committee to continue to increase funding for BLM's Wild Horse and Burro Program in Fiscal Year 2021. We look forward to seeing BLM's forthcoming report outlining how it intends to use the additional $21 million in funds, which we hope will convey their clear commitment to a humane path forward. We also support the subcommittee's commitment to oversight and understand that Agency input and communication are critical to the lasting success of these efforts.

From a humane and scientific standpoint, the most cost-effective way to rebalance this program is to dedicate maximum funding up front, but correct implementation, especially of fertility control, is key. Ultimately, the American public wants to see wild, free-roaming horses and burros managed with their well-being in mind. We thank the committee for taking action to achieve this and for considering funding and programmatic needs for the Wild Horse and Burro Program in Fiscal Year 2020. I welcome your questions.

[The statement of Ms. Kraska follows:]



PUBLIC WITNESS TESTIMONY
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2021

Submitted by: **Katie Kraska, Senior Manager of Federal Legislation**
American Society for the Prevention of Cruelty to Animals
January 29, 2020

Good morning Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee. My name is Katie Kraska and I am the Senior Manager of Federal Legislation for the American Society for the Prevention of Cruelty to Animals (ASPCA), a national non-profit organization dedicated to animal protection. I greatly appreciate this opportunity to testify before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies about the non-lethal and sustainable management of our nation's wild horses and burros under the care of the Bureau of Land Management, and am here to speak in support of a humane, new path forward for the Wild Horse and Burro Program (WHBP).

Founded in 1866, the ASPCA is the oldest animal welfare organization in North America and serves as the nation's leading voice for animals. From our very inception, when founder Henry Bergh fought to improve the treatment of carriage horses, we have worked to protect horses from cruelty as their roles have changed in society, from our primary form of transportation to revered athletes, work partners, and pets. In our early days, we focused on equine veterinary care, inventing the first operating table and ambulance for horses. More recently, in 2017, we established a dedicated Equine Welfare department working to increase support and opportunities to find homes for horses, improve safety net resources for horse owners in need, and increase legal protections and support for law enforcement to effectively respond to equine cruelty.

Wild horses and burros are a key segment of this population. These icons of the American West are among the few animals specifically protected under their own federal law, which was enacted in 1971. Critical to achieving our goal of good welfare for all equines is the permanent end of the slaughter of American horses, both domestic and wild. The American public overwhelmingly opposes this practice, which is unavoidably inhumane, creates huge and unnecessary challenges for rescue work, and instills fear in the equine community. Recognizing this, Congress has repeatedly passed measures through the appropriations process to prohibit the slaughter of horses on American soil. Wild horses and burros have been protected from lethal management since the late 1980's and there have been no horse slaughter facilities operating in the U.S. due to Congressional action since 2007. We greatly appreciate this subcommittee's inclusion of the prohibition against slaughter each year, and most recently, the extension of these protections to herds on U.S. Forest Service lands in the FY 2020 Interior Appropriations bill.

However, wild horses and burros need more than these protections to thrive for generations to come. They also need proactive, humane, sustainable management. And this is something that, overall, the BLM has failed to provide. As of March 1, 2019, the BLM estimates that there are 88,090 wild horses and burros on BLM public lands, and this figure increases by approximately 15%-20% per year. Though the ASPCA does not agree that 31.6 million acres of land allotted for wild horses and burros can only support 27,000 individuals, we know that achieving a

sustainable WHBP requires a stable population over time. Unfortunately, the current strategies implemented by the agency are not capable of achieving this goal and have instead led to exponential population growth. Rather than controlling population growth through humane fertility control vaccines, the BLM has focused almost exclusively on removing horses and burros from their home range and moving them into expensive, off-range holding facilities. This has resulted in a growing on-range population, as herd growth accelerates after removals,[1] and a growing off-range population, which is steadily devouring a larger and larger portion of the WHBP budget. Over time, the Program has dug a deeper and deeper hole, with a majority of BLM's programmatic funds being spent on off-range holding, rather than active on-range management.

Despite the negativity and polarization that has plagued this issue for decades, we want to focus on solutions. For the first time, and in large part due to this subcommittee's leadership, we have an opportunity to slowly but surely steer this program back onto a sustainable and humane course. Without a humane solution, lawmakers may resort, even if reluctantly, to inhumane proposals. That is why we developed a comprehensive, science driven, non-lethal management plan that will get the program on track within a decade. This is an incredibly polarizing topic that has vexed administration after administration, Congress after Congress. That is why it is a privilege to be able to thank the Chair, the Ranking Member, members of the subcommittee, and their staff for taking unprecedented action in the FY 2020 Interior Appropriations bill. Though we have only just begun the course correction of this program, it takes courage and expertise to recognize the need for action, and to direct BLM to make the necessary changes. For the first time in a long time, we are carving a humane path forward for these iconic animals, of which Americans can be proud.

The ASPCA, along with other humane groups, recognized that the BLM's Wild Horse and Burro Program not only needed an overhaul, but needed direction on how to accomplish it. Our goal was to shift the long-held reliance on round ups and removals to on-range management achieved via safe and humane fertility control, a move that will, if faithfully implemented, effectively end the costly off-range program and the need for large-scale removals. Decades of research has demonstrated that on-range management with fertility control is not only possible, it is the fiscally responsible choice. Making a major course correction will take time, and temporary measures like some targeted removals in highly impacted areas will be needed to enable fertility control tools to take effect. Our proposal contains four interdependent strategies that must be implemented simultaneously to have a meaningful effect: 1) immediate and robust application of proven safe and humane fertility control to manage the on-range population; 2) shifting horses currently in off-range BLM corrals to humane, cost-effective pasture facilities; 3) increasing wild horse and burro adoptions; and 4) removals of horses from densely populated herd management areas to reduce the population that must be managed on-range, the need for which will decrease over time as the program rebalances towards on-range management, with strict adherence to the BLM's Comprehensive Animal Welfare Program.[2] Our plan will not succeed if the agency fails

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[1] National Research Council. "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward." 2013. Washington, DC: The National Academies Press. https://doi.org/10.17226/13511.

[2] Bureau of Land Management, Comprehensive Animal Welfare Program for Wild Horse and Burro Gathers. IM 2015-151. Accessed July 12, 2019. https://www.blm.gov/policy/im-2015-151

to implement any single one of those strategies. The plan envisions that BLM will shift towards primarily using the fertility control strategy to sustainably manage the population in perpetuity.

Fertility control is a demonstrably effective strategy to manage wild equids. Starting in 1990, the GAO began urging BLM to implement fertility control for wild equids, which is less expensive than removing horses from the range and paying for lifetime care in off-range facilities. The efficacy of fertility control has been confirmed through multiple studies, agency reports, and congressional reports.[3] Despite the strong body of supportive evidence, in FY 2018, BLM administered only 702 fertility control treatments.[4] However, since we have come forward with this proposal, we have been encouraged by recent BLM statements that fertility control is a critical component of any successful program and that such a program is possible with additional funding. We are also encouraged to see the agency pursue research to find longer lasting vaccines, such as the oocyte growth factor vaccine study in Nevada.[5] We are cautiously optimistic that BLM is finally embracing the use of effective fertility control tools as the best way to manage wild equids.

Regardless of the efficacy of any fertility control tool, it cannot work if it is not used. In developing our plan, we worked with experts in the field—population ecologists, economists, and wildlife managers—to reach a better understanding of how much it will cost and how long it will take to achieve a program where the wild equid population is controlled almost exclusively through fertility control, removals are few and far between, and the number of horses and burros adopted out mirrors the small number removed from the range. These experts built a scientific model that has allowed us to understand what effect various management scenarios would have on the total population now and in the future. This is how we reached the tiers of our proposal, through scientific analysis and strict adherence to the parameters of what can happen in reality. The math is relatively simple. The BLM's capacity to treat a number of animals in a given year is approximately 25,000, given that approximately 5,000 are reachable by ground darting and 20,000 can be gathered. Fertility control can only stabilize the population if the vast majority of the animals receive the vaccine – upwards of 80%. We are optimistic that this capacity can increase with additional contractors, and also about new exciting research that helicopter gathers may not be the only way to coax horses into corrals.[6] But it is critical to achieving a balanced population that the agency initiate an on-range focus now.

For the first time in the FY 2020 appropriations cycle, both the U.S. House and Senate Interior Appropriations bills included dedicated funding and clear language directing BLM to implement

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[3] *See e.g.* 1992-1995 BLM Report; 1998 FWS rule; 2003 BLM Report to Congress; 2006 U.S. House of Representatives Report urging BLM to move forward with fertility control, citing USGS study showing $7.7m in savings; 2008 BLM Report to Congress confirming efficacy of fertility control and citing NPS successes; 2009 BLM instruction memorandum, "for each animal that would have been maintained at long term holding for the remainder of its life after capture, the total cost savings is about $13,000"; 2011 BLM EA on McCullough Peaks herd stating that liquid PZP is 95% effective.

[4] "Program Data." U.S. Department of the Interior, Bureau of Land Management. April 27, 2018. https://www.blm.gov/programs/wild-horse-and-burro/about-the-program/program-data

[5] Bureau of Land Management, Nevada State Office. 2020. "Oocyte Growth Factor Vaccine Study." https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=1502949

[6] McDonald, Sue & Torcivia, Catherine. 2020. "Preliminary Proof of the Concept of Wild (Feral) Horses Following Light Aircraft into a Trap." *Animals.* (10)1.

a comprehensive, on-range management program that embraces the four principles of our proposal. It is also to our knowledge the first Congressional directive for the BLM to adhere to its Comprehensive Animal Welfare Program to ensure that horses and burros on and off range are handled humanely. The final bill allocated an additional $21 million for a humane, sustainable management program that prioritizes effective implementation of fertility control. This was a truly bipartisan effort and we applaud the subcommittee's directive to BLM to ensure that effective and humane fertility control is adopted as the central pillar of its management program. We also support the subcommittee's commitment to keep a close eye on the agency's planning and implementation of this proposal through continued oversight. If BLM complies with Congress's requirements for a humane management program, we strongly urge the committee to continue to increase funding for BLM's Wild Horse and Burro Management Program in FY 2021. From a scientific perspective, the most cost-effective way to manage this program in perpetuity is to dedicate more funding up front. The faster we act, the easier it will be to rebalance the program. However, we understand that oversight and agency buy-in are critical to the lasting success of these efforts and appreciate the Committee's consideration of such factors. We look forward to seeing BLM's forthcoming report on how it intends to use the additional $21 million in funds, which we hope will convey their clear commitment to our proposal.

Thank you for your work on this issue thus far, and for considering this testimony regarding funding and programmatic needs for the Wild Horse and Burro Program in FY 2021.

Ms. PINGREE. Thank you very much. Ms. Marienfeld?
Ms. MARIENFELD. Marienfeld, yes.

THURSDAY, FEBRUARY 6, 2020.

SOUTHERN UTAH WILDERNESS ALLIANCE

WITNESS

KYA MARIENFELD, WILDLANDS ATTORNEY, SOUTHERN UTAH WILDERNESS ALLIANCE

Ms. MARIENFELD. I represent the Southern Utah Wilderness Alliance, a nonprofit dedicated to the preservation of the outstanding wilderness at the heart of the Colorado Plateau. We thank you for providing the opportunity to present our views on the subcommittee's support for the Bureau of Land Management's financial involvement in the State of Utah's Watershed Restoration Initiative, a partnership that has resulted in tens of millions of Federal taxpayer dollars spent on the destruction of native ecosystems throughout public lands and Utah. Specifically, we are concerned that the subcommittee's explicit support for this partnership greenlights BLM spending on large-scale removal of native vegetation risks diverting limited agency monies away from critical staffing needs, and results in irreparable damage to Utah Public Lands.

Utah's Watershed Restoration Initiative, which I will refer to as the Initiative, is founded and coordinated by the Utah State Department of Natural Resources. The Initiative is a coalition of public and private entities created to fund and promote vegetation and habitat projects in Utah. The money pooling function of the initiative has undoubtedly produced a continual increase in vegetation removal on BLM managed public lands in our State.

In the report accompanying the appropriations bill for 2020, this subcommittee highlighted its concern over ongoing drought in the western United States, and overtly endorsed BLM's continued funding of the Initiative to, as the subcommittee stated, "develop water resources to benefit the public, wildlife, endangered species, permits use, and other users." But vegetation removal projects, called vegetation treatments or habitat restoration, take many forms. Often the initiative invests in projects that employ heavy machinery and extensive surface disturbance.

One prevalent method is mastication where a machine known as a bull hog is used to mulch vegetation, turning entire forests of live trees into thousands of acres of wood chips and stumps. Chaining utilizes a large anchor chain dragged between two enormous bulldozers to rip live trees out of the ground, roots and all. These chain masticators and other heavy equipment destroy the fragile living soil crust that is the backbone of the Colorado Plateau ecosystem, and is our main defense against future drought and desertification.

While preventing drought and fire and protecting watersheds are laudable goals for BLM, science tells us that the large-scale disturbance resulting from these projects can actually make these problems worse. BLM is spending millions of dollars a year on projects with no proven track record of success and with no real plan to develop the science necessary to increase those odds in the future. Furthermore, the Initiative's funding regime has created a

tail-wagging-the-dog situation as this pool of money has grown, so has the size and scale of vegetation removal projects proposed by BLM, regardless of science and research that recommends otherwise.

Since 2006, BLM has contributed over $80 million in funding to support initiative projects in Utah. It is exceptionally difficult for the public to follow the trail of financing from congressional appropriation to BLM funding of initiative projects. We are concerned that discretionary agency monies are being moved away from other needs, such as filling critical BLM field office staffing vacancies and positions ranging from law enforcement officers to biologists, and is instead being transferred to a money pooling coalition controlled by the State of Utah. Rather than protecting water resources, this taxpayer money is being used to fund the removal of native trees and shrubs, which results in a degraded ecosystem on public lands. Our concern over a lack of transparency is heightened when considering the revolving door between leadership at the Department of Interior and the State of Utah.

We are not advocating that truly degraded ecosystems can never benefit from human help, but rather that the subcommittee should not continue to effectively grant BLM blanket approval to fund large-scale vegetation removal projects through this initiative partnership. We believe that additional appropriations oversight is necessary to ensure that BLM's funding pipeline for so-called watershed restoration projects is transparent, and that projects are grounded in high-quality science and monitoring, and that discretionary BLM funds are not being diverted from necessary staffing and resource needs toward Initiative projects.

We encourage the subcommittee to take a hard look at its endorsement of this partnership. Issues of accountability, both through BLM's funding process as well as when public funds are in the Initiative's hands, and the Initiative's continual promotion of projects that benefit economic interests at the detriment of all other resource values. Thank you.

[The statement of Ms. Marienfeld follows:]

Written Testimony of Kya Marienfeld
Wildlands Attorney
Southern Utah Wilderness Alliance

Before the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies
February 6, 2020

Introduction

Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee, I represent the Southern Utah Wilderness Alliance (SUWA), a Utah-based non-profit organization with over 15,000 members, dedicated to the preservation of the outstanding wilderness at the heart of the Colorado Plateau and the management of these lands in their natural state for the benefit of all Americans. SUWA and our members thank you for providing the opportunity to present our views on the Subcommittee's support for the Bureau of Land Management's (BLM) financial involvement in Utah's Watershed Restoration Initiative (WRI)—a partnership that has resulted in tens of millions of federal taxpayer dollars wasted on the destruction of native ecosystems throughout public lands in Utah.

While we fully agree with the Subcommittee's concern about the ongoing and worsening drought affecting the western United States, we do not support the Subcommittee's endorsement of BLM's financial partnership with the State of Utah through WRI.[1] The Subcommittee's support for BLM's continued engagement with WRI effectively green-lights the agency to commit millions of dollars each year towards native vegetation removal projects that often do not align with the Subcommittee's stated desire to protect western water resources.

SUWA submits this testimony in order to encourage the Subcommittee to take a closer look at BLM's multimillion-dollar funding of WRI projects, specifically those projects involving large-scale mechanical vegetation removal of pinyon pine, juniper, and sagebrush—done at the expense of native ecosystems, wildlife habitat, and the climate resiliency of BLM-managed public lands. In addition to concerns over the destruction of native ecosystems through WRI-funded projects, we also believe that BLM's continued financial commitment to WRI raises issues of transparency and accountability in agency spending, undermines the persistent claim that BLM is underfunded and cannot properly staff its field offices, and highlights potential conflicts of interest between the State of Utah and the Department of the Interior.

Vegetation Manipulation and WRI Funding

Utah's Watershed Restoration Initiative (WRI)—founded and coordinated by the Utah Department of Natural Resources—is a coalition of public and private entities created to fund and promote vegetation and habitat projects across federal, state, and private lands in Utah. The WRI coalition includes, in part, BLM, the Forest Service, the Utah Division of Wildlife Resources, public land grazing permittees, and hunting advocacy organizations such as

[1] H.R. Rep. No. 116-100, at 14 (2019).

Sportsmen for Fish and Wildlife, the Mule Deer Foundation, and the Safari Club.[2] Since 2006, WRI has funneled hundreds of millions of dollars toward vegetation manipulation projects on over one million acres of public, state, and private lands throughout Utah.[3] The money-pooling function of WRI has inarguably produced a continual increase in vegetation removal on BLM-managed public lands in Utah—from the vast, mountain-ringed wildlands of the Great Basin to the redrock of the Colorado Plateau, including in Wilderness Study Areas and other wilderness-quality lands. While many of the projects funded through WRI are beneficial—such as the removal of invasive species or the restoration of river systems—WRI's bullish funding of landscape-scale, mechanical vegetation removal is resulting in irreparable damage to native pinyon pine, juniper, and sagebrush ecosystems.

In the Report accompanying the Department of Interior, Environment, and Related Agencies' Appropriations Bill for 2020, the Subcommittee highlighted its concern over ongoing drought in the western United States.[4] In doing so, the Subcommittee overtly endorsed BLM's continued funding of WRI "to develop water resources to benefit the public, wildlife, endangered species, permittees, and other users," and encouraged BLM to "continue to work with the State and other interested entities to identify and pursue the highest priority projects."[5]

But what form do the projects that WRI funds to "develop water resources to benefit the public" actually take? An attempt to find these answers in WRI's public-facing materials falls quite short of specifics and instead turns up glossy fact sheets extolling the program's "protection and rehabilitation of vital habitats for wildlife," how WRI funds help "reduce the risk of catastrophic wildfires," and how WRI works to "increase forage for sustainable agriculture."[6] All of these goals, it seems, can be accomplished through the very same means: by systematically removing large swaths of native vegetation, most often pinyon pine, juniper, and sagebrush.

Vegetation removal projects—called "vegetation treatments" or "habitat restoration" by BLM and WRI—take many forms. Sometimes the preferred method is prescribed burning or hand-thinning. More commonly, however, WRI invests in projects that employ heavy machinery and extensive surface disturbance. One prevalent method is "mastication," where a machine known as a bullhog masticator is attached to an excavator and is used to mulch vegetation from branch tips to roots, turning entire forests of live trees into thousands of acres of woodchips and stumps. "Chaining," a particularly heavy-handed approach, utilizes a large anchor chain dragged between two enormous bulldozers to rip live trees out of the ground, roots and all. Bulldozers travel back and forth with anchor chains that can weigh more than 20,000 pounds, uprooting hundreds of trees and any other vegetation in its wake with every pass. These chains destroy the fragile living soil crust that is the backbone of the Colorado Plateau ecosystem. Because of public outcry over chaining's particularly devastating impacts, BLM significantly scaled back on

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[2] Utah's Watershed Restoration Initiative, *Restoring Watersheds Through Partnerships*, 3 (2019) available at https://watershed.utah.gov/wp-content/uploads/2019/07/2019-WRI-Fact-Sheet-Page-1-4.pdf

[3] Utah's Watershed Restoration Initiative, *Utah's Watershed Restoration Initiative By the Numbers*, 1 (2019) available at https://watershed.utah.gov/wp-content/uploads/2019/11/WRI-by-the-numbers-Infographic-Final-med-res.pdf

[4] H.R. Rep., *supra* note 1.

[5] *Id.*

[6] Utah's Watershed Restoration Initiative, *supra* note 2.

the practice in the 1990s, but in the last decade we've seen its re-emergence as a favored method of "treatment" throughout Utah.

Proponents of large-scale mechanical vegetation removal argue that although not aesthetically-pleasing, these projects are necessary for restoring a natural ecosystem—that they benefit wildlife like deer, elk, and other ungulates, and that they help prevent wildfires and rejuvenate watershed health. However, the problems with these treatments aren't merely aesthetic, and the best available science shows that, more often than not, large-scale mechanical vegetation removal has either non-significant (at best) or detrimental (at worst) effects on metrics like wildlife, fire prevention, and watersheds.

According to an extensive 2019 review of all existing scientific literature on mechanical vegetation removal, these projects have just one in three odds of improving forage for ungulates.[7] Two-thirds of the time, mechanically removing vegetation has either a non-significant or negative effect on forage for these species.[8] Regarding fire prevention, "recent studies suggest that climate has a greater influence on fire activity than fine fuels and biomass," and surface disturbances associated with mechanical vegetation removal may actually facilitate the expansion of cheatgrass and other invasive species that lead to increased fires.[9] According to the report, "there is little research supporting the contention that removing pinyon and juniper reduces fire."[10]

Mechanical vegetation removal projects also disturb soils, which frequently leads to an increase in erosion and desertification. This is especially true in southern Utah, where ecosystems rely on biological soil crusts as an integral component of soil stability. In existing scientific literature, only 4% to 7% of treatments resulted in a decrease in runoff and erosion, with most research concluding that "treatments do not reliably increase water yield on a watershed scale, although water availability may increase in local areas."[11]

All told, BLM is spending millions of dollars a year on projects with no proven track record of success and with no real game plan to develop the science necessary to increase those odds. While preventing drought and fire and protecting watersheds are laudable goals for BLM, science tells us that the large-scale disturbance of Utah wildlands resulting from WRI-funded vegetation removal can actually make these problems worse. Furthermore, WRI's funding regime has created a tail-wagging-the-dog situation—as the pool of WRI money has grown, so has the size and scale of vegetation removal projects proposed by BLM.

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[7] Alison Jones, lead ed., *Do mechanical vegetation treatments of pinyon-juniper and sagebrush communities work? A review of the literature*, 25-27 (2019) available at https://static1.squarespace.com/static/57c5f6aa579fb31d71581457/t/5c746d0a9140b757cca49418/1551133978337/2019_MechVegTrt_LitReview.pdf

[8] *Id.*

[9] *Id.* at 5.

[10] *Id.*

[11] *Id.* at 6.

Since 2006, BLM has contributed over $80 million dollars in funding to support WRI projects.[12] In 2019 alone, BLM contributed over $10 million dollars to WRI.[13] Looking at treatments listed by acreage, it appears that only a small percentage of BLM funding to WRI actually directly benefitted watersheds and riparian resources.[14] This subverts the Subcommittee's intent in encouraging the partnership between BLM and WRI for protecting water resources.

Despite making these "big picture" numbers available to the public, it is exceptionally difficult to follow the trail of financing from congressional appropriation to BLM funding of large-scale vegetation removal projects through WRI. Because of this, SUWA is concerned that discretionary agency monies are being moved away from other needs—such as filling critical staffing vacancies throughout Utah BLM field offices in positions ranging from law enforcement officers to biologists and archaeologists—and is instead being transferred to a money-pooling coalition largely controlled by the State of Utah. Rather than protecting water resources, this taxpayer money is being used to fund the removal of native vegetation, which results in a degraded ecosystem where the only consistent beneficiaries are grazing interests. The concern over a lack of transparency in regard to BLM appropriations is heightened when considering the recent revolving door between leadership at the Department of Interior and the State of Utah.[15]

We are not advocating that truly degraded ecosystems can never benefit from human help, but rather that the Subcommittee should not continue to effectively grant BLM blanket approval to fund large-scale, heavy-handed, and destructive vegetation removal projects through the WRI partnership. We believe that additional appropriations oversight is necessary to ensure that BLM's funding pipeline for "vegetation treatment" or "habitat restoration" projects is transparent, that projects are grounded in high-quality science and monitoring, and that discretionary BLM funds are not being diverted from necessary staffing and resource needs towards WRI. As was made clear in the 2019 scientific report, "[a]s changing climatic conditions make predicting the results and risks of mechanical treatments even more uncertain, public land managers should aim for more transparency in the decision process to explain the expectations for a project and the science guiding the planning effort."[16]

Conclusion

Thank you for the opportunity to submit testimony regarding the Subcommittee's support for BLM's financial involvement in WRI. We encourage the Subcommittee to take a hard look at its endorsement of this partnership, issues of accountability both through BLM's funding process as well as when public funds are in WRI's hands, and WRI's continual promotion of projects that benefit small economic interests at the detriment of all other resource values.

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[12] Press Release, BLM Utah Announces Five-Year Agreement with the Utah Department of Natural Resources as a Part of Utah's Watershed Restoration Initiative (Dec. 31, 2019) available at https://www.blm.gov/press-rekease/blm-utah-announces-five-year-agreement-wri-dnr

[13] *Id.*

[14] *Id.*

[15] "Herbert picks a top national BLM official and former Stewart aide to lead Utah Department of Natural Resources," Salt Lake Tribune (April 29, 2019), available at https://www.sltrib.com/news/environment/2019/04/29/herbert-picks-top/

[16] Jones, *supra* note 7, at 7.

Ms. PINGREE. Thank you very much. Mr. Simpson. You are well-miked today. [Laughter.]

Mr. SIMPSON. Stereo right here.

THURSDAY, FEBRUARY 6, 2020.

PUBLIC LANDS FOUNDATION

WITNESS

DON SIMPSON, VICE PRESIDENT, PUBLIC LANDS FOUNDATION

Mr. SIMPSON. Well, thank you for the opportunity to testify today. My name is Don Simpson. I am the vice president of an organization called the Public Lands Foundation, PLF. We are a national nonprofit organization. We are nearly all retired employees of the Bureau of Land Management and have a large body of experience, expertise, and knowledge of public land management. I am here today to present our program priorities for the 2021 budget for BLM.

The first program area is balanced energy development. I think we have had a little discussion already. We believe the subcommittee should support the environmentally-responsible and balanced development of all energy resources. This includes oil, gas, coal, solar, wind, and geothermal. It also includes the associated pipeline and transmission infrastructure. It is critically important that sufficient funds are provided to not only support the leasing and permitting activities, but also the land use planning, the resource assessments, the NEPA reviews, the program management, and the inspection and enforcement activities.

Sage-grouse habitat is the second issue that we have. As the West has become urbanized over the last 100 years, large areas of sagebrush have been impacted, resulting in significant sage-grouse population declines. The PLF recommends increased funding for the BLM to coordinate activities on public lands with State agencies, stakeholders, and partners to improve and restore habitat that has been damaged by wildfire, weed invasions, and development. Conserving and restoring habitat for sage-grouse will also enhance populations for elk, mule deer, golden eagles, and hundreds of sagebrush-dependent species.

Wild horses and burros, number three. So I am going to tag on to what Ms. Kraska was talking about. The overpopulation of wild horses and burros on the range is now nearly 4 times its targeted management level, and it is past a critical point, and it is doing irreparable harm to the land, the vegetation, the wildlife, and the animals themselves. The PLF has been working as a partner with a broad coalition of diverse stakeholders that are seeking a solution to the problem. The only viable approach for resolution is the implementation of a consistently funded multiyear strategy that entails aggressive removals, broadscale annual application of fertility control, novel efforts to increase adoption, such as BLM's recent incentive program, and pasturing of unadopted animals. We recommend that the committee, at a minimum, retain the 2020 funding levels for the Wild Horse and Burro Program, with increases

and long-term funding to implement the BLM's soon-to-be-presented plan.

Recreation is the fourth area I would like to discuss. For those of you that have visited the West recently, it is growing very rapidly. It is placing a significant demand on the public lands for recreation opportunities. In Fiscal Year 2018, the public lands provided 68 million recreation visits with an economic output of nearly $7 billion to the western States' economies. We recommend that this subcommittee increase funding for recreation, wildlife, fisheries, land restoration, and the Land and Water Conservation Fund. These funds will allow BLM to maintain and add recreation opportunities, secure easements for access to landlocked public lands, and restore degraded lands to improve wildlife and fisheries habitat.

Fifth is an emerging and important program area, wildlife migration corridors. BLM has been working for several years now with the State wildlife agencies to identify wildlife migration corridors for species such as mule, deer elk, and pronghorn antelope. Funding should be provided to continue and expand this effort. These are very small amounts of public lands, but they are crucial for the species to get to and from their winter and summer habitats. Our sixth and final issue I would like to highlight is the functional elimination of the BLM headquarters. As you are aware, the Secretary of Interior announced the movement of the BLM headquarters of employees from Washington, D.C. to 11 western States. That was done last summer. So the director, assistant directors, and a few immediate staff are going to be located in Grand Junction, Colorado. The other staff will be scattered throughout other western locations. The PLF opposed this proposal as it will functionally eliminate the Agency's headquarters. The result will be the largest Federal land managing agency with no seat at the table in Washington, D.C. as policy procedures and budgets are developed. We strongly believe the BLM headquarters should be located in Washington, D.C. We recommend that funding be eliminated for the continuation of this action in Fiscal Year 2021, and that significant congressional oversight occur by both House and Senate Appropriations and authorizing committees during Fiscal Year 2020.

Thank you for the opportunity to share PLF's priorities.

[The statement of Mr. Simpson follows:]

TESTIMONY OF DONALD A. SIMPSON
VICE PRESIDENT, PUBLIC LANDS FOUNDATION
THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES;
COMMITTEE ON APPROPRIATIONS;
ATTENTION: PUBLIC WITNESS TESTIMONY
FISCAL YEAR 2021 BUDGET – BUREAU OF LAND MANAGEMENT
February 6, 2020

We thank you for this opportunity to present the Subcommittee with the Public Land Foundation's (PLF) views regarding the Bureau of Land Management's (BLM) budget for FY 2021. As a national, non-profit organization with more than 600 members, comprised principally of retired BLM employees, the PLF has a unique body of experience, expertise and knowledge of public land management. As retirees, we believe we offer an objective and non-partisan view of what is currently happening on the public lands managed by the BLM. The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of the BLM by 1) encouraging professionalism of its employees, 2) increasing the public's understanding of and support for the multiple-use management of the public lands, and 3) promoting scientific management of lands administered by the BLM.

BLM Overview

The BLM manages the most diverse landscapes in the Nation's portfolio. The agency manages approximately 245 million acres of land and 700 million acres of mineral estate from the north slope of Alaska to Jupiter Inlet in Florida. These lands are habitat for thousands of species of plants and animals, provide clean water, scenic beauty, and solitude. Many of these lands are of Tribal significance and include cultural and historic resources. They also provide the Nation with wealth from its many resources including oil and gas, coal, renewable energy, non-energy minerals, all types of recreation, forage for livestock, and timber. According to the *BLM's A Sound Investment for America 2019* report, during FY 2018 these lands generated $105 billion in economic output and supported 471,000 jobs.

These lands are vital to the many rural communities throughout the West that are intermixed with these lands and whose citizens work and recreate on the lands. These uses and values can only be achieved when there is some balance between energy development and other programs, such as wildlife, livestock grazing, forest management, and recreation to provide for the diversity of uses and maintenance of healthy, resilient landscapes.

Budget Overview

The PLF recognizes and appreciates the difficult decisions that must be made by the Congress and the Administration to allocate scarce dollars to programs that generate the best economic and social returns to the American taxpayers. The President's Fiscal Year 2021 Budget proposal, having not yet been released, leaves us not knowing the Administration's priorities for the upcoming year for the BLM. The PLF believes the budget should prioritize programs that provide for healthy, resilient landscapes; the conservation of species dependent on the diverse

habitat the BLM manages; economic benefits to the Nation and to the rural communities dependent on the BLM-managed public lands; all forms of energy and associated transmission; and the safety of communities these lands surround and the public that lives nearby.

Program areas of importance to the PLF

1. Balanced Energy Development. We believe the Subcommittee should support the sustainable and balanced development of both traditional and renewable energy resources, including solar, wind, and geothermal energy resources on the public lands along with the associated infrastructure (pipeline and transmission). The PLF specifically acknowledges the BLM for the recent approval of the Desert Quartzite solar project in California and release of the Final EIS for the Gemini solar project in Nevada. The BLM, however, needs to more aggressively move forward with the expansion of renewable energy designated leasing areas and competitive leasing for additional solar and wind energy development projects. Energy and infrastructure development on the public lands is part of the multiple-use mandate for the BLM under the Federal Land Policy and Management Act (FLPMA) and also supports economic growth, energy independence, jobs in our rural communities, and generates revenues for federal and state treasuries and local economies.

It is critically important that sufficient funds are provided to not only support the leasing and permitting activities for environmentally responsible energy development, but also for land use planning, resource assessments, NEPA reviews, program management, and inspection and compliance activities. This will assure that development is complying with laws, regulations and lease terms. The development of energy resources and associated infrastructure on the public lands affects other resources and must be balanced as to time and scale of development. Funding for other high value programs can help mitigate and offset some of the effects of energy development. An example would be funding to support the implementation of conservation practices for sage grouse under the west-wide habitat management plans that are potentially affected by energy and infrastructure development. It is also important that the BLM revisit the compensatory mitigation policy for development activities on the public lands (IM 2019-018, issued December 6, 2018) that limits the use of offsite mitigation tools to help reduce the landscape-level impacts from this development.

The BLM released a Final EIS for leasing in the 1002 Area of the Arctic National Wildlife Refuge (ANWR) in September 2019, and is expected to issue a Decision and conduct an oil and gas lease sale this year. The PLF requests that the 2021 budget provide sufficient funds to ensure environmental review, monitoring, and inspections of exploration and development.

2. Sage Grouse Habitat. As the West has become urbanized over the last 100 years, large areas of sagebrush have been impacted resulting in significant sage grouse population declines. Although it is a state-managed species that depends on the sagebrush-steppe habitat to survive, BLM manages large areas of the habitat across the Western states and must be in lock step with management strategies of the western states. The PLF recommends increased funding for the BLM to coordinate activities on public lands with state agencies, stakeholders

and partners to improve and restore habitat that has been damaged by wildfire, weed invasions, and development. Conserving and restoring habitat for sage grouse will also enhance populations of elk, mule deer, golden eagles and hundreds of sagebrush dependent species. Healthy sagebrush habitats also maintain vibrant ranching communities dependent on these habitats and a thriving outdoor recreation economy.

There are many landscape initiatives throughout the west that deal with large scale habitat improvement. Funding has been nearly eliminated for these efforts over the past few years. The PLF recommends reviving the funding for these healthy lands partnerships. These landscape scale initiatives are a bargain for the public because the local and state partners participate and match funding. For example, the Wyoming Landscape Conservation Initiative (WLCI) provided for a leverage of $6 for every one Federal dollar appropriated. Over a ten-year period from 2007 to 2017 the WLCI protected 93,000 acres of sagebrush habitat through easements and forage reserves and almost 100,000 acres were revegetated or treated to eliminate invasive species or rejuvenate decadent vegetation.

3. Wild Horse and Burros. The overpopulation of wild horses and burros on the range, now nearly four times target management levels, is past the critical point and is doing irreparable harm to the land, vegetation, wildlife, and horses and burros themselves. The PLF has been working as a partner with a broad coalition of diverse stakeholders that are seeking a solution to the problem. The only viable approach for resolution is the implementation of a consistently funded multi-year strategy that entails aggressive removals, broad scale annual application of fertility control, novel efforts to increase adoptions such as BLM's recent incentive program, and pasturing of unadopted animals. The Committee has requested a plan based on this approach be submitted by BLM. Absent the submission of this plan we recommend that the Committee at a minimum retain the 2020 funding level for the wild horse and burro program and if the plan is submitted, increase funding levels to begin implementation. This approach to management is supported by national animal welfare organizations, wildlife organizations, land conservation groups, livestockmen and is in step with management approaches identified by Congressman Stewart's Wild Horse and Burro Roundtable. It is imperative that the Federal funding not be reduced, and that the aggressive program of removals, fertility control, adoptions and pasturing of animals that has been initiated be increased. Any backtracking on these efforts endorsed by the stakeholders will stop the forward momentum to begin lowering the populations commensurate with the appropriate management level.

4. Recreation. The western states populations are increasing at a very rapid pace. This is placing a significant demand on the public lands for recreation opportunities. This includes anything from hiking, to biking, to hunting, to driving OHVs and everything in between. In FY 2018 the public lands provided 68 million recreation visits with an economic output of nearly $7 billion to the western state's economies. We recommend that the Subcommittee increase subactivity funding for recreation, wildlife, fisheries, and land restoration along with the Land and Water Conservation Fund, which was recently reauthorized by Congress. This will allow BLM to maintain and add recreation opportunities, secure easements for access to landlocked public lands, and restore degraded lands to improve wildlife and fisheries habitat.

5. Wildlife Migration Corridors. The BLM has been working with State Wildlife agencies to identify wildlife migration corridors for species such as mule deer, elk, and pronghorn antelope. Funding should be provided to continue and expand this effort. These are very small amounts of public land but are very crucial for these species to travel between their winter and summer habitats.

6. Headquarters Functional Elimination. The Secretary of the Interior announced the movement of the BLM Headquarters employees from Washington, D.C. to 11 different western locations last summer. The Director, Assistant Directors, and a few immediate staff are to be located in Grand Junction, Colorado. All other staff will be scattered throughout the west. The PLF opposed this proposal as it will functionally eliminate the agency's headquarters. The result will be the largest Federal land management agency with no seat at the table in Washington, D.C. as policy, procedures, and budgets are developed. We strongly believe the BLM Headquarters, with only 3 percent of the BLM total workforce, should be located in the Washington, D.C. area so that it can continue to provide budget, policy and oversight support to the Department, Administration, Congress, Office of Management and Budget, and other closely aligned Federal agencies.

At this point the move is beginning. Employees have received their directed reassignment letters and the vast majority have or will leave the agency -- a huge brain drain. Nearly 75% of the Washington Office leadership positions are currently vacant as a result of this move. These positions include several Assistant Directors, Deputy Assistant Directors, Division Chiefs, Deputy Division Chiefs and Branch Chiefs. In addition, the BLM Budget Officer position is currently vacant as is the Chief of Staff position. We have heard numerous reports of chaos in the organization with the large number of vacancies and that both BLM field office staffs and external stakeholders are having difficulties contacting Headquarters resource program leaders and staffs. There appears to be no Continuity of Operations Plan in place as significant numbers of experienced staff have left. For example, there is uncertainty as to where and how to forward official records among the numerous office locations. We recommend that funding be eliminated for the continuation of this action in FY 2021 and that significant Congressional oversight occur by both House and Senate Appropriations and Authorizing Committees during FY 2020.

We appreciate the hard choices that this Subcommittee has before it. The Nation faces many challenges, all of which require funding. The public lands managed by the BLM and other public lands are a good investment that can provide positive returns to the Treasury as well as many amenities that contribute to the wellbeing of the American people. These lands are the lifeblood of many communities and provide economic development in commodities, recreation, cultural identity, and many other benefits.

Thank you for the opportunity to share the PLF's priorities for the BLM FY 2021 Budget.

-END-

Ms. PINGREE. Thank you so much. Mr. Ogsbury.

THURSDAY, FEBRUARY 6, 2020.

WESTERN GOVERNOR'S ASSOCIATION

WITNESS

JIM OGSBURY, EXECUTIVE DIRECTOR, WESTERN GOVERNORS' ASSOCIATION

Mr. OGSBURY. Thank you. Vice Chair Pingree, Ranking Member Joyce, my name is Jim Ogsbury. I am the executive director of the Western Governors Association, a bipartisan organization representing the governors of the 22 westernmost States and territories. It is my profound honor to appear before you, particularly because of the disproportionate influence of the Interior appropriations bill on the economies, and environments, and quality of life in the great American West.

Western governors have few priorities that are higher than that of strengthening the State-Federal relationship. As the chief executives of co-sovereign governments, they aspire to work shoulder to shoulder with the Federal agencies as authentic partners in the development and execution of policy that affects our shared constituencies. States are not stakeholders, although they are too frequently treated as such by Federal authorities. They are sovereigns governed by men and women whose knowledge of their States' unique environments and economies and cultures should be integrated into Federal policymaking. Federal consultation with States that is substantive, meaningful, and ongoing, and it occurs at the very earliest stages of a policy's ideation and throughout its execution will result in policy that is more informed, durable, and defensible.

This subcommittee in particular has consistently recognized the value of State engagement, directing that resource agencies within your jurisdiction utilize State science and data and analysis to inform Federal decision making. Western governors urge you to include such language in the report to accompany the Fiscal Year 2021 appropriations bill. The governors understand that you operate under severe fiscal constraints. Within those constraints, they respectfully urge your consideration of their priorities, which are outlined in detail in the written testimony that WGA has submitted for the record. With respect to the conservation of the West's unparalleled natural resources, those priorities include funding to support the shared stewardship memorandum of understanding executed by western governors with the Department of Agriculture, and additional funding to advance State-supported projects and programs promoting voluntary mitigation corridors and habitat conservation.

Western governors appreciate the subcommittee's historic support of the Payment in Lieu of Taxes Program. PILT funding does not represent a gift to western States. Rather, it helps compensate western jurisdictions for the disproportionate measure of nontaxable Federal lands within the region. WGA encourages you to continue full funding of PILT in the Secure Rural Schools Program in the coming Fiscal Year.

I commend your attention to my written testimony for a discussion of other gubernatorial priorities, including protection of State authority over our water and groundwater, funding to address the maintenance backlog at national parks, efforts to combat invasive species, and funding to help States comply with their obligations under the Clean Water Act. In the meantime, thank you again for the opportunity to testify. Western governors appreciate the enormity of your responsibilities, and urge that you regard them as partners and resources as you establish funding priorities for the Nation. Thank you.

[The statement of Mr. Ogsbury follows:]

Written Testimony of James D. Ogsbury, Executive Director
Western Governors' Association

Submitted to the United States House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
February 6, 2020

Fiscal Year 2021 Appropriations

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide written testimony on the appropriations and activities of the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), U.S. Forest Service (USFS) and Environmental Protection Agency (EPA). WGA is an independent organization representing the Governors of 19 western states and 3 U.S. territories in the Pacific. The Association is an instrument of the Governors for bipartisan policy development, information-sharing and collective action on issues of critical importance to the western United States.

The agencies within the Subcommittee's jurisdiction wield significant influence over vast areas of the American West. Ninety-four percent of all federal lands are in the western states, and the federal government owns over 46 percent of the land within active WGA states. The work of this Subcommittee is of vital importance to Western Governors, as it affects public lands management and federal agency interaction with other levels of government and the public.

There is a natural tension between state and federal governments that is embedded in the fabric of the U.S. Constitution. These sovereign governments must have a close and productive working relationship to promote efficiency and maximize returns on taxpayer investments. Improving the partnership between states and the federal government is central to the mission of WGA and is reflected in WGA Policy Resolution 2020-01, *Strengthening the State-Federal Relationship.*

In last year's House committee report accompanying the Interior, Environment, and Related Agencies Fiscal Year (FY) 2020 appropriations bill (H.Rpt. 116-100), the federal agencies funded by the Interior bill were directed to provide appropriate feedback on tribal input received by agencies through meaningful consultation in their decision-making processes. Similar direction to federal agencies for government-to-government consultation with states, which is required pursuant to Executive Order 13132, Federalism, would improve the co-sovereign relationship between states and the federal government.

WGA continues to create opportunities for a more productive state-federal relationship. For example, Governors are proud of the 2018 Shared Stewardship Memorandum of Understanding (MOU) between WGA and the U.S. Department of Agriculture (USDA). The MOU has allowed Western Governors and USDA to collaboratively engage on several cross-boundary, cross-jurisdictional concerns, including post-wildfire interagency coordination, cheatgrass infestations, and vegetation management in utility corridors. This has also led to

positive engagement between individual states and the agency: USDA has now executed Shared Stewardship agreements with 12 states, 8 of which are within the WGA footprint. These agreements provide states a useful tool to discuss land management priorities with USDA and coordinate on priority management projects across a broad range of needs, from wildfire mitigation to habitat improvement to watershed protection.

Responsible land management can only occur when federal, state and local stakeholders collaborate to improve the health and resilience of our lands. Likewise, proactive fish and wildlife conservation is most effective when leveraging the cooperative efforts of state and federal officials across multiple disciplines. To this end, WGA is working with a variety of federal partners, including FWS, BLM, the USDA Natural Resources Conservation Service, and stakeholder and private landowner groups to promote collaboration on a wide range of conservation and habitat improvement activities.

States possess primary authority to manage most fish and wildlife within their borders, and they receive economic benefits associated with healthy species and ecosystems. At the same time, species listings can dramatically affect the efforts of western states to promote economic development, accommodate population growth, and maintain and expand infrastructure. Western Governors believe that states should be full partners in the implementation of the Endangered Species Act (ESA). The Act is premised on a strong state-federal partnership: section 6(a) of the ESA states that "[i]n carrying out the program authorized by the Act, the Secretary shall cooperate to the maximum extent practicable with the States." WGA submits that such cooperation should involve meaningful opportunities for states to comment, participate, or undertake proactive measures before the federal government takes action under the ESA.

The FY20 Senate Interior, Environment and Related Agencies Appropriations committee report (S.Rpt. 116-123) directed federal land managers to use state fish and wildlife data to inform land use, land planning and related natural resource decisions and encouraged federal agencies to coordinate with WGA on collaborative conservation efforts benefiting wildlife and habitat. Western Governors are deeply appreciative of this commitment to promote a positive relationship between the states and the federal government with the use of data while respecting the limitations of state data privacy laws. Federal managers need data-driven science, mapping and analyses to effectively manage wildlife species and habitat and, in many cases, states generate the best available wildlife science. Western Governors encourage continued coordination between federal and state agencies on data collection to avoid spending scarce resources on duplicative collection efforts and appreciate the Subcommittee's efforts to encourage further state-federal collaboration.

Fish and wildlife migration corridors and habitat are necessary to maintain healthy populations of species in the West. Western Governors request additional funding for federal agencies to advance state-supported programs and projects promoting voluntary migration corridor and habitat conservation. Governors note that any federal efforts to identify, regulate or conserve wildlife migration corridors through administrative or legislative action must involve coordination and consultation with states and should advance collaborative, locally driven initiatives to conserve key wildlife corridors and habitat.

WGA applauds the full funding for the Payment in Lieu of Taxes (PILT) program administered by DOI for FY20 and recommends the enactment of a permanent and stable funding mechanism for the program. PILT funding does not represent a gift to local jurisdictions; rather it provides important compensation for the disproportionate measure of non-taxable federal lands in the West. Similarly, payments under the Secure Rural Schools and Community Self-Determination Act (SRS) compensate communities whose timber industries have been negatively affected by actions and acquisitions of the federal government. Western Governors request that you continue to appropriate full funding annually for both PILT and SRS in the future.

Western Governors continue to be concerned about the number of wild horses and burros on BLM lands. This number is presently estimated to be more than triple the current Appropriate Management Level (AML). Overpopulation can degrade rangeland, negatively affecting wildlife and domestic livestock, as well as the habitat of threatened and endangered species. WGA supports a process to establish, monitor and adjust AMLs for wild horses and burros that is transparent to stakeholders, supported by scientific information (including state data), and amenable to adaptation with new information and environmental and social change.

WGA remains concerned about the spread of invasive mussels in the West and has highlighted this issue through the Western Governors' Biosecurity and Invasive Species Initiative. Of particular worry are invasive quagga and zebra mussels, which continue to be a major threat to western water resources. To combat this threat, Western Governors request that the BLM, FWS and NPS be provided with the resources necessary to implement mandatory inspection of all high-risk watercraft and decontamination of watercraft infested with quagga and zebra mussels leaving waterbodies under their jurisdiction. Outside the jurisdiction of the Subcommittee but relevant to this matter, Western Governors support legislation that would clarify federal authority to conduct inspection and decontamination procedures and manage invasive species on lands and waters under their jurisdiction.

Western Governors applaud NPS for its efforts to preserve iconic landscapes, habitats and cultural resources. WGA is concerned, however, about the significant maintenance backlog affecting National Parks. WGA appreciates the Subcommittee's efforts to address this matter in the FY20 funding cycle and encourages adequate funding in FY21 to support ongoing NPS operations and address critical infrastructure needs.

Data for water management and drought response planning is critical to western states. Western Governors request adequate funding levels for the Groundwater and Streamflow Information Program administered by the U.S. Geological Survey. The data generated by the program is integral to water supply management decisions of states, utilities, reservoir operators and farmers. It is also essential for risk management, disaster mitigation, and drought and flood forecasting throughout the West.

Infrastructure management is another crucial element of drought response, and federal investments in our nation's aging water and wastewater facilities are essential to our nation's continued economic prosperity and environmental protection. EPA'S Clean Water and Drinking Water State Revolving Funds (SRFs) provide necessary support for communities to maintain and

enhance their water infrastructure. Western Governors' Policy Resolution 2018-12, Water Quality in the West, encourages adequate funding for SRFs. Western Governors similarly support the funding of federal programs that promote non-federal water infrastructure investment, such as the Water Infrastructure Finance Innovation Act program. This important program provides flexible long-term, low-cost supplemental credit assistance for projects of national and regional significance.

States have exclusive authority over the allocation and administration of rights to groundwater located within their borders and are primarily responsible for protecting, managing, and otherwise controlling the resource. The regulatory reach of the federal government was not intended to, and should not, be applied to the management and control of groundwater resources. WGA encourages Congress to include express and unambiguous language protecting states' authority over groundwater resources in any water-related legislation, as well as clear direction to administrative agencies to respect such authority. WGA appreciates the language included by the Subcommittee in prior Appropriations Acts addressing existing statutory authorities for groundwater protection. Federal agencies should work within existing state authorities to address their groundwater-related needs and concerns. We urge you to ensure that federal efforts involving groundwater recognize and respect state primacy and comply with all statutory authorities.

States also possess delegated authority from EPA to manage air quality within their borders. Congress and EPA should recognize state authority under the Clean Air Act (CAA) and accord states sufficient flexibility to create air quality and emissions programs tailored to individual state needs, industries and economies. State CAA programs require financial support from Congress, yet funding has declined since the CAA's enactment. In addition, given the unique character of the West and the region's attainment challenges, funding should be appropriated for EPA to assist western states in research on background, interstate and transported ozone. This is especially critical as more frequent and intense wildfires are steadily reducing the West's gains in air quality improvement. Smoke from wildfires causes exceedances under National Ambient Air Quality Standards for particulate matter and ozone, negatively affecting public health, safety and transportation. Prescribed fire can reduce these effects but is currently underused in many areas due to concerns about how it may affect compliance with CAA State Implementation Plans.

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

Ms. PINGREE. Thank you very much for your testimony. Thank you to all of you for the great work that you are doing. Ms. Kraska, I know that is an intractable problem, and I appreciate the hard work that your organization is doing. Ms. Marienfeld, I am coming from an eastern State so unaware of some of the things that happen in western States. And, I will certainly get up to speed and learn a little more about this.

But I guess I am not completely clear what the original purpose is of deforesting and this vegetation, I forgot what you termed them as. But anyway, what is the stated purpose of doing that?

Ms. MARIENFELD. It varies from project to project. Oftentimes you get sort of a catch-all where it is wildlife restoration, habitat, sage grouse protection is one, watershed protection. Grazing is really heavily involved in these projects as well. It is never a stated benefit more often than not these days, but it is often an auxiliary benefit of the treatments when they happen. And then more recently, you are seeing fire prevention as a stated reason for doing these treatments in the West as well.

Ms. PINGREE. So when you deforest land, does prairie grass or something grow up there so it become grazing land?

Ms. MARIENFELD. In the West, more often than not, it has to be really heavily impacted, heavily treated in order for that to happen. There are a lot of factors that go into perennial grasses or forbs coming back. You will see land management agencies that seed there. They often seed non-native species that are good for cattle forage as part of these projects. But it is really dependent on whether in climate conditions, whether or not the treatments are successful at the end of the day, which is why you do see, according to the best science and the research that is out there right now, that the treatments really are unsuccessful by most metrics a lot of time, if they are in those very heavily surfaced disturbing manners. The big mechanic treatments that we are talking about here.

It depends on the weather. If you get rain, maybe it will work, but if you don't, which is far more common these days, they are unsuccessful, and you have to go back and do basically the same thing about 10 years later.

Ms. PINGREE. Well, thank you. I am sure I will be interested to learn more about that.

Ms. MARIENFELD. Yes, thank you.

Ms. PINGREE. Mr. Simpson, I, too, am very concerned about this relocation and the reorganization of the Bureau of Labor Management. I also sat on Agriculture Appropriations, we have been very discouraged to watch the relocation of ERS and NIFA, and can see that that has just had disastrous consequences, a lot of senior staff was lost in the process, so a lot of the experience and brain trust there, and didn't seem to be a lot of consultation.

So I am just curious. From your perspective, the Administration maintained that it conducted extensive consultation with Bureau employees, especially senior employees, before implementing this breakup. Can you tell us what you are hearing from members of your organization regarding that claim?

Mr. SIMPSON. Sure. So we have about 600 members, and they are scattered throughout the country, so they are near a BLM office somewhere in the West. We do a lot of work with them, public

lands appreciation days, that kind of stuff, so we are in daily contact pretty much with our BLM offices. And I have to say when that was announced last summer, none of the BLM people that we had talked to knew this was coming. They read about it the same time we did.

Ms. PINGREE. Yeah, that is very discouraging, and, again, we have lots of concerns about this, and hopefully, in my opinion, the committee can exercise more oversight on this process. Thank you, too, Mr. Ogsbury. I appreciate your representation of the western State governors. Mr. Joyce.

Mr. JOYCE. Thank you all for being here. I can appreciate the problems that you certainly have. It is something that we have studied, and the combination of the animals and the land and trying to find where we have that perfect match. I know the answers aren't easy, but we will continue to work with you to try to address those concerns. Thank you for coming.

Ms. PINGREE. Thank you to this panel. This concludes the morning hearing, and we stand adjourned until the afternoon hearing begins at 1:00 p.m. Thanks again very much for your testimony.

VOICE. Thank you.

THURSDAY, FEBRUARY 6, 2020.

AFTERNOON SESSION

NATIONAL AUDUBON SOCIETY

WITNESS

DAVID O'NEILL, CHIEF CONSERVATION OFFICER AND SENIOR ADVISOR TO THE CEO, NATIONAL AUDUBON SOCIETY

Ms. MCCOLLUM. Good afternoon, and welcome to our second public witness hearing covering non-tribal programs under the jurisdiction of the Interior, Environment, and Other Related Agencies subcommittee. This morning we heard from advocates from the arts and from the humanities discuss issues related to land and water conservation funding, energy, science, and conservation programs. This afternoon we are going to be focusing on issues related to endangered species conservation, public lands, and critical environmental programs for our Nation. We will be hearing from the remaining 21 witnesses.

Before I begin, I am going to go over a couple of logistics here for the hearing. We are trying to stay on time. So my colleagues are in and out of the room. We have a gentlepersons agreement to help each other, but we also have, as you see in front of me, a big fat book with everybody's testimony. And Jocelyn can tell you, I have a lot of things highlighted, so I have looked at things before, and I am frantically taking notes during the hearing. So I want you to know that that you are being listened to and paid attention to.

What we are going to do, and the first panel is at the table, we are going to call the panels up one at a time. Everybody is going to get 5 minutes to present their testimony. We are going to use a timer to track the progress. When the light turns yellow, the color of this highlighter, witnesses will have 1 minute remaining to conclude their remarks. When the light blinks red, I will lightly tap—I won't use the big end of the gavel—but I will let you know that it is time for the next witness to start. And that is so all witnesses can have an opportunity to be heard without getting too delayed.

Having said that, we do have votes scheduled some time between 1:20 and 1:30 we feel, so when we call votes, please make sure that we are going to be taking a brief recess and come back as soon as we can, and we will pick up where we left off. So I would ask people to stay close. There are places to get coffee and some things around here on this floor. So take your rest break and grab what you need, but stay close because we will start as soon as a member is back.

I would like to remind those in the hearing room of the committee rules, however. We prohibit the use of cameras and audio equipment during the hearing by individuals without House-issued press credentials. So, Mr. Joyce, has told me to get started so we don't delay. And what we did this morning to save a little extra time is we had people introduce themselves, and we found it really kept things moving a little faster. So maybe the second panel would like to get in before votes get started.

So, Mr. O'Neill, your introduction will not count against your time, so please introduce yourself and then we will start your time.

Mr. O'NEILL. Great. Thanks so much for the opportunity. I much appreciate it. My name is David O'Neill. I represent the National Audubon Society and our 1.7 million members across the country as its chief conservation officer and senior advisor to the CEO.

Ms. MCCOLLUM. And you can start your testimony.

Mr. O'NEILL. Sure. I am here to discuss an ongoing crisis of bird survival, what the crisis signals for communities, and steps the committee can take to reverse the alarming trend.

Since 1970, we have lost 3 billion of America's birds, and two-thirds of our remaining birds are now at risk of extinction due to climate change. The birds we have lost are not just threatened and endangered species, but common birds in communities and back yards across the country. The bird declines we are seeing and predicting are due to human activity: loss of habitat, greenhouse gas emissions, on and on. This is the fifth alarm and a five-alarm fire that is crystal clear to the 48 million birders across the country.

But birders aren't the only ones who should care about these staggering figures. Birds are important indicator species. They are indeed the canary in the coal mine, meaning that severe declines in bird health tell us about future threats facing people and communities. With the Administration implementing rollbacks to bedrock environmental laws, increasing Federal conservation investments is a critical backstop. The bipartisan projects and programs under your jurisdiction provide tangible, scientifically-based solutions to recover our bird populations as well as to provide cleaner air and cleaner water. The National Audubon Society is proposing Fiscal Year 2021 funding priorities to address critical threats facing birds and to start to reverse these declines. I thank this committee for its work to consistently expand and enhance conservation funding. The recovery of birds require it.

Our recent "State of the Birds" study that documented the 3 billion bird loss also found one area for hope: waterfowl. Waterfowl are the one bird guild that not only did not experience declines. In fact, it increased by 56 percent, in large part due to investments to wetlands conservation work through the North American Wetlands Conservation Act, or NAWCA. And I thank the committee for continuing to prioritize this investment. Conservation works, and we urge funding for this program at $50 million.

The Neotropical Migratory Bird Conservation Act Grants Program is one of the best opportunities to build on NAWCA's success for the billions of migratory birds that pass through our backyards to breed and winter outside our borders. The program is an innovative, cost-effective approach to bird conservation, supporting projects that benefit birds and their habitats, research and monitoring, law enforcement, and education programs in Canada, the U.S., Latin America, and the Caribbean. It is important to reauthorize the Act and to fully fund the program at $6.5 million, and we would like to work with you and others to see how we could expand that program in the future.

The Great Lakes Restoration Initiative present provides a regional success story that not only restores habitat, but allows the community to take part in education and stewardship of restora-

tion programs over a long period of time. The newest GLRI action plan prioritizes, among other things, the restoration of wetlands that attract and restore to sustain breeding marsh bird populations. Increasing the investment in GLRI can help advance these important goals for birds. Investments at the ecosystem scale, like the Great Lakes program, are critical to protecting the full spectrum of habitat needs for birds. We urge the creation of a similar program for the Mississippi or Upper Mississippi River Basin, and we had be thrilled with the opportunity to work with you, Representative McCollum, on that to make that a reality. There are dozens of successful programs moving forward across the country, all of which require full and sustained Federal funding. We are standing at a crossroads. Now is the time to fully invest in conservation programs at a scale necessary to address the crisis and to ensure a sustainable path forward for birds and communities now and into the future.

Thank you very much for your time and your attention.

[The statement of Mr. O'Neill follows:]



Statement of David O'Neill
Chief Conservation Officer
National Audubon Society

to the U.S. House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Non-Tribal Public Witness Days on Fiscal Year 2021 Appropriations

February 6, 2020

Chair McCollum, Ranking Member Joyce, and Members of the Subcommittee, thank you for the opportunity to speak today representing the National Audubon Society. My name is David O'Neill and I am Audubon's Chief Conservation Officer, here today to discuss federal appropriations related to birds, conservation, and habitat protection. I am responsible for creating and advancing our conservation vision, developing strategies and using science-based accountability tools to achieve our vision of a world in which people and wildlife thrive. On behalf of the entire Audubon organization, thank you for taking this time for public stakeholder input before making critical appropriations decisions.

Audubon's mission is to protect birds and the places they need, today and tomorrow. Audubon represents more than 1.7 million members and has 462 affiliated chapters, 22 state offices, and 41 nature centers across the country. Audubon is our country's oldest bird advocacy organization and one of the oldest conservation groups in the US.

For 115 years, Audubon has been fighting to protect birds and the ecosystems they need to survive. Today, those habitats are increasingly vulnerable. In the past 50 years, we've lost 3 billion birds and, just last year, we identified 389 bird species that are on the brink of extinction due to climate change. Without action, that number will only increase and the impacts will be exacerbated for birds and people alike.

Thankfully, over the past year, Congress has made progress on changing the narrative surrounding climate change. More than ever before, Americans across the country and Members of Congress across both aisles agree that climate change poses a serious threat to the American way of life. But recognizing the threat is not enough. Congress must take immediate and concrete steps to address the impacts of climate change, which are already being seen across the country, including flooding in the Nebraska plains, sea level rise affecting coastal communities, and extreme weather and precipitation events.

Federal investments in conservation and natural infrastructure will help birds and communities throughout the nation address these 21st century challenges. Federal funding is critical to

Audubon's conservation strategy and we thank Congress and this subcommittee for continued investment in our cherished landscapes, rejecting three years of administration budget proposals that would devastate the protections and places that both birds and people need. We look forward to strong, continued federal investment in protecting wildlife and the environment.

Audubon's conservation strategy focuses on protecting the habitats and resources birds need to survive. We focus 5 strategic conservation priorities: protecting and restoring our coasts, enhancing the habitat and productivity of our working lands, protecting freshwater resources, creating bird-friendly communities, and promoting proactive solutions to the climate crisis. And, we work with international partners throughout the hemisphere to conserve key bird habitats and create a full lifecycle of stewardship essential for saving migratory species.

To reach these conservation goals, Audubon encourages federal spending that supports the following components relevant to this Subcommittee:

1. Focusing on improving natural infrastructure;
2. Enhancing and protecting the places and habitats birds need now and into the future; and
3. Conserving water resources for people and birds, particularly in the arid west.

Related to these three foundational components, the National Audubon Society urges support for the following programs within the Department of Interior:

- The Neotropical Migratory Bird Conservation Act, including full funding at $6.5 million;
- State and Tribal Wildlife Grants;
- The North American Wetlands Conservation Act;
- The Land and Water Conservation Fund, including full funding at $900 million;
- The National Wildlife Refuge System;
- The Delaware River Basin at $12 million;
- WaterSMART Grants;
- Sage grouse conservation; and
- The Migratory Bird Program National Nongame Bird Plans at $1.5 million.

In addition, the National Audubon Society urges full funding for the following programs within the Environmental Protection Agency:

- Geographic programs focused on restoration and conservation for the Long Island Sound, Great Lakes, Chesapeake Bay, Gulf of Mexico, San Francisco Bay, Puget Sound, South Florida, and Lake Champlain; and
- The National Estuary Program.

Prioritizing full funding for these critical programs will ensure birds have the habitat and resources they need to thrive, now and into the future. We urge Congress to reject any cuts or policy riders, past or future, that would harm birds or contribute to climate change and instead deliver a budget that protects and strengthens our environment and the ecosystems birds and humans rely on. By doing so, we will create a better future for birds and people.

Thank you, Chairwoman McCollum, Ranking Member Joyce, and the full subcommittee once again for hearing my testimony today.

Ms. MCCOLLUM. Thank you.

THURSDAY, FEBRUARY 6, 2020.

AMERICAN BIRD CONSERVANCY

WITNESS

STEVE HOLMER, VICE PRESIDENT OF POLICY, AMERICAN BIRD CONSERVANCY

Mr. HOLMER. Thanks very much for this opportunity to testify. I am Steve Holmer, vice president of policy for American Bird Conservancy, and we work to conserve birds in their habitats throughout the Americas. We are going to be talking today about a package of funding requests from a large coalition of groups, and this includes the Neotropical Migratory Bird Conservation Act at $6.5 million, Migratory Bird Joint Ventures at $19.9 million, State and Tribal Wildlife Grants at $70 million, North America Wetlands Conservation Act at $50 million, "State of the Birds" activities at $5 million, and then an overall $10 million increase for invasive species eradication monitoring control. And we appreciate language about the greater sage-grouse and the need to advance its conservation.

And I just want to take a moment to thank the committee because there were some very significant increases in last year's bill for this package of programs. This committee recommended over $20 million in increases. The final bill included about $10 million, so this was an important step in the right direction. But based on what we know about the $3 billion bird report and the "State of the Birds," there needs to be quite a lot more done. And I am not sure if you have received a copy of the 2019 "State of the Birds" report, but I just thought I would share that with you and others on the committee if you would like to see this, because it does highlight the science study showing the 2.9 billion birds gone, but it also shows that through State wildlife grants and through the migratory bird joint ventures, we are also seeing a lot of successes. We are seeing things getting done on the ground that can really make a difference.

In your region where we have the Upper Mississippi and Great Lakes Joint Venture, the Kirtland's warbler is being delisted through concerted conservation action. And so it shows that when we focus our efforts, we can bring these birds back. Of course, wetland conservation is another big success story where we managed to bring back waterfowl in large part through NAWCA. The joint venture in your region has guided a number of NAWCA projects in Minnesota, and one of the reasons we are interested in supporting this package is for the simple reason that all these programs work very closely together. So I feel like we are making good progress and appreciate the support of the committee on these issues.

In light of the billion birds report, there is an indication, though, that we need to think about doing even more. This is kind of a beginning as kind of how we are seeing that. And we also need to maintain the regulatory framework that makes sure that endangered species and public lands are protected. And at this point with rulemakings happening on the National Environmental Policy Act,

Endangered Species Act, the Migratory Bird Treaty Act, on sage-grouse plans, on Forest Service, NEPA, we are concerned that the safety net for wildlife and public lands is now at risk. And so we appreciate the committee weighing in against these changes. I don't believe the public supports these deregulatory efforts, and it is really unfortunate that at a time when we are in a crisis where we are seeing, you know, significant losses, that there are policies that could end up actually making the situation worse. So it is really important that we address it on both the funding side and on the policy side.

This committee included some really strong language in the report last year about reducing bird collisions. We thought that was very helpful because about 1 billion birds a year are lost to bird collisions. There was also language about the Tongass National Forest, actually an amendment to protect that forest. And forest carbon is very important as part of the strategy to address climate change, and we would love to see that language be included again in this year's appropriations bill, and perhaps be expanded to include the Pacific Northwest, where we have old growth forests that have very high carbon stores that are also essential for threatened species, such as the marbled murrelet. And, in fact, the relationship between murrelet habitat and high carbon force is nearly 100 percent, so by conserving that bird, we are helping on climate change as well as clean water for the region.

So I appreciate all the good work of the committee, and I had be happy to answer any questions.

[The statement of Mr. Holmer follows:]



January 29, 2020

Dear Interior Appropriations Committee Representatives:

Thank you for this opportunity to testify. I am Steve Holmer, Vice President of Policy for American Bird Conservancy. On behalf of American Bird Conservancy, please consider the following recommendations for U.S. Fish and Wildlife Service bird conservation funding and policy priorities for FY 2021. These include:

Increasing the Migratory Bird Joint Ventures to $19.9 million, Neotropical Migratory Bird Conservation Act to $6.5 million, State and Tribal Wildlife Grants to $70 million, North American Wetlands Conservation Act to $50 million, State of the Birds Activities for Critically Endangered Hawaiian Birds to $5 million, and a $10 million increase for DOI Invasive Species Control.

We wish to thank members of this Subcommittee, and the 116th Congress for increases in the FY 2020 spending agreement in support of this package of effective bird and habitat conservation programs. We now ask the Interior Subcommittee to build on this progress, and to support further increases of these programs to the levels recommended above.

These increases are necessary because we know that birds are in severe decline across America and that more conservation work needs to be done. A groundbreaking study released last fall has scientifically documented a Bird Crisis: that we now have three billion fewer birds in the U.S. than just fifty years ago, a devastating 29 percent population decline. Common birds are becoming uncommon, and once relatively-abundant species are now at-risk of becoming endangered.

The success of restoring waterfowl populations and the North American Wetlands Conservation Act, show that there is a path forward. With concerted effort and smart investments we can reverse bird declines, protect essential habitat, and leave a legacy of abundant wildlife for future generations of Americans.

Migratory Bird Joint Ventures: Partnerships that Deliver Bird Conservation

American Bird Conservancy partners with the U.S. Fish and Wildlife Service, State wildlife agencies, and other conservation groups to staff, manage and support the Migratory Bird Joint Ventures. Our staff analyzed the budget of each Joint Venture, and have found that a

number of them do not yet meet a minimal level of staffing and funding to carry out their mission.

That necessary amount is approximately $15.67 million, which combined with the administrative overhead taken from the program, would come very close to the $16.1 million allocated by this Subcommittee in the FY 2020 bill. However, this amount is not enough to meet the needs of declining migratory bird populations, and to address the Bird Crisis. The Association of Joint Ventures Management Boards has determined that $19.9 million, a $5.3 million increase, is what's really needed to meet this challenge.

Please Increase Funding for the Neotropical Migratory Bird Conservation Act to $6.5 Million

Since 2002, the Neotropical Migratory Bird Conservation Act (NMBCA) has functioned as a matching grant program to fund projects that conserve neotropical migratory birds--those that breed in or migrate through the United States and Canada and spend the non-breeding season in Latin America and the Caribbean. NMBCA has helped conserve 400 species, representing more than 4 billion birds, including some of the most endangered birds in North America. All NMBCA grant requests must be matched with non-federal funds at least 3 to 1, and to date, the match has been 4 to 1. Please support increasing NMBCA to $6.5 million.

Please Increase Funding for State and Tribal Wildlife Grants to $70 Million

State and Tribal Wildlife Grants fund is the nation's core program for preventing wildlife from becoming endangered, and supports a wide variety of wildlife-related projects by state fish and wildlife agencies throughout the United States. We respectfully request the Committee allocate $70 million for FY2021.

Please Increase Funding for the North American Wetlands Conservation Act (NAWCA) to $50 Million

NAWCA provides funding for conservation projects for the benefit of wetland-associated migratory birds in the United States, Canada, and Mexico. In existence since 1989, NAWCA has preserved over 30 million acres of wetlands by leveraging $1.6 billion in federal funds with more than $3.3 billion in partner contributions. We respectfully request the Committee prioritize FY2021 funding for NAWCA at $50 million.

Please Increase State of the Birds Activities for Critically Endangered Birds to $5 Million

We greatly appreciate the funding provided in the FY 2019 spending agreement for State of the Birds Activities dedicated to arresting the bird extinction crisis in Hawaii. More than 90 Hawaiian bird species have become extinct, and nine listed Hawaiian bird species are currently in decline. This prompted the U.S. Fish and Wildlife Service to provide $2.5 million in annual State of the Birds Activities funding since 2009. This amount has since been

increased to $3,250,000. We respectfully request $5 million per year to fully fund ESA recovery funding for Hawaiian birds.

Please Increase Funding for Invasive Species Early Detection and Response by $10 Million

Early Detection and Rapid Response (including Eradication) survey for, report, and verify the presence of a non-native species before the founding population becomes established or spreads so widely that eradication is no longer feasible. Rapid Response is then employed to eradicate the founding population of a non-native species from a specific location. We recommend increasing funding for Early Detection and Rapid Response by $10 million.

In addition, American Bird Conservancy urges you to please consider support for the following additional priorities:

Preventing Bird Collisions with Windows

The FY 2020 House Interior report included language encouraging federal agencies to reduce bird collisions with the buildings they manage. We support this House-approved building collisions report language, and urge addition of the following in the FY 2021 bill:

> All agencies under the jurisdiction of this Act are directed to consider bird-safe building design and materials for the structures they manage, build, or retrofit. In addition, agencies are directed to take low cost or no cost action, such as identifying problem windows and buildings that routinely cause collision, turning off interior lights in those buildings at night, and applying films or other adhesives to glass windows in those buildings to reduce bird collisions.

ESA Recovery: Condors, Falcons, and Eiders

$3,500,000 for recovery of Northern Aplomado Falcon, California Condor, and Stellar's Eider.

ESA Recovery: Florida Grasshopper Sparrow

$100,000 for recovery of the Grasshopper Sparrow, which is at risk of extinction.

Migratory Bird Treaty Act

The FY 2020 House Interior Committee Report included thoughtful language upholding a strong Migratory Bird Treaty Act. In light of the recent Bird Crisis study finding massive declines of bird populations, it is essential that our environmental laws be maintained and enforced. Please support inclusion of this language.

Endangered Species and Old Growth Forest Habitat Protection

The House FY 2020 report included language supporting Marbled Murrelet and Greater Sage-Grouse conservation. The FY 2020 House Interior bill included protections against offshore drilling (Sec. 438, 439, 442, 443), transfer of border lands (Sec. 427), and road building on the Tongass National Forest (Sec. 441). Please include these provisions in the base FY 2021 bill. We also recommend that similar language be included to protect old-growth forests in the Pacific Northwest which provide critical habitat for the threatened Marbled Murrelet and Northern Spotted Owl.

Greater Sage-Grouse Endangered Species Act Exemption

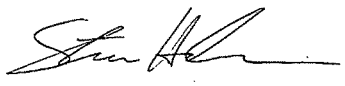
The FY 2020 House Interior bill omitted a harmful policy rider undermining the Endangered Species Act and hindering conservation of the Greater Sage-Grouse, whose population is rapidly declining across its range. Please support sage grouse conservation by omitting any provisions preventing ESA protection for an at-risk species.

Lead Poisoning of Eagles, California Condors, and Other Birds of Prey

We appreciate the FY 2020 House bill language preventing regulation of toxic ammunition and lead sinkers that kill millions of birds each year including our nation's symbol the Bald Eagle, as well as Golden Eagles, and the endangered California Condor. Please include this provision to support the use of non-toxic hunting and fishing materials.

Please let me know if I can ever be of assistance.

Sincerely,



Steve Holmer
Vice President of Policy
American Bird Conservancy
202 888 7490
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THURSDAY, FEBRUARY 6, 2020.

ASSOCIATION OF ZOOS AND AQUARIUMS

WITNESS

DAN ASHE, PRESIDENT AND CEO, ASSOCIATION OF ZOOS AND AQUARIUMS

Mr. ASHE. Good afternoon, Ms. McCollum, Mr. Kilmer. My name is Dan Ashe. I am the president and CEO of the Association of Zoos And Aquariums and the former director of the United States Fish and Wildlife Service. It is a pleasure to be back in front of you and a privilege, a privilege because of the importance of the work that you do to wildlife conservation, and a pleasure because I neither have to present nor defend an agency budget today. [Laughter.]

The Association of Zoos and Aquariums, or the AZA, is the world's leading zoological professional association. In order to be a member, a facility like Como Park Zoo and Conservancy or Northwest Trek must meet our exacting accreditation standards, the world's gold standard for a modern aquarium or zoo. And our vision for a modern aquarium or zoo is of a purposeful place. Yes, fun and educational where visitors come and create memories that last lifetimes, but most importantly, where a visit helps to conserve wildlife and save animals from extinction.

Our 238 member facilities spent a collective $231 million on field conservation in 2018, positioning them as among the world's biggest conservation investors, and that number will likely occur approach one-quarter billion dollars in 2019, and it will continue growing. It is not a phase or a fad. It is who they are. And we are passionate partners of the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Geological Survey, and their State, local, and tribal counterparts. We support their work to conserve and recover species, like the California condor, manatee, black-footed ferret, sea turtles, hellbender, American burying beetle, red wolf, rhinoceros, and dozens and dozens more.

Your support for the Endangered Species Recovery Challenge Grants is inspiring this partnership, and I hope you will expand funding for this program and insert report language encouraging the Service to grow its partnership with accredited zoos and aquariums. Our members are ready and willing.

We are building exciting new partnerships with the Interior Department agencies, and I will just quickly mention three. Since 2017, we have built a zoo park partnership and this past year signed a memorandum of understanding with the Park Service calling for 25 new partnerships over the next 5 years. The Yosemite National Park-San Francisco Zoo Partnership is a perfect example. They just released their 1,000th endangered California red-legged frog in an effort covering four valley floor habitats where introduced bullfrogs had eaten up literally the native populations. Park and zoo staff collect frogs and tadpoles, which are then reared at the zoo until they are ready for re-introduction around age 2. Through efforts like this, we are helping national parks and national wildlife refuges conserve species like sea turtles, corals, grizzly bear, and bison, and linking AZA's 200 million annual guests with their national parks and other public lands, and connecting

urban America with wildlife and the outdoor. Again, with the encouragement of report language and a few dollars perhaps for National Park Service natural resource manage and refuge operations in the U.S. Fish and Wildlife Service, we will grow momentum and excitement about this partnership.

AZA's signature conservation program is Saving Animals From Extinction, or SAFE, and it is driving cooperative conservation of species from elephants to sharks to monarchs. Wildlife trafficking is a major cause of decline in many SAFE species, and through AZA's Wildlife Trafficking Alliance, we are working with the U.S. Fish and Wildlife Service on an innovative pilot confiscations network to help rescue and care for animals that are victimized by illegal trade. And finally, we are developing a strategy to manage AZA's entire polar bear population to support relevant conservation science. And this is going to help the Service and others answer key questions about the effects of climate change on managed wild bears, and also engage millions and millions of visitors.

So, Ms. McCollum and subcommittee members, AZA's members are already exceptional partners of the Fish and Wildlife Service, the National Park Service, the U.S. Geological Survey, and others. They are anxious to do more nationally and internationally to conserve wildlife and save animals from extinction. Your encouragement through funding and report language will inspire ever more cooperation and innovation. And I want to thank you for your time and attention and everything that you do, and I am happy to answer any questions if there are any.

[The statement of Mr. Ashe follows:]

Dan Ashe
President and CEO
Association of Zoos and Aquariums
February 6, 2020

Thank you Chairwoman McCollum and Ranking Member Joyce for the opportunity to testify before the Subcommittee about the priorities of the Association of Zoos and Aquariums for Fiscal Year 2021. Specifically, I support Recovery Challenge Grants and the Multinational Species Conservation Funds, administered by the U.S. Fish and Wildlife Service, National Environmental Education Act (NEEA) programs at the Environmental Protection Agency, and sufficient funding for the Fish and Wildlife Service to carry out its work, including to support the Endangered Species Act (ESA).

My name is Dan Ashe, and I am the President and CEO of the Association of Zoos and Aquariums (AZA). Founded in 1924, the AZA is a 501(c)3 non-profit organization dedicated to ensuring that our 238 member zoos, aquariums, nature centers, and science centers represent the very best in animal care and welfare, conservation, education, science, and guest experience. In 2018, AZA's accredited member facilities welcomed nearly 200 million visitors (more than all U.S. professional sports combined), generated more than $22 billion in economic activity, and supported more than 208,000 jobs across the country. They contributed $231 million in direct support for field conservation in 130 countries benefiting 863 species and subspecies, of which 241 are listed under the ESA.

At the heart of AZA is its mandatory accreditation requirement, which assures that only those zoos and aquariums that meet the highest standards can become members. The rigorous, independent, objective, and exhaustive AZA accreditation process includes self-evaluation, on-site inspection, and peer review. Our standards are publicly available and are continuously evolving and improving as we learn more about the needs of the animals in our care. Once earned, AZA accreditation confers best-in-class status, an important message for local, state, and federal government and the visiting public.

AZA and its members are leaders, partners, and participants in species conservation. We work in concert with Congress, the federal agencies, conservation organizations, state governments, the private sector, and the general public to conserve our wildlife heritage. AZA's Wildlife Trafficking Alliance is a coalition of private companies, non-profit organizations, and AZA-accredited zoos and aquariums working closely with U.S. government agencies to combat wildlife trafficking worldwide. AZA and its member facilities have long-standing partnerships with the U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA), and the U.S. Department of Agriculture (USDA). Our collaborative efforts have focused on:

- Engaging in endangered species recovery and reintroduction;
- Supporting conservation domestically and internationally through multinational species conservation funds and state wildlife grants; and

- Collaborating on partnership opportunities involving national parks and wildlife refuges, migratory birds, freshwater and saltwater fisheries, national marine sanctuaries, illegal wildlife trade, amphibians, and invasive species.

Today I am testifying in support of the following key programs funded through the annual Interior, Environment, and Related Agencies appropriations bill.

Endangered Species Recovery and Recovery Challenge Grants

First, I express my gratitude for the Subcommittee's continued support for increasing funding for endangered species through the Recovery account and working with our partners at the Fish and Wildlife Service to create the ESA Recovery Challenge Grant program in fiscal year 2018. This program recognizes the critically important role of nonprofit partners to the Service's endangered species recovery efforts and it is a mechanism, through merit-based matching grants, to provide funding in a more commensurate manner to support and enhance these efforts. Recovery Challenge Grants are limited to nonprofit organizations implementing the highest priority recovery actions identified in recovery plans, such as for genetically sound breeding, rearing, and reintroduction programs.

I urge you to continue to provide robust funding for endangered species recovery and prioritize longstanding recovery efforts in which existing resources and partner expertise can be most effectively leveraged. Specifically, I am requesting an increase for Endangered Species Act Recovery actions generally to $118 million and an increase in funding for the Recovery Challenge Grant program to $10 million in FY2021. This funding will power recovery partnerships and inspire their work to better recover critically endangered species.

Multinational Species Conservation Funds

Next, I support the inclusion of $18 million for the Multinational Species Conservation Funds (MSCF) administered by the Fish and Wildlife Service. These programs support public-private partnerships that conserve wild tigers, Asian and African elephants, rhinos, great apes, freshwater turtles, tortoises, and marine turtles in their native habitats. Through the MSCF programs, the United States supplements the efforts of developing countries that are struggling to balance the needs of their human populations and endemic wildlife. These programs help to sustain wildlife populations, address threats such as poaching and illegal trade, reduce human-wildlife conflict, and protect essential habitat. By working with local communities, they also improve people's livelihoods, contribute to local and regional stability, and support U.S. security interests in impoverished regions. The Fish and Wildlife Service is seen as a global conservation leader in large part due to its commitment to international conservation efforts. This federal program supports AZA-accredited facilities in their field conservation efforts and partnerships with the Service.

Endangered Species Act

AZA and its members take wildlife conservation very seriously and wholeheartedly support the ESA, which has prevented hundreds of listed species from going extinct. The ESA, which is a

globally recognized model for species preservation, is working. It has prevented the extinction of 99% of the species it protects since its inception in 1973. However, we know that the challenges facing our planet in the 21st century are as complex as they are urgent. Scientists estimate that the total number of mammals, birds, reptiles, amphibians, and fish has declined by more than 50% since 1970, and many believe that we are living amidst the planet's sixth mass extinction. Climate change threatens to accelerate this crisis. Without critical intervention today, we are facing the very real possibility of losing some of our planet's most magnificent creatures such as lions, cheetahs, elephants, gorillas, sea turtles, and sharks.

AZA-accredited facilities have a unique opportunity and responsibility to help others understand this crisis. It is our obligation -- to these animals and to all life on earth -- to take bold action now to protect our planet's biodiversity. One achievement that has gone unnoticed by most people is that zoos and aquariums have played a significant role in bringing over 25 species, including California condor, Florida manatee, and black-footed ferret, back from the brink of extinction.

Although we have made significant progress in saving endangered species, this work is far from done. Species protection and conservation requires long-term commitment by all of us. It is through the ongoing work related to species recovery plans that we will conserve these species for future generations. The AZA and its members fully support the ESA, and I encourage you to assure that the agencies responsible for carrying out the mandates of the Act receive the necessary funding and human resource capacity to succeed.

U.S. Fish and Wildlife Service Budget

Much of the important conservation work at AZA-accredited facilities depends on a robust and fully staffed Fish and Wildlife Service. Acknowledging the budget challenges facing Congress and the agencies, I encourage you to assure that the Fish and Wildlife Service has sufficient resources to employ qualified professionals, particularly for the programs handling permits, which support AZA's science-based conservation breeding and wildlife education programs that require animals to be moved in an efficient, timely manner: International Affairs (Management and Scientific Authorities), Endangered Species, Law Enforcement, and Migratory Birds. In particular, AZA is keenly interested in expanding our critical work in support of treating and placing live confiscated wildlife seized at the ports/borders and on scientific and conservation research on polar bears in AZA facilities. The success of these important initiatives depends on the effective assistance of the Fish and Wildlife Service.

Environmental Education Grants

Finally, I urge the Subcommittee to include $10 million for National Environmental Education Act programs. This relatively small investment in communities yields an impressive return. Since 1990 the NEEA has served as a highly effective tool for improving student performance in science and math, protecting public health, and helping build 21st century skills by promoting job training and innovation.

NEEA-supported education programs at AZA-accredited institutions provide essential learning opportunities in formal and informal settings. In the last 10 years, accredited zoos and

aquariums trained more than 400,000 teachers, supporting science curricula with effective teaching materials and hands-on opportunities. School field trips at AZA member facilities annually connect more than twelve million students with the natural world.

Chairwoman McCollum, I know that you and your colleagues on the Subcommittee know that species conservation is a team sport. Certainly, my former employees and forever-friends at the U.S. Fish and Wildlife Service are the core of that team, and I implore you to continue your strong support for them and their work. State and tribal organizations are also key players. But I'm here today to remind you that AZA-accredited facilities are unsung and long-standing partners that have made possible conservation successes for species like California condor, manatee, Mexican wolf, sea turtles, and less charismatic species like hellbender and American burying beetle. We bring talent and treasure to the table. We tell the story to millions of visitors. We are engaging and inspiring the minds of new generations of conservationists. You have the opportunity to encourage and amplify that with the small investments that we speak about in this testimony.

Thank you for your time and attention today. AZA and its members look forward to working with this Subcommittee and Congress to assure that as a nation we are devoting the necessary resources to conserve wildlife at home and globally.

Thank you.

Ms. MCCOLLUM. Thank you. I am going to put this in a general format, and then those of you who feel comfortable, speak to it. So we worked very hard to get riders. Authorizers need to do their job. Our bill, we were very successful. We still have a little ways to go. Report language is a way in which we try to monitor what is the cost of inaction or what can be the benefit of action, getting that agencies and outside groups. So the report language that we put in is a useful tool for us when we are making our decisions, as well as it is a useful tool for the authorizers when we are having conversations on things.

So, for example, lead poisoning has been brought up. What is the cost of lead poisoning? What is the cost of having a rider like that in there? How much money are we spending? What other things are we doing? What is the cost of inactivity when we don't get ahead of an invasive species, you know? Dutch elm took place. People probably weren't talking too much about birds back then. Climate change wasn't the issue it was then. But since then we have seen you know, what is happening with the beetle that is attacking our pine, with what is going on with Asian ash borer, urban and rural areas, and in forestry areas, and then the effects of climate change on top of that.

So there is a cost, whether it is forest health or bird population, of not doing anything. What is the cost of when we see insecticides and things like that, you know, keeping it in or out of the water? How is it affecting frog populations? What happens to the bird population that eats the frogs? So we are trying to get a holistic approach and try to take a scientific approach to things like doing that. So I appreciate the acknowledgement of the report language we are putting in there because inactivity has consequences on our budget, and activity can have positive, sometimes negative, consequences on our budget.

So if I could just maybe ask you to kind of speak to invasive species because we are trying to do more with that in the committee, about how our organizations can work with the scientific community. If you have got some ideas of how Mr. Joyce and I, and Mr. Kilmer is here. He cares a lot about the birds. I was in his district. You have got seabirds. I don't have that, so you have got it all. So maybe just take a take 1 minute or 2 a piece, and just kind of tell me, you know, if there are some ideas on how we can get the invasive species part of this right, ideas on that.

Mr. HOLMAN. Sure. I will be happy to jump in there. Sage-grouse are in severe decline across the range, and cheatgrass, an invasive grass, is a major factor. And, in fact, I have had Forest Service Agency people tell me that if we don't deal with the cheatgrass problem, there is really no way to bring back enough sagebrush habitat to conserve the grass. So there is one example where we could do more on cheatgrass.

In Hawaii, mosquitoes and the spread of avian malaria and other diseases are a huge problem. These are non-native insects in Hawaii, and now there are efforts to eliminate these mosquitoes in Hawaii. And this is really crucial because we are seeing a lot of birds go extinct in Hawaii because of the avian malaria and other diseases. So there are two examples where, you know, dealing with invasives is really critical.

And then the last is the monitoring, the fast attack. You know, when we think about the brown tree snake, for example, if that were to get to Hawaii, it would be disastrous. So there needs to be this ongoing effort to monitor and keep things out, and then when they are in, attack them immediately.

Mr. ASHE. Two things, Ms. McCollum. I can't resist the temptation to speak about California condor and lead poisoning. And so the key in that case is to stop the source of lead poisoning. Every California condor that is in the wild in California has to be taken back into captivity and put through lead chelation. And if that didn't happen, and it is AZA's members, like Los Angeles Zoo and San Diego Zoo and Santa Barbara Zoo, that are doing that work. And if that didn't happen, then that recovery of that population would collapse automatically. So we have to eliminate the source of the problems and have the courage to do that, and non-toxic alternatives are available.

With invasives you have to act quickly. And so right now, we are helping deal with a coral reef crisis off of Florida. There is an invasive disease that is wiping out 25 of the 40 coral species along the entire Florida Reef tract, over 300 miles of coral reef. America's largest coral reef is being decimated by an invasive unknown as yet disease. And so what is required is to get in ahead of that, rescue the coral, pull them into refugia so that we can have the hope of restoring that reef once we find out what is going on. And so the key thing for the Federal agencies and their State counterparts is to act quickly in the face of species invasion.

Ms. MCCOLLUM. So, Mr. O'Neill, birds eat fish. Fish live in coral. We will you close it. [Laughter.]

Mr. O'NEILL. Yeah, I think one of the things that we are finding, particularly on our seabird work, which is interesting maybe to Mr. Kilmer, is that you are starting to see a mix of species moving into areas where seabirds really rely on fish in order to survive. There are out on the water maybe 70, 80 percent of their life cycle. They are getting fish now that are too large for their beaks to be able to feed. They are no longer productive, and that is a big shift because of climate change. The warming of some of these oceans are creating different movements of fish. As a result, the sea birds aren't able to eat fish that are the size that can create productivity when they move to their breeding grounds.

So that is an important shift, but the importance of the actions that can be taken are around really thinking about managing the small forage fish that are in these river systems and that move out into the oceans. Protecting forage fish is really important to saving sea birds, and sea birds have declined some 70 percent over the last 40 years. So that is an invasive species that is moving as a result in part of ocean temperatures and warming.

And I want to pick up on Dan's point about, you know, something along the lines of the pesticide issue for birds., and Steve and I were talking about this earlier. It is a major issue for our board and our members. But pesticides we are more and more concerned about in terms of their impact on birds, and that is an issue that we want to explore further. I think some scientific research relative to the impact of pesticides on birds and the health of birds would be very valuable to really draw that link, that scientific link, be-

tween pesticide use and the loss of bird species throughout the Americas.

Ms. MCCOLLUM. Thank you. Mr. Joyce.

Mr. JOYCE. Have you found any birds that like to prey on Asian carp? [Laughter.]

Mr. O'NEILL. Not yet.

Mr. JOYCE. Thank you all for being here.

Ms. MCCOLLUM. Mr. Kilmer.

Mr. KILMER. None. Thank you.

Ms. MCCOLLUM. Thank you very much. Thank you. And if the second panel would come up, please.

I think we are going to be fine. We are finding out that we are seeing a yellow light. This morning we saw yellow light, but you are not seeing a yellow light right now. So we will give you an indication kind of where the minute comes without being too disruptive.

So as the first panel did, if you would introduce yourself, and then we will start the clock then.

THURSDAY, FEBRUARY 6, 2020.

DEFENDERS OF WILDLIFE

WITNESS

JACOB MALCOM, DIRECTOR OF THE CENTER FOR CONSERVATION INNOVATION, DEFENDERS OF WILDLIFE

Mr. MALCOM. Good afternoon. I am Jacob Malcom. I am the director of the Center for Conservation Innovation at Defenders of Wildlife. Defenders has 1.8 million members and supporters, and we are dedicated to the conservation of wild animals and their habitats in their natural communities. Thank you, Madam Chairwoman, Ranking Member, and members of the subcommittee for the opportunity to speak with you today.

The science that has been marshaled in recent years shows with unrivaled clarity that this is a pivotal time for wildlife and for humanity. You are likely familiar with last year's report. "The Global Assessment on the Status of Biodiversity and Ecosystem Services," found that 1 in 8 species on the planet, or about 1 million species, are at risk of extinction. That is tens to hundreds of times faster than the background rate of extinction, and ultimately we are the cause of this loss.

We have altered over 75 percent of terrestrial environments and two-thirds of marine environments. When you combine that loss with ongoing threats, like invasive species, climate change, the damage that we have done to nature is almost unimaginable. And the consequences of that are not just borne by nature, but also by humanity. Half a trillion dollars of crops are at risk of loss because of pollinator loss, which is a really big deal. Ecosystem services from fisheries to water filtration and beyond are all at grave risk of loss because of the damage to natural systems.

But despite the darkness of these results, we also have good reason for hope because we know that we have solutions. We know we can make a difference when we act. We have reduced the risk of extinction for plants and animals by some 22, almost 30 percent by

investing in conservation. In the U.S. this is because of laws going back over a century for conservation starting with the Lacey Act in 1900, and because of our stewardship of our Federal public lands and public and private lands across the country.

Defenders has a number of priorities that we have laid out in our written testimony, but here I wanted to focus for a moment on the key law for addressing the extinction crisis that we are facing now, the Endangered Species Act. The ESA is the epitome of success. Over 95 percent of listed species are still with us today, and hundreds of those are on the path to recovery. This record of success is even more stunning when you consider that species have received less than 25 percent of what scientists say is needed to recover them. You can imagine what we would be able to do if we invested fully in the Endangered Species Act. This point may have been most clearly made last fall in the Journal of Science when 1,800 scientists endorsed greater ESA funding as a key strategy for responding to the extinction crisis.

The U.S. Fish and Wildlife Service is the lead agency for recovering most listed species, but its endangered species budget needs nearly double the current funding, or about $486 million a year, for the Agency to carry out the missions Congress intended. For example, the backlogged Listing Program needs to increase nearly threefold to $51 million dollars a year so that the Agency can determine if species need protection. The Recovery Program funding needs to nearly double to almost $197 million a year. That would allow the Service to complete almost 400, actually over 400, recovery plans that are needed, and thousands of recovery actions that are already planned and just need to be taken action on.

The Consultation and Planning Program needs an almost 50 percent increase to $130 million, which would allow, among other things, the application of new technologies that really massively increase the efficiency of consultations. And the Cooperative Endangered Species Conservation Fund, which empowers States and private landowners to take conservation action, needs at least $100 million a year.

Across these programs and others detailed in our written testimony, we have laid out a path to address the extinction crisis that looms before us. You and your constituents depend on nature and the ecosystem services it provides. Fundamentally, laws like the ESA will be little more than lip service to wildlife if they are not funded fully and carried out. So thank you for the funding increases last year. Defenders and all of the wildlife and their habitats certainly appreciate it. Now we need leaders to use their authorities, the power of the purse, to further our commitment to halt the extinction crisis and reverse the fortunes of nature. Thank you.

[The statement of Mr. Malcom follows:]

FY 2021 Testimony of Jacob Malcom, Ph.D.
Director, Center for Conservation Innovation, Defenders of Wildlife
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Madam Chairman, Ranking Member and Members of the Subcommittee, thank you for the opportunity to submit testimony. I am Jacob Malcom, Director of the Center for Conservation Innovation at Defenders of Wildlife. Founded in 1947, Defenders has more than 1.8 million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

The science marshalled in recent months and years shows with unrivaled clarity that this is a pivotal time for that wildlife and ultimately, humanity. You are likely familiar with last year's global assessment on the status of biodiversity and ecosystem services, which found that 1 in 8 species on Earth – about 1 million species – are facing extinction. We are causing the loss of species tens to hundreds of times faster than the background extinction rate. This loss of species is driven by the fact that we have altered over 75% of terrestrial environments and 66% of marine environments. Combined with ongoing threats as diverse as climate change and invasive species, the damage we have done and are doing to nature is almost unimaginable. The consequences are as dire for humanity as they are for wildlife. As one example, half a trillion dollars of crops per year are at risk from pollinator loss. Ecosystem services, from fisheries to water filtration and beyond, are all at grave risk because of the damage to natural systems.

In the face of these threats, the U.S. is fortunate to have solutions—from the Endangered Species Act (ESA) to a strong public lands system—that can work, but only if we fund them. Defenders appreciates the increases for key wildlife programs provided in the final FY 2020 omnibus appropriations bill. But years of severely inadequate funding and the scale of the catastrophe facing the planet's wildlife mean significantly more funding is needed in every area.

In addition, Defenders remains opposed to the administration's various efforts to reorganize the Department of the Interior and to restructure or relocate some of its agencies and programs. These efforts seem more focused on undermining agency transparency and dismantling programs that conserve the lands, water and wildlife under the Department's jurisdiction rather than to achieve any efficiencies or real improvements in management. We urge you to continue to reject these proposals, or in the case of the Bureau of Land Management relocation that is already underway, to do as much as possible to mitigate the impacts and to maintain continuity.

We were very grateful that the FY 2020 House bill did not retain the longstanding prohibition on protecting the sage-grouse under the Endangered Species Act, but we were extremely disappointed that the final omnibus bill once again reinstated the rider. We urge the Subcommittee to ensure removal of the rider in the final FY 2021 bill once and for all. Sage-grouse continue to decline in every state where they occur. The U.S. Fish and Wildlife Service must have all tools available to conserve this increasingly imperiled bird, and the rider is a conspicuous political interference with the integrity of the scientific process that is the foundation of the Endangered Species Act.

Fish and Wildlife Service

The U.S. Fish and Wildlife Service (FWS) is our nation's premier wildlife conservation agency. While we appreciate the increases provided in the FY 2020 bill, the agency needs significantly greater

increases to support recovery of threatened and endangered species; protection of migratory birds and fish, species of global conservation concern and other trust species; and prevention of both domestic and international wildlife crimes.

Ecological Services – Last year, a coalition of more than 200 organizations sent a letter to Congress requesting a significant infusion of funds into the Ecological Services program to begin to address the extinction crisis, a total of $486 million, $220 million more than the current level:

- **Listing:** Several years ago, FWS developed a broadly supported workplan to allow for timely listing decisions on 350 species. Because of funding decreases, FWS now has a backlog of 22 species with delayed listing decisions as well as 74 species in the workplan for a total current listing backlog of 96 species. For FWS to meet these and other obligations under the listing budget, a total of $51 million is needed annually, an increase of $30.7 million over the FY 2020 level. Species due for decisions include the Pacific marten, Eastern Black Rail, island marble butterfly, and Black-capped Petrel.
- **Recovery:** Currently, more than 400 listed species lack final recovery plans and another 500 plans will need to be updated in the next five years. Moreover, hundreds of listed species receive less than $1,000 per year for recovery with many receiving no FWS funding at all. Congress should provide a minimum of $50,000 per year per species for recovery to ensure no species slips through the cracks. For FWS to meet these and other obligations under the recovery budget, a total of at least $196.7 million is needed annually, an increase of $93.7 million. We very much appreciate the direction included in FY 2020 report language for FWS to establish extinction prevention programs for critically endangered species and we urge the Subcommittee to press for the establishment of these programs.
- **Planning and Consultation**: FWS conducts ESA Section 7 consultations on more than 10,000 federal actions each year so that projects can move forward while minimizing harm to listed species. The requirements of pesticide consultations in particular are large and essential to protecting species. To meet planning and consultation needs and to work with non-federal stakeholders to develop Habitat Conservation Plans, $130 million is needed annually, an increase of $21 million over the FY 2020 level. In addition, we are grateful for the direction included in the FY 2020 report for FWS to enhance the Integrated Planning and Conservation System and to plan development of a system for compliance monitoring. We urge continued oversight of these efforts.
- **Conservation and Restoration:** At least $8 million per year from FY 2021 to FY 2026 is needed for the Candidate Conservation element of Conservation and Restoration to assist with early conservation action on the current 14 candidate species.
- **Wolf Livestock Loss Demonstration Program:** Defenders urges continued funding at no less than $1 million for this program that assists livestock owners co-existing with wolves.

National Wildlife Refuge System – Our National Wildlife Refuge System is the largest network of public lands and water in the nation dedicated to wildlife conservation, unique in that it is one of the few places on the planet where wildlife comes first. While we appreciate the FY 2020 level of $502.4 million for Refuge System Operations and Maintenance (O&M), a $14.2 million increase, it has taken ten years to simply return O&M funding to just below the high-water FY 2010 level of $503.2 million. Defenders recommends $586 million for O&M for FY 2020, an increase of $83.6 million. The Cooperative Alliance for Refuge Enhancement, a coalition of 23 hunting, fishing, conservation and scientific organizations estimates at least $900 million is needed annually for O&M.

Migratory Bird Management – Research published last year[a] showed that North America has lost about 3 billion birds since the 1970s, and the only groups to not suffer severe declines were waterbirds that have received substantial funding over the decades. Given that the Trump administration has eliminated long-standing protections for migratory birds against incidental take, funding for conservation is more important than ever. Defenders recommends a return to no less than the FY 2010 level of $54.5 million, an increase of $7 million over the FY 2020 level, to support crucial survey and monitoring programs and for building resilience of bird species and their habitats.

Office of Law Enforcement (OLE) – We are extremely grateful that the FY 2020 bill continues appropriated funding to support inspectors at ports of entry currently without personnel and we urge it be maintained. Defenders supports $85 for million for FY 2021, an increase of $2.9 million over the FY 2019 level, to help OLE continue to address the crisis in the illegal global wildlife trade.

International Affairs – Defenders supports $21 million for FY 2021, an increase of $2.2 million, crucial in continuing to combat illegal wildlife trade and to build capacity in range countries.

Cooperative Landscape Conservation and Science Support – We thank the Subcommittee for again restoring funding for these two programs which the administration had zeroed out in its FY 2020 request. We recommend increases over current levels, returning to the requests made in the last Obama administration budget for FY 2017 for $17.8 million (an increase of $5.3 million) and $20.6 million (an increase of $3.3 million) respectively. With these increases, FWS can continue to work to address complex challenges such as climate change across large landscapes and otherwise address scientific questions key to conservation of trust species.

Key grant programs – Defenders supports: $100 million for the Cooperative Endangered Species Fund, an increase of $45.5 million; $6.5 million for the Neotropical Migratory Bird Fund, an increase of $1.6 million; $18 million for the Multinational Species Conservation Fund, an increase of $3 million; and $70 million for State and Tribal Wildlife Grants, an increase of $2.4 million.

U.S Forest Service and Bureau of Land Management

The U.S. Forest Service (FS) and the Bureau of Land Management (BLM) are essential to the conservation of wildlife and habitat in the U.S. In its FY 2020 budget the administration proposed, and lawmakers wisely rejected, consolidation of nine National Forest System budget line items into a single budget line item. Defenders remains concerned that such a consolidation, given this administration's narrow focus on timber production, could be devastating to wildlife habitat and watersheds. Further, efforts to restructure the FS Research and Development program must retain the essential interdisciplinary functions of the agency's research arm. Under any scenario, Congress must reaffirm meaningful performance metrics for wildlife habitat, watersheds, and forest resiliency on FS lands. In addition, Defenders is extremely concerned about the impact of the BLM relocation on the agency's ability to sustainably manage its wildlife, land and waters given the disruption and loss of institutional expertise. We ask the Subcommittee to maintain strict oversight and to take all possible steps to ensure continuity and expeditious restoration of affected programs in the new location. Further, Defenders requests that BLM be prohibited from using any funds for seismic exploration, oil and gas drilling and other development activities within one mile of polar bear maternal denning habitat in the Coastal Plain of the Arctic National Wildlife Refuge in FY 2021.

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[a] Rosenberg KV, Dokter AM, Blancher PJ, Sauer JR, Smith AC, Smith PA, Stanton JC, Panjabi A, Helft L, Parr M, Marra PP. 2019. Decline of the North American avifauna. *Science* 366:120–124. DOI: 10.1126/science.aaw1313.

BLM Wildlife and Aquatic Habitat Management – Defenders supports a total of $200.8 million, an increase of $14.3 million over the FY 2020 level. Within this amount, we ask the Subcommittee to maintain specific funding for Threatened and Endangered Species Management and provide a level of $23.6 million for the program, an increase of $2 million over the FY 2020 level to support the conservation of the 430 listed species and numerous candidate species found on BLM lands.

BLM Renewable Energy – Defenders supports no less than $29.1 million, the same as the FY 2020 level, to continue facilitating renewable energy development on public lands while avoiding areas with natural resource conflicts, including habitat for sensitive wildlife species.

BLM Resource Management Planning, Assessment and Monitoring – Defenders urges $69.4 million, an increase of $2.3 million over the FY 2020 level of $63.1 million, to support crucial data collection and monitoring of ecological conditions and trends on the landscape as well as continued development of the Enterprise GIS. We also appreciate the direction in the report for the agency to move forward with a refined range mapping pilot project for threatened and endangered species on BLM lands and ask the Subcommittee to monitor and ensure the progress of this effort.

FS Wildlife and Fisheries Habitat Management – We support restoring funding to at least the FY 2010 level of $143 million, $5 million over the FY 2020 level, to carry out critical conservation and recovery activities for the nearly 470 threatened and endangered species and 3,100 sensitive species that depend on FS lands, and to help address the loss of biologists that has occurred in recent years.

FS Land Management Planning, Assessment and Monitoring – Defenders supports maintaining funding at no less than the FY 2017 level of $182.9 million, $2.9 million over the FY 2020 level. Outdated forest plans lack effective habitat conservation and restoration strategies.

FS Collaborative Forest Landscape Restoration Program – Defenders supports a total of $80 million, as authorized by the 2018 Farm Bill.

FS Forest and Rangeland Research (FS R&D) – We urge a return to the FY 2010 level of $245 million, $17 million over FY 2020, which included $30.5 million for Wildlife and Fish R&D. Adequate funding for this program is crucial in providing relevant tools and information to support sustainable management of both federal and non-federal forest lands.

U.S. Geological Survey

National and Regional Climate Science Centers – We are extremely grateful that the final omnibus bill rejected the administration's proposal to "realign centers" and also provided a significant $13 million increase together with direction to develop the Midwest Climate Adaptation Science Center, a total of $38.3 million. We urge continued funding at no less than this amount to support scientific needs in planning for climate change adaptation and building resiliency of ecosystems.

Ecosystems – We thank the Subcommittee for rejecting the administration's effort to restructure this activity, including its proposed elimination of the Cooperative Research Units. Defenders urges funding at no less than the FY 2017 request of $173. 9 million, $3.4 million above FY 2020, to help support development of crucial scientific information for sound management of our nation's biological resources.

Ms. MCCOLLUM. Thank you very much.

THURSDAY, FEBRUARY 6, 2020.

INTERNATIONAL FUND FOR ANIMAL WELFARE

WITNESS

KATE WALL, SENIOR LEGISLATIVE MANAGER, INTERNATIONAL FUND FOR ANIMAL WELFARE

Ms. WALL. Hi. Thanks. Can you hear me? Bear with me. I have a very scratchy voice.

Ms. MCCOLLUM. Why don't we make sure you have a glass of water handy in case you need it?

Ms. WALL. Thank you. That is kind. I won't wait on that, though. My name is Kate Wall. I am here on behalf of the International Fund for Animal Welfare. I am the senior legislative manager in our United States office. The International Fund for Animal Welfare—thank you—or IFAW, has offices in 15 countries around the world and works in more than 40 countries globally. And we want to thank the chairwoman, and Ranking Member Joyce, and members of the subcommittee for the opportunity to testify here today.

IFAW is very grateful for the subcommittee's championship of strong conservation funding in the current Fiscal Year. And as a member of the International Conservation Caucus, we also thank both the chair and ranking member for your conservation leadership both on this committee and elsewhere.

So I am going to deviate a little bit from my prepared remarks today because, Chairwoman McCollum, you asked about the cost of doing nothing during the last panel. And I wanted to start these remarks by saying that the Intergovernmental Platform on Climate Change put forward a report last year that said that the total value of global ecosystem services is roughly equivalent to global GDP. That is huge. So the cost of doing nothing to protect our ecosystem services may be as much as allowing global GDP to trickle down the drain.

All right. I just wanted to see that in your minds before I get started on my formal remarks because I think that sometimes when we talk about wildlife and ecosystems, we think about these as something that we need to think about in the future, not something that we should worry about today. We need to worry about our bottom lines of today. We all do this. I do this in my own thinking when I am thinking about my budget at home. But the reality is that we may be squandering huge resources that we do not have the wherewithal to put back into our coffers if we don't act today to protect wildlife and protect ecosystems here in the United States and globally.

So we have heard just by turning on the news about some really pretty serious and grim challenges that face us around the world. We hear about sea level rise. We hear about warming oceans. We hear about biodiversity loss. If you aren't scared, then you aren't paying attention. But I don't want to focus on our fear today because fear can paralyze us, and the reality is that those of you sitting across the table from us here today have the power as leaders in this country to really make some transformative changes and

make a better world for us, and I want to inspire you to act in that way. So put the fear aside, and let's talk about some things that you can do with the power of your purse.

We continue as the United States to be a global leader, and the actions that we take here at home matter on the global stage. Some of the things that we can do internationally include funding the International Affairs Program within the Fish and Wildlife Service, which is tasked with coordinating domestic and international efforts to conserve species and restore wildlife and wild lands. These are programs that look not just at iconic species, which we will talk about next, but species that we may not have heard of, transboundary species, ecosystems, and they really have a power to create change in wide swathes of the world with very, very little. Also, because of language that you justifiably put in the Fiscal Year 2020 appropriations report language, are tasked with ensuring the highest level of integrity and professionalism among partner organizations. And so we asked for further funding to ensure that they have the resources that they need to carry out those very important offices.

With regard to iconic species like those protected by the multinational species conservation funds, species like tigers, rhinos, African and Asian elephants, great apes marine and freshwater turtles and tortoises, these species continue to face threats from poaching, from trafficking, and from climate change. And while there was a significant increase in funding in the last Fiscal Year, for which again, we are very grateful, these threats have not gone away, and we need more preventative funds now so that we don't risk further cure funding required later that will be much more costly to taxpayers and species writ large.

And finally, on the international stage, the Office of Law Enforcement within the Fish and Wildlife Service is tasked with a huge amount of inspection of wildlife and wildlife products that come across our borders. They have attaches around the world. And we face yet another global pandemic, which appears to have been caused by wildlife interactions, we see those as all the more important offices that need to be carried out with additional funding.

Again, thank you for the opportunity to testify before you here today.

[The statement of Ms. Wall follows:]

Testimony of Kate Wall
Senior Legislative Manager, International Fund for Animal Welfare
Before the House Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
February 6, 2020

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee: Thank you for the opportunity to offer testimony on the FY21 Interior, Environment and Related Agencies Appropriations Act. The International Fund for Animal Welfare (IFAW) has 15 offices globally and works in more than 40 countries around the world. IFAW takes a holistic approach to innovating solutions for tough conservation challenges like conflicts between humans and wildlife, and illegal wildlife trafficking. Recognizing the unbreakable link between animals and human wellbeing, we support and empower communities to coexist with and value native wildlife and help those communities develop tools to protect their wild heritage. IFAW is grateful for this Subcommittee's championship of strong conservation funding for the current fiscal year (FY20), and requests your continued support for these programs in FY21. Specifically, we request the $19.5 million for the Multinational Species Conservation Funds, $5 million for information technology upgrades within the U.S. Fish and Wildlife Service (FWS) $23 million for the International Affairs program within FWS, $85 million for the FWS Department Office of Law Enforcement, and $500 million for the Endangered Species Act across five programs. IFAW also requests the Subcommittee deny support for any projects that seek to circumvent the ESA or National Environmental Policy Act (NEPA). Finally, we urge the Subcommittee to prioritize infrastructure projects that are sustainable and resilient.

This last year has brought ever more disturbing news about the state of our natural world. Twenty-nineteen was the second hottest year on record;[1] in May, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) released a report warning that one million species are at risk of extinction due to human activities[2]; changing climate conditions wreaked havoc on Australia in the form of catastrophic wildfires; we saw the fourth consecutive above-normal Atlantic hurricane season—only the second such on record[3]—which caused an estimated $22 billion in damage in the U.S. alone;[4] and our ocean temperatures rose at record-setting levels.[5] Trafficking in wildlife and wildlife parts remained the fourth most lucrative criminal enterprise worldwide with an estimated annual revenue of as much as $20 billion—add in illegal logging and fishing, and that number skyrockets to $1 trillion or more[6].

Given the grim challenges we face, IFAW respectfully asks this Subcommittee to exert its leadership and help to reverse these shocking trends. Fortunately, many of the programs that are best able to address our natural crises fall within the Subcommittee's jurisdiction, and U.S. action remains a key driver in convincing nations around the globe to invest in protecting imperiled wildlife.

No NEPA or ESA Waivers: IFAW urges this Subcommittee to consider the health of wildlife and the environment in all of its actions. At a minimum, no federally-supported construction projects, including disaster remediation projects, should be exempted from such fundamental laws as the ESA and NEPA. NEPA and ESA analyses protect against substantial social, environmental, and economic harm. These reviews allow construction projects to move forward while ensuring full disclosure of potentially harmful outcomes, informed decision-making, effective design, and risk mitigation. There has been a distressing trend toward exempting

projects from NEPA, ESA, or other environmental reviews and we urge the Subcommittee to reverse this trend by denying funding for any plan that does not include a commitment to bedrock conservation laws and environmental reviews.

Infrastructure: As Congress moves to address our aging infrastructure, we have an unparalleled opportunity to invest in environmental safeguards and conservation innovations that will ensure American wellbeing and security, and create jobs and prosperity for the citizens of today and for many future generations. IFAW urges this Subcommittee to review any infrastructure plans within your jurisdiction through the lens of wildlife conservation and environmental sustainability. We advocate prioritizing funding for projects that: rely on sustainable or natural materials to increase infrastructure resiliency and longevity; reintroduce or preserve native flora; create resilient and sustainable water and waste management systems, particularly through implementing natural alternatives to traditional water and wastewater management systems like wetlands, dune restoration, and natural vegetation buffers. Over time, these modalities can increase resilience while saving scarce taxpayer dollars. A single acre of wetlands can hold up to 1.5 million gallons of rain or melting snow. For less than $300,000, it's possible to construct an artificial wetland that can intercept 3.25 million gallons of stormwater otherwise destined for the sewer.

We also urge the Subcommittee to prioritize funding for infrastructure projects that reduce wildlife conflict using wildlife corridors and crossings. Every year in the U.S. there are an estimated 1-2 million collisions that occur between motorists and large animals. [7] These collisions result in 200 human deaths and more than 26,000 injuries, at a cost to Americans of more than $8 billion annually.[8] A 2011 study by the insurance industry estimated that over $1 billion dollars per year is spent on property damage due to wildlife vehicle collisions while the total annual cost to American taxpayers is nearly $8.4 billion.[9] In addition, walls, fences, roads, and dams impede migratory routes, cut off food and water supplies, and otherwise disrupt important wildlife habitats. We can and must improve safety and safeguard biodiversity and ecosystem health by creating and protecting habitat connectivity, wildlife corridors, and crossings for wildlife.

US FISH AND WILDLIFE SERVICE PRIORITY PROGRAMS

Endangered Species Act: The Endangered Species Act, remains our nation's most important conservation law, and has been successful in protecting 99% of listed species from becoming extinct. Saving species from extinction is about more than just preserving iconic wildlife for generations to come. We are also protecting integral parts of the ecosystem that provides the air we breathe, the water we drink, the parks we enjoy, and the medicine we need. The Endangered Species Act protects wildlife within the United States, and species around the globe by requiring agencies to ensure that federally supported international activities protect species survival and preserve important habitat and by generally prohibiting the import of listed species.

While the ESA remains popular among Americans regardless of political party, with an approval rating of around 90%, it continues to face attacks through spending riders, authorizing legislation, and administrative action. IFAW thanks this Subcommittee for its efforts to fend off appropriations riders in past bills, and asks that any riders aimed at undermining the ESA—including legacy riders—be excluded from the FY21 Act.

We also thank the subcommittee for including strong ESA funding in its FY20 bill, which was, unfortunately, not retained in the final spending package. There remains a backlog of species awaiting consideration for protections under the Act, as well as listed species in need of additional resources to promote recovery. As species face ever-mounting pressures from climate change, habitat loss, and other factors, funding for the ESA has not kept pace with the need. IFAW requests $500 million across the following five programs to make up for lost ground and put species on the path to recovery:

- Recovery Program: $205 million
- Planning and Consultation Programs: $132 million
- Cooperative Endangered Species Conservation Fund: $100 million
- Listing Program: $53 million
- Conservation and Restoration Program: $10 million

FWS Information Technology Improvement

Currently, FWS is operating with outmoded information technology (IT) systems. Outdated websites mislead the public, provide inaccurate information, and can lead to legal liability for agencies. Reduced access to information online also contributes to inefficiencies and can cause duplication of staff time.

Upgrading FWS IT systems will increase openness and transparency; provide improved access to digital assets that should be in the public domain, including photos and videos; improve staff efficiency in responding to Freedom of Information Act (FOIA) requests; and increase public access to documents and information that should be publicly available. Similar information that is requested via FOIA three times is required to be posted, so improving public access to such information will reduce duplicate FOIA requests, saving staff time and resources. IFAW therefore requests that $5 million be appropriated to improve FWS IT systems, including staffing, in FY21.

FWS International Affairs: The FWS International Affairs (IA) program is tasked with coordinating domestic and international efforts to protect and restore wildlife and ecosystems. By overseeing domestic conservation laws and international conservation treaties, including the Convention in International Trade in Endangered Species (CITES), the IA program has become a keystone of U.S. leadership on the international stage. Importantly, the IA program supports transboundary regional projects as well as those that focus on target species, promoting habitat conservation and restoration in areas where wildlife is most at risk from habitat loss. The IA program is now responsible for implementing important safeguards this subcommittee included in the FY20 spending bill to ensure partner groups comply with the highest level of integrity and professionalism. With additional resources, the IA team will be better able to implement these responsibilities, and to get necessary funding to qualifying projects promptly and efficiently. IFAW requests $23 million for this important program in FY21.

Multinational Species Conservation Fund (MSCF): IFAW is part of a diverse coalition of groups, including animal welfare, environmental, sporting, and industry organizations, that support the MSCF. These funds protect tigers, rhinos, African and Asian elephants, great apes, and marine and freshwater turtles and tortoises, all of which are in constant danger from illegal poaching and wildlife trafficking, habitat destruction, climate change, and other pressures. Wild members of these species may live outside our borders, but these iconic animals remain

important to the American people. None of us wants this to be the generation to preside over the extinction of elephants or tigers in the wild. MSCF programs have helped to sustain wildlife populations by funding groundbreaking projects that combat poaching, reduce human-wildlife conflict and protect the vital habitat of priority species. By promoting community engagement and combatting trafficking, the MSCF programs also promote the rule of law abroad and contribute to our domestic security. These programs are highly efficient, with low administrative costs ensuring that more than 95% of appropriated funds were distributed through grants in FY17. The MSCF received an increase in FY20, but pressures on these species continue to increase around the globe. IFAW requests that $19.5 million be appropriated for the MSCF for FY21.

Office of Law Enforcement: The Office of Law Enforcement (OLE) within the FWS is on the front lines of wildlife crime, inspecting wildlife shipments, conducting investigations, and enforcing federal wildlife laws to protect fish, wildlife, plants, and ecosystems. The OLE combats poaching and wildlife trafficking, breaking up international criminal rings that not only harm wildlife, but may also engage in other illicit activities. Among other things, the small but mighty force at OLE sends experienced FWS attachés to strategic regions where they combat wildlife trafficking by supporting and advising foreign partners. The US remains one of the world's largest illegal markets for wildlife and wildlife products. And, as the world confronts a novel coronavirus with suspected origins in wildlife, the OLE's inspection and enforcement responsibilities take on even greater import. This program is critical both to domestic and international conservation efforts and to national health and security. IFAW requests $85 million in FY21 for OLE.

In closing, thank you for the opportunity to share IFAW's funding priorities to promote conservation in the FY2021 Interior, Environment and Related Agencies Appropriations Act. Wildlife and their habitats are more than our national heritage; they are essential to human health and welfare, and to domestic and international security. We appreciate the continued leadership of this Subcommittee on conservation efforts globally and within the United States. With your support, we can reverse the tide of extinction and promote a better future for generations of wildlife lovers and Americans yet to come. Thank you.

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[1] https://www.noaa.gov/news/2019-was-2nd-hottest-year-on-record-for-earth-say-noaa-nasa

[2] IPBES, *Global Assessment on Biodiversity and Ecosystem Services: Summary for Policymakers.* 2019. Available at https://ipbes.net/sites/default/files/inline/files/ipbes_global_assessment_report_summary_for_policymakers.pdf

[3] NOAA, Active 2019 Atlantic Hurricane Season Comes to an End: Stretch of consecutive above-normal seasons continues. Available at https://www.noaa.gov/media-release/active-2019-atlantic-hurricane-season-comes-to-end?utm_source=Social%20Media&utm_medium=Facebook&utm_campaign=AtlanticHurricanSeason_20191126

[4] https://www.accuweather.com/en/weather-news/accuweathers-2019-total-storm-damage-estimate-is-22-billion/604569

[5] Cheng, L., and Coauthors, 2020: Record-setting ocean warmth continued in 2019. Adv. Atmos. Sci., 37(2),137−142, https://doi.org/10.1007/s00376-020-9283-7.

[6] http://pubdocs.worldbank.org/en/482771571323560234/WBGReport1017Digital.pdf

[7] Huijser, M.P., P. McGowen, J. Fuller, A. Hardy, A. Kociolek, A.P. Clevenger, D. Smith and R. Ament. 2008. Wildlife-vehicle collision reduction study. Report to Congress. U.S. Department of Transportation, Federal Highway Administration, Washington D.C., USA.

[8] Id.

[9] Putting a Dent in the Cost of Wildlife-Vehicle Collisions, Defenders of Wildlife Blog, September 20, 2011, https://defendersblog.org/2011/09/putting-a-dent-in-the-cost-of-wildlife-vehicle-collisions/

THURSDAY, FEBRUARY 6, 2020.

LEGISLATIVE AND FEDERAL BUDGET COMMITTEE

WITNESS

TIM SCHAEFFER, CHAIR, ASSOCIATION OF FISH AND WILDLIFE AGENCIES, LEGISLATIVE AND FEDERAL BUDGET COMMITTEE

Mr. SCHAEFFER. Hi. My name is Tim Schaeffer. I am the executive director of the Pennsylvania Fish and Boat Commission. And like Minnesota and Ohio, we are both a Great Lake State and a Mississippi River watershed State. People don't often think about the fact that the Ohio starts right there in Pittsburgh. And I am here today on behalf of the Association of Fish and Wildlife Agencies. I am the current chair of the Legislative Federal Budget Committee for the Association.

Should I start again?

Ms. MCCOLLUM. We are good.

Mr. SCHAEFFER. Okay. Good. Thank you. Generally, the Association supports no less than Fiscal Year 2020 funding levels for the various budget line items under your purview. However, increasing funding for the Division of Fish and Aquatic Conservation of the Fish and Wildlife Service is important to ensure sufficient capacity and expertise is readily available to work in partnership with the States on various projects and issues. At least maintaining Fiscal Year 2020 funding levels for the National Fish Hatchery operations and functions and budget line items is critical, and we request the same for mass marketing initiatives.

Additional funding to address the National Fish Hatchery systems deferred maintenance is also necessary to continue species restoration and conservation efforts. We support the National Fish Habitat Action Plan at $7.2 million, and to continue Fiscal Year 2020 funding levels for conservation activities in the Delaware River Basin, Klamath Basin, Great Lakes, Chesapeake Bay, and the Everglades.

The spread of the associated costs of aquatic invasive species are exploding—we have been talking about that already today—and we recommend increasing funding for AIS prevention in the FAC. This should be part of a comprehensive approach across relevant Federal agencies and the programs that provide resources to States to prevent and control AIS. We request Congress to restore funding for State aquatic nuisance species management plan implementation to $4.4 million dollars, without compromising ANS programs. And we support the continuation of a $25 million annual appropriation to implement the National Asian Carp Management and Control Plan in the Mississippi River and it is tributaries. I would really emphasize if we get it right in the tributaries, that helps to prevent the spread to the Great Lakes.

The State and Tribal Wildlife grants program is the only Federal program available to States to leverage non-Federal funds to conserve over 12,000 State species of greatest conservation need to prevent them from becoming threatened or endangered through voluntary proactive and State-led conservation efforts. It is a lot cheaper to keep something off the Endangered Species List, and we like to say we want to keep common species common.

The Association recommends the program be funded at $90 million and Fiscal Year 2021. To truly address these challenges, we ask Congress to enact the Recovering America's Wildlife Act, H.R. 3742, which would provide States and their conservation partners with dependable resources and a modern enhancement in how we fund the full array of diverse fish and wildlife conservation for current and future generations.

The Fish and Wildlife Service and States share management jurisdiction for migratory birds. This represents one of the most successful State/Federal Cooperative Partnerships for over 80 years. Unfortunately, the Migratory Bird Conservation Program is chronically underfunded. More funding is needed to retain sufficient staff, fill key vacancies to work in cooperation with the States on co-management issues, and support science to inform decision making. The Association supports funding the program at Fiscal Year 2010 levels, and the Migratory Joint Bird Ventures at $19.9 million to accomplish shared responsibilities and priorities.

Thank you for providing much-needed funding for the USGS Cooperative Fish and Wildlife Research Unit Program in Fiscal Year 2020, and we strongly support maintaining the funding in Fiscal Year 2021. Further, we support additional funding for the science centers. In Pennsylvania, we recently learned that the Northern Appalachian Research Lab and Wellsboro, Pennsylvania may close this year because of decreased funding. That lab provides critical data, research, and information to our agency on how we manage freshwater mussels for the Pennsylvania Fish and Boat Commission, but we manage all fish, reptiles, and amphibians in the Commonwealth. They also have supplied really critical research and data to us on the filtration roles of mussels, how they are connected to eels, and how that would help with Chesapeake Bay restoration efforts. The cleaner the water is leaving the Susquehanna River, the better it is for the Bay, and mussels play a role in that. We get a lot of great data on that from that USGS facility in Wellsboro.

We also support additional funding for the National Wildlife Health Center to deal with chronic wasting disease. We support no less than Fiscal Year 2020 funding levels for other budget line items within USGS ecosystems. However, it is imperative the Congress provide additional resources to all relevant Federal agencies to coordinate to coordinate with the States on challenges related to CWD. We respectfully request that the subcommittee refer to the Association's testimony on CWD provided on October 17th, 2019 for additional CWD-related needs.

Thank you for upholding the commitments to wildfire borrowing. We support the U.S. Fish and Wildlife Service budgets at no less than Fiscal Year 2020 levels, and respectfully request an additional $3 million to this program. So with that point, I would be happy to answer any questions.

[The statement of Mr. Schaeffer follows:]

ASSOCIATION of FISH & WILDLIFE AGENCIES

The voice of fish and wildlife agencies

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Testimony by Mr. Tim Schaeffer, Executive Director of the Pennsylvania Fish and Boat Commission, on Behalf of the Association of Fish and Wildlife Agencies
FY2021 House Interior, Environment, and Related Agencies Appropriations Subcommittee
January 29, 2020

Thank you for the opportunity to submit recommendations for Fiscal Year 2021 (FY21) Congressional appropriations. The Association of Fish and Wildlife Agencies' (AFWA) mission, since our founding in 1902, is to protect state fish and wildlife agency (states) authority to conserve and manage the fish and wildlife within their borders, and all 50 states are members. We strive to facilitate cooperation between state and federal agencies, conservation NGOs, and private landowners to conserve our nation's fish, wildlife, and their habitats.

We express our deep appreciation for the increased FY20 funding levels for many of the programs that benefit fish, wildlife, and their habitats and for providing resources for our federal agency partners. We look forward to working with you as we enter another challenging budget cycle and fiscal environment to enact funding levels consistent with FY20, and in some cases higher. Fish and wildlife conservation programs need funding today to preclude more costly federal endeavors tomorrow. We will not succeed by balancing the federal budget on the backs of conservation. A continuation of this policy will prove only to be costlier in the long-term.

Further, we support and endorse appropriations recommendations that are submitted by regional associations of fish and wildlife agencies, and we respectfully request Congress also refer to AFWA's testimony on Chronic Wasting Disease (CWD) provided on October 17, 2019.

UNITED STATES FISH AND WILDLIFE SERVICE (FWS)

Fish and Aquatic Conservation (FAC) – We support no less than FY20 funding levels and recommend increasing funding for FAC to ensure sufficient capacity and expertise is readily available across the nation to work in partnership with the states. Additionally, of priority is the National Fish Hatchery Operations that supports the Aquatic Animal Drug Approval Partnership (AADAP), Fish Health Centers, Fish Technology Centers, Fish Hatcheries, Fish Passage, the National Fish Habitat Partnership, Wild Fish Health Survey, and Mass Marking program all of which meet needs of states, tribes, and the federal government. The need for FDA-approved drugs for use in aquaculture and fisheries management continues to be a national challenge, and AADAP provides the "cornerstone" of partnership efforts. AFWA recommends at least maintaining FY2020 funding levels for these FAC programs including National Fish Hatchery Operations and functions, the Aquatic Animal Drug Approval Partnership, Pacific Salmon Treaty, and we request no less than FY20 funds for the mass marking initiative in the Pacific Northwest and the Great Lakes region, of which $4.5 million is for the Great Lakes region.

AFWA is concerned that the FWS is not fully utilizing its AADAP line item appropriations and in a timely manner. Current spending is not sufficient to meet the intent of the program or the needs of state and private partners. Also, failure of equipment or structure at one of the National Fish Hatchery System (NFHS) facilities could result in the loss of species that provide for

recreational opportunities, unique genetic strains of imperiled species, and multiple year classes of species used for restoration efforts, and there are about $180 million in deferred maintenance needs for the NFHS. We appreciate Congress's previous efforts to address deferred maintenance needs for the NFHS), but more funds are needed to ensure NFHS operations and prevent infrastructure failures. We support continuation of the FY20 report language on NFHS and encourage Congress to incorporate NFHS needs in any infrastructure package considered.

Aquatic Habitat, Assessments, Restoration, and Species Conservation -- We support continued funding at FY20 levels, including for the National Fish Habitat Action Plan at $7.2 million to provide funding for coordination and restoration projects to the 20 approved fish habitat partnerships across the country. Fish Passage needs far outweigh the resources for species management and replacement of unsafe transportation infrastructure which also serve as an aquatic connectivity barrier. We support funding Fish Passage at no less than FY20 levels and strongly support incorporating additional fish passage funding into federal infrastructure plans. Further, we support funding at no less than FY20 levels for conservation and restoration activities in the Delaware River Basin, Klamath Basin, Chesapeake Bay, and Great Lakes.

Aquatic Invasive Species -- We request Congress restore funding for implementation of state Aquatic Nuisance Species (ANS) management plans to $4.4 million, without compromising other ANS programs. We support continuation of $25 million to implement the national Asian carp management and control plan in the Mississippi River and tributaries as well as continuation of the provisions in the FY20 report language. The spread and associated costs of controlling AIS are exploding, and we recommend increased attention on a comprehensive approach across all relevant federal agencies and assistance to the states to prevent and control the spread of AIS.

National Wildlife Refuge System —We support funding NWRS Operations and Maintenance at no less than $510 million. We continue to support the use of trapping on refuges as a management tool to provide much needed research on species of interest as well as to protect federally endangered and threatened species, imperiled species, and their habitats.

Habitat Conservation – AFWA recommends maintaining funding at FY20 levels, including for the Partners in Fish and Wildlife Program for voluntary conservation of wildlife migration corridors and habitats to support implementation of Secretarial Order (SO) 3362.

State and Tribal Wildlife Grants --The State and Tribal Wildlife Grants program is the only federal program available to states to leverage non-federal funds to conserve over 12,000 state Species of Greatest Conservation Need identified in State Wildlife Action Plans to prevent them from becoming threatened or endangered. This investment in voluntary, proactive, and state-led conservation is needed now to address the list of declining species and to preclude an increase in federal expenditures in the future under the Endangered Species Act (ESA). AFWA recommends $90 million for the State and Tribal Wildlife Grants Program in FY21, same as the FY2010 enacted level. To truly address these growing challenges, we ask Congress to enact the *Recovering America's Wildlife Act* (H.R. 3742), which would provide states and their conservation partners with the dependable resources to do proactive, non-regulatory fish and wildlife conservation -- a modern enhancement in how we finance the full array of diverse fish and wildlife conservation for current and future generations.

Partnership Grants – For FY21, AFWA recommends no less than $46 million for the North American Wetlands Conservation Fund; $5 million for the Neotropical Migratory Bird Conservation Fund; and $15 million for the Multinational Species Conservation Fund.

Ecological Services (ES) & Cooperative Endangered Species Conservation Fund (CESCF) - The FWS needs additional resources in ES to address a growing workload and to increase FWS recovery efforts for federally listed species. Insufficient funds to meet growing demands has resulted in ongoing policy riders stemming from ESA tensions, some of which can be alleviated with increased funding. We support no less than FY20 funding for ES, the Recovery Challenge matching grants, and recommend further deployment across the country of the Southeast's cooperative conservation model for implementing the ESA in partnership with the states. We also recommend Congress provide robust funding for the CESCF, which includes a larger proportion of funding that is not tied to the Land and Water Conservation Fund and much needed flexibility for restoration activities.

Science Support (SS) – SS provides critical science coordination functions such as Species Status Assessments, regional science initiatives to address threats to wildlife and habitats across broad landscapes, integrated scientific efforts for species like wolverine, and support for work on White-nose Syndrome, wildlife migration corridors, and more. We recommend increasing funding for SS activities by at least $8 million to provide much needed resources for the FWS to help address CWD and other emerging fish and wildlife diseases in cooperation with the states, integrated science efforts for pollinators and monarch butterflies, and other shared species and science priorities with the states.

Cooperative Landscape Conservation (CLC) – We support at least maintaining FY20 funding levels for CLC to facilitate implementation of SO3362, fund important regional state-federal partnerships, and continue cooperative conservation efforts supported by the states such as monarch butterflies and the Southeast Conservation Adaptation Strategy.

Migratory Bird Conservation Program (MBCP) – The FWS and states share management jurisdiction for migratory birds, and migratory bird conservation represents one of the most successful state-federal cooperative partnerships for over 80 years, but the program suffers from chronic under-funding of traditional functions and activities, making it particularly vulnerable to unanticipated problems and single points of failure. The FWS has gone to great lengths to protect the core functions, but more funding is needed to retain sufficient staff, fill key vacancies to work in cooperation with the states on traditional co-management issues, and support science to inform FWS decision-making. AFWA supports robust funding for the MBCP at FY2010 levels with a total budget of $55 million, including full funding of the Migratory Bird Joint Ventures at $19.9 million, allowing us to accomplish shared state and federal responsibilities and priorities.

Land and Water Conservation Fund (LWCF) – AFWA recommends $450 million for the LWCF in FY21, and we support robust funding for the state-side programs of the LWCF because numerous state agencies depend on the LWCF to support their state parks system. Many rural communities rely on the state-side programs for playgrounds, sports courts, and other amenities. We recommend no less than FY20 funding levels for the Forest Legacy Program in FY21.

UNITED STATES GEOLOGIAL SURVEY (USGS)

Ecosystems – Thank you for providing much-needed funding for the Cooperative Fish and Wildlife Research Unit Program (CRU) in FY20. We strongly support this increase of $5.6 million for the CRU and respectfully request no less than this amount for FY21. The CRU provides critically important scientific and technical support for state and federal fish and wildlife managers through collaborative scientific projects that address the nation's most critical fish and wildlife management needs and inform policy decisions. An additional $1 million would enable USGS to fill all of the staff vacancies nationwide and establish new research units in IN, KY, MI, and NV. AFWA supports the National Cooperators Coalition's testimony on CRUs. Further, we support additional funding for the Science Centers and the National Wildlife Health Center, which provide critical scientific support and coordination on CWD and financial support to the Southeastern Cooperative Wildlife Disease Study at the University of Georgia, which provides essential diagnostic and veterinary support services to at least 42 states. We support no less than FY20 funding levels for the Fisheries Program and the other programs and BLIs within the USGS such as the Integrated Taxonomic Information System, Biodiversity Information Serving Our Nation, and the USGS database of Species of Greatest Conservation Need.

It is imperative that Congress provide additional resources to Ecosystems and other federal agencies to coordinate with the states on research, management, surveillance, monitoring, testing, disposal, best management practices, and other challenges related to CWD.

BUREAU OF LAND MANAGMENT (BLM) -- AFWA supports additional resources to BLM to manage wild horses and burros to reduce herd impacts on native fish and wildlife. We also support increased funding for ongoing sage-grouse, sagebrush, wildfire, wildlife migration corridors, threatened and endangered species conservation, and invasive species activities. AFWA supports funding BLM BLIs at no less than FY20 levels with a $5 million increase for Rangeland Improvement and Bighorn sheep disease prevention and an additional $10 million for Wildlife Habitat Management (1170) to combat invasive species. We also recommend Congress reinitiate BLM's Cost-Share Challenge Grant Program under Wildlife Habitat Management at $10 million to leverage current momentum and partnerships to accomplish more wildlife habitat goals and mission objectives. Further, we do not support the redirection of funds from fish, wildlife, and habitat accounts to pay for the management of wild horses and burros.

UNITED STATES FOREST SERVICE (USFS) – Thank you for upholding commitments to fund wildlife suppression costs and end wildfire-borrowing and for increasing funding to the USFS in FY20. We look forward to working with you to shape future BLIs that provide for increased efficiencies while maintaining transparency and accountability for important BLIs such as Wildlife and Fisheries Management. We support funding the USFS BLIs at no less than FY20 levels. However, the USFS Research and Development Program has vast scientific expertise from which the states and other federal agencies greatly benefit, such as with wildlife disease issues, for which we respectfully request an additional $3 million.

ENVIRONMENTAL PROTECTION AGENCY (EPA) -- Finally, we recommend maintaining FY20 funding for all Geographic Programs, and we recommend that the Great Lakes Restoration Initiative funding be eligible for use on tributaries of the Great Lakes Region which serve as a major conduit of invasive species introductions. AFWA recommends maintaining FY20 funding levels for the National Estuaries Program and the Beach/Fish Safety Program.

Mr. SCHAEFFER. I didn't know if that buzz was for me or not, so. [Laughter.]

Voice. The building is on fire.

Mr. SCHAEFFER. Okay.

Ms. MCCOLLUM. I have messages on my phone. There are 14 minutes left. Only four people have voted, so I think we have got time for a quick round of questions. Mr. Joyce, do you want to kick us off?

Mr. JOYCE. I don't have any questions. I appreciate all of you being here today and your input. I look forward to working with you in the near future. Thank you.

Ms. MCCOLLUM. Mr. Kilmer.

Mr. KILMER. Thank you, Madam Chair, and thank you all for your testimony. Mr. Malcom, I wanted to thank you in your written testimony for calling out the important role played by the regional climate centers in supporting efforts to combat climate change and to adapt to the impacts of climate change. I am really grateful to our chair and to this committee for protecting and growing funding for the eight regional climate centers, including the Northwest Climate Center at the University of Washington.

I was hoping just in the brief time we have, just could you elaborate a little bit on how the science that is produced at these centers informs our efforts to respond to the threat of climate change?

Mr. MALCOM. Sorry. Give me just 1 second.

Mr. KILMER. That is all right.

Mr. MALCOM. The science is critical to being able to make informed decisions. We are at a day and an age where we understand how to do this. As some people have noted, the science is so advanced and our understanding is so advanced. We know how we can make use of it and bring that information to the lawmakers to be able to make decisions. I wish I had a very specific example, for example, from the Northwest Climate Center that I could give to you, but I don't. There is this very tight, or there should be this very tight relationship between science and policy that society follows, and climate centers are essential for carrying that out and helping folks in different regions across the country understand the consequences.

Mr. KILMER. Thank you. Thanks. Thank you, Madam Chair.

Ms. MCCOLLUM. Thank you. I appreciate the fact that when I read through your testimony, you see how everything is interconnected, all three of you did. And the support and reasons why supporting something at Fish and Wildlife is important to something, you know, with migratory birds, which whatever, because quite often I know somebody can say, oh, I will cut this. And they don't realize what the impact it is going to be achieving the goal that they really want to achieve. So I just wanted to compliment your testimony because you are kind of doing the broad cloth on how all the pieces fit together to make the quilt happen. So thank you for kind of putting that together for us for the committee to take a look at that.

And with that, we will be in recess until the call of the chair after votes. Thank you.

Mr. KILMER [presiding]. All right. I think we are up for our next set of witnesses. Mr. Durkin, you have 5 minutes.

THURSDAY, FEBRUARY 6, 2020.

THE FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

WITNESS

BILL DURKIN, PRESIDENT, THE FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

Mr. DURKIN. Good afternoon, Ms. Chairman, and goodbye. [Laughter.]

And honorable members of the subcommittee. I am Bill Durkin, president of the friends of Rachel Carson National Wildlife Refuge in Maine. Thank you for accepting my request to testify today before the subcommittee. It is a true honor and privilege to represent my friend's group and to speak out for the U.S. Fish and Wildlife Service, the National Wildlife Refuge System, our refuge, Rachel Carson National Wildlife Refuge, and for full dedicated funding of the Land and Water Conservation Fund.

The Rachel Carson National Wildlife Refuge is named in honor of one of the Nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitats, leading her to write the international bestseller, The Sea Around Us. This landmark study, in combination with other writings, The Edge of the Sea, and Silent Spring, led Rachel Carson to become an advocate on behalf of this Nation's vast coastal habitats and wildlife that depends on it. Her legacy lives on today at the refuge bears her name, and is dedicated to the permanent protection of the salt marshes and estuaries of southern Maine Coast.

The refuge was established in 1966 to preserve migratory bird habitat, waterfowl migration along southern Maine's Coastal estuaries. There are 11 refuge divisions and 12 municipalities protecting approximately 5,600 acres within an 14,800-acre acquisition zone. I have been on the board of the Friends group since 1989. The organization was founded in 1987. We are small group with a history of communicating with our Maine congressional members, who we are missing our representative right now, Chellie, for decades. In the past, we sent letters via U.S. mail, then anthrax forced us to fax our letters. Then the electronic age made things very simple: email and PDFs.

The Friends play an important role in supporting the Rachel Carson National Wildlife Refuge mission. We work to educate Maine's U.S. congressional and State legislation about the relevance of the refuge wildlife habitat, its coastal resilience, tourism benefits, and the use for future generations. We support refuge staff by volunteering with trail maintenance, greenhouse activities, administrative work, and visitors services. We engage the towns and communities that surround the refuge through mailings, meetings events, and a future conservation theme book group. We fundraise and apply for grants so that we can assist with hiring

refuge interns, purchase equipment, and support research projects. We support acquisition funding and refuse operation and engage in environmental education and outreach programs.

National wildlife refuges protect habitat for a host of wildlife species, while also offering storm surge protection, improving water quality, supporting nurseries for commercially important fish and shellfish, and providing recreation opportunities for local refugee communities. Each one of you has a national wildlife refuge in your home State and maybe even one close to your home.

I request, number one, an overall Fiscal Year 2021 funding level of $586 million for the operations and maintenance budget of the National Wildlife Refuge System managed by the U.S. Fish and Wildlife Service. All the refugees are in dire need of staffing and upkeep. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized. Every dollar appropriated for the refuge system returns an average of 4.87 to local economies.

Number two, I request to appropriate $283 million for the wildlife and habitat management projects within the O&M budget. These monies will support restoration of salt marshes removal, controlling invasive species, recovering species, continued fire management programs, restoring cultivated land to its original habitat, implementing climate change strategies of adaptation mitigation, and engagement.

Number three, I request $41 million for refuge land acquisition projects. In addition, the Land and Water Conservation Fund needs to be permanently funded at the $900 amount annually. I have been advocating for this for over 2 decades of Congress, and we finally have LWCF permanently authorized, but now to have the amount permanently funded at $900. As you know, there is H.R. 3195, the Land And Water Conservation Fund for Permanent Funding Act. It is pending, and we all need your continued support.

This year marks the 50th anniversary of Earth Day, and we thank Rachel Carson for inspiring us all. I leave you with a quote from Rachel's book, A Sense of Wonder. "A child's world is fresh, and new, and beautiful, full of wonder and excitement." Each of the national wildlife refuges have a unique story and history behind their name, but they basically all serve one purpose: protect wildlife habitat. With that wonder and excitement, I thank you again for the opportunity to present my testimony and support our national wildlife refuges.

[The statement of Mr. Durkin follows:]

Written Testimony of William G Durkin, President
Friends of Rachel Carson NWR
In Support of Funding for Rachel Carson National Wildlife Refuge, Maine
Land and Water Conservation Fund, U.S. Fish and Wildlife Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Betty McCollum, Chair
The Honorable David Joyce, Ranking Member

January 29, 2020

Ms. Chairman and Honorable Members of the Subcommittee, I am Bill Durkin, President of The Friends of Rachel Carson National Wildlife Refuge in Biddeford, Maine. I have been a member of the Friends of Rachel Carson National Wildlife Refuge since 1989 ,the group was founded in 1987; we are a small group supporting the refuge in Southern Maine. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge; this is a request for general FY21 general funding of the National Wildlife Refuge System of $586M. Within that budget , this year we ask to appropriate $283M for Wildlife and Habitat Management Projects. There was great news last year with the reauthorization of the Land , Water and Conservation Fund, but we need to have LWCF permanent and dedicated at $900M annually. With that in mind, I request $41M for Land Acquisition Projects. I thank you all for your consideration.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best-seller *The Sea Around Us.* This landmark study, in combination with her other writings, *The Edge of the Sea* and *Silent Spring*, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it. Her legacy lives on today at the refuge that bears her name and is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast. The refuge was established in 1966 to preserve migratory bird habitat and waterfowl migration along southern Maine's coastal estuaries. There are 11 refuge divisions in 12 municipalities protecting approximately 5,690 acres within a 14,800 acre acquisition zone.

Consisting of meandering tidal creeks, coastal upland, sandy dunes, salt ponds, marsh, and productive wetlands, the Rachel Carson NWR provides critical nesting and feeding habitat for the threatened piping plover and a variety of migratory waterfowl, and serves as a nursery for many shellfish and finfish. Located along the Atlantic flyway, the refuge serves as an important stopover point for migratory birds. Previous years' appropriations have allowed the USFWS to conserve several properties within the refuge. In 2019, the refuge had approximately 280,000 visitors utilizing the established foot trails and

wildlife observation overlooks. Many have also kayaked and canoe up the tidal rivers and streams along the refuge's coastline. The biodiversity of the refuge is due to it's location where the sandy mid-Atlantic coast meets the rocky Maine coast and where the northern and southern forest types converge. The majority of the state's population resides in southern Maine within close proximity to refuge lands. The refuge has a very high number of neighbors (abutters) which makes the available land for acquisition very high in value and demand.

There is great news at Rachel Carson NWR with the acquisition of a 15 acre parcel with buildings where we plan to create a refuge administration housing , a brand new visitor center and possibly a Friends office space. This center will showcase the work of the National Wildlife Refuges and the legacy of Rachel Carson. Support is needed to fully develop the potential of this 15 acre site for conducting environmental education , nature interpretation and public outreach events. The refuge welcomes close to 300,000 visitors each year - with the opening of this new visitor contact facility scheduled for 2022, the number of visitors to the refuge could easily double.

The Friends play an important role in supporting the Rachel Carson National Wildlife Refuge mission. We work to educate Maine's U.S. Congressional and State legislature about the importance of Rachel Carson National Wildlife Refuge to wildlife habitat, coastal resilience, tourism, and future generations. We support Refuge staff by volunteering with trail maintenance, greenhouse activities, administrative work, and visitor services. We engage the towns and communities that surround the Refuge through mailings, meetings, events, and a future conservation-themed book group. We fundraise and apply for grants so that we can assist with hiring Refuge interns, purchase equipment, or support research projects. We support acquisition funding and refuge operations and engage in environmental education and outreach programs.

Salt Marsh Restoration at Rachel Carson National Wildlife Refuge is a critical and ongoing project. Our East Coast salt marshes provide abundant services to our coastal communities – protection from floods and storm surges, economic benefits from tourism to local businesses, and support of commercial and recreational fisheries through natural nurseries and production of baitfish. These salt marshes also provide habitat for both abundant and rare wildlife species.

Unfortunately, as many of you know, our coastal salt marshes are threatened by increased storm severity and sea level rise. We now also understand that past human alterations on these marshes are making them more susceptible to degradation and collapse.
At Rachel Carson NWR, we have the privilege of protecting and managing over 3,800 acres of coastal marsh. But we're leveraging lessons learned through our research and demonstration program to go beyond our boundaries. By spearheading collaborative approaches with state and local officials, federal agencies, NGOs, universities and small businesses, we are developing and implementing innovative salt marsh restoration techniques. We share results throughout New England and the mid-Atlantic. The innovations piloted here are becoming the backbone to new restoration efforts across the region.

Time is tight though. Because of tide cycles, the next ten years are critical to increase the resiliency of our coastal marshes and for saving the at-risk-species that rely on them. We're working hard to do this as efficiently and as effectively as possible. But we need continued support for the programs and funding opportunities that support this work (FWS Refuges, NFWF, Coastal Wetland Resilience Fund, North America Wetland Conservation Act (NAWCA), Land and Water Conservation Fund, North East Climate Adaptation Science Center, NOAA NMFS Restoration Center, USGS).

**** 1. We request an overall FY21 funding level of $586.M for the Operations and Maintenance budget of the National Wildlife Refuge System, managed by the US Fish and Wildlife Service. All of the refuges are in dire need of staffing and upkeep .
In our North Atlantic-Appalachian Region Refuge Division (Region 1), we have lost 70 Refuge positions in the last 10 years. Overall there is 5.6M visitors to the 75 Refuges in Region 1, encompassing Maine to Virginia and west to Kentucky. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized. This funding will help our Refuge System and the communities near refuges. Every dollar appropriated to the Refuge System returns an average of $4.87 to local economies. Wildlife refuges generate approximately 35,000 jobs and $2.5 billion in economic output each year. National Wildlife Refuges provide the American public (and foreign visitors) with $33 billon dollars worth of clean water and other environmental benefits (clean air and a cool climate as examples)..

**** 2. We request to appropriate $283M for Wildlife and Habitat Management Projects within the O & M budget. These monies will support restorations of salt marshes; removal and controlling invasive species; recovering rare species; continue fire management programs, restoring cultivated land to it's original habitat ; and much more with the single goal of conserving and restoring the nation's fish and wildlife habitat.

**** 3. We request $41M for Land Acquisition Projects for the below Refuges:

$10 million for Everglades Headwaters NWR and Conservation Area (FL);

$6 million for Silvio O. Conte NFWR (CT, NH, VT, MA);

$3 million for Cache River NWR (AR);

$2 million for Bear River Watershed Conservation Area (WY, ID, UT);

$2 million for Blackwater NWR (MD);

$2 million for Clarks River NWR (KY);

$8 million for Hakalau Forest NWR (HI); and

$8 million for the Dakota Grasslands Conservation Area (ND, SD)

In addition, The Land and Water Conservation Fund needs to be permanently funded at the $900M amount annually. I have been advocating for this for over 2 decades to Congress and we finally have LWCF permanently authorize but now need to have the amount permanent at $900M. As you all are aware , HR 3195, the *Land and Water Conservation Fund Permanent Funding Act* is pending and we need your continued support with great conservation tool. It is hard to believe when Congress created LWCF in 1964 that here in 2020 we would still be at protecting the funds that protect our lands in all 50 states. Please make it Permanent.

"A child's world is fresh and new and beautiful, full of wonder and excitement." This quote is from Rachel Carson's A Sense of Wonder (1965), again, whose name Rachel Carson National Wildlife Refuge bears in southern coastal Maine. Each of our National refuges has a unique story and history behind the name but they basically all serve one purpose - Protect Wildlife Habitat. With that "wonder and excitement", I Thank you again for the opportunity to present this testimony in support of Our National Wildlife Refuges.

Mr. KILMER. Thank you. You stuck the landing. Mr. Hall.

THURSDAY, FEBRUARY 6, 2020.

FRIENDS OF NISQUALLY NATIONAL WILDLIFE REFUGE COMPLEX

WITNESS

JUSTIN HALL, BOARD PRESIDENT, FRIENDS OF NISQUALLY NATIONAL WILDLIFE REFUGE COMPLEX

Mr. HALL. Good afternoon, Representative Kilmer, Ranking Member Joyce. It is on. The light is on. I just need to be louder. I can do that. My name is Justin Hall. I am the current president of the Friends of the Nisqually National Wildlife Refuge Complex, and I appreciate the invitation to testify today on behalf of the Friends.

So our Friends group was formed in 1999 to promote the conservation of the natural and cultural resources of the Refuge Complex and engage in educational, charitable, scientific, and civic activities that will increase public awareness and assist management in accomplishing refuge goals. We provide just under $60,000 a year to support programs at the refuge, with our primary focus being the environmental education program.

The Nisqually Complex is blessed with three very unique places. Billy Frank, Jr. Nisqually National Wildlife Refuge was established in 1974. The creation was led by a grassroots citizens movement to aid in the protection and enhancement of the Nisqually River delta. In 2009, the refuge accomplished the largest estuary restoration on the West Coast when 762 acres of deck habitat was converted back to salt marsh and tidal estuary essential rearing grounds for the threatened Puget Sound Chinook salmon. Billy Frank Jr. Nisqually is an urban refuge located between the cities of Olympia and Tacoma, just 1-hour-and-a-half from Seattle and 2 hours from Portland. The refuge receives over 220,000 visitors a year, and over 10,000 students and teachers participate in the environmental education program.

The Black River Unit of Billy Frank, Jr. Nisqually protects a unique freshwater flood plain that is also critical habitat for the federally-threatened Oregon spotted frog. The Black River unit is not open to the public at this time because of lack of funds to develop and staff it for visitors. Grays Harbor National Wildlife Refuge was established in 1988. The highlight of Grays Harbor is the 100,000 shorebirds that stop over during the spring migration. The refuge is open to the public where visitors can view large flocks and the 1-mile boardwalk extending into the salt marsh. Over 12,000 people visit annually, mostly in the spring. A partnership between Grays Harbor National Wildlife Refuge, Grays Harbor Audubon Society, and the City of Hoquiam puts on the Grays Harbor Shorebird and Nature Festival during the peak spring migration the last weekend of April or the first weekend of May. The 3-day Festival brings in more than 1,400 visitors.

The Grays Harbor Hoquiam Aberdeen area is economically depressed, and one of the purposes of the annual festival is to increase ecotourism and help the local communities. However, an an-

nual festival only provides short-term benefits. Grays Harbor has the potential to be a mainstay in the community and a destination for visitors, if an interpretive center, prioritized by Congress, but not funded, was supported for construction with an annual budget for staffing, operations, and maintenance.

The biggest challenge at the Nisqually National Wildlife Refuge Complex is adequate funding for staff. Currently, seven permanent employees manage over 11,000 acres of land with a Black River unit 40 minutes from main office, and Grays Harbor Refuge 1-hour-and-a-half away. The complex has one maintenance worker to maintain the infrastructure and assist with habitat management, yet a large amount of the time is spent commuting between these worksites. I do believe the complex needs 15 staff members to achieve at the full purpose of the refuges, not only to benefit fish and wildlife, but also provide quality, safe outdoor opportunities for the public. This is a common limitation for many other refuges.

Law enforcement is also a significant issue for our complex. Currently, we have one-quarter of a refuge law enforcement officer for all three of our locations. The officer's house is 2 hours away in Sequim at the Washington Maritime National Wildlife Refuge Complex. Billy Frank, Jr. Nisqually is located directly off of Interstate 5, the major Corridor between Seattle and Portland. This close proximity and easy exit and entrance onto the highway may be the reason why there is higher crime at Billy Frank, Jr. Nisqually, particularly car prowls. Trespassing in a closed area set aside for wildlife and engaging in non-wildlife dependent activities are also big problems despite miles of trails throughout the refuge. For example, portrait photographers disturbing birds so their subjects can sit in the grasslands, dog walking in the refuge, and fishing and hunting in closed areas. A full-time law enforcement presence on the refuges is needed to curb abuses and to provide education to those unaware of the rules and regulations, and the reasons why they are in place. Additionally, a security surveillance system for the parking lot would go a long way towards reducing the problem with car prowls.

The education program at the Billy Frank, Jr. Nisqually is incredible and is a direction for the future focus of this urban refuge. The refuge is a popular regional destination, especially on clear Pacific Northwest days, and regularly exceed its visitation capacity due current resource limitations. This is also true for the education program which serves a remarkable 10,000 students each year, but is facing growing demand from school districts and staff and teachers. With additional staff, the program can be expanded to provide environmental education outreach within the communities and then follow-up visit to the refuge. We want to help create the next generation of people who actively take care of our Nation's lands.

As it is now, our Friends group and volunteers are picking up the slack and smoothing out the inconsistencies in the funding to the best of our ability. Whoever volunteers and outside staff are not a sustainable model for our refuge system. We support the request that the subcommittee allocate $586 million in funding for the Refuge System Operations And Maintenance Fund for Fiscal Year 2021. This increase would greatly impact our refuge. The Nisqually National Wildlife Refuge Complex would be better able to hire the

staff needed to have an adequate level of law enforcement, increase our urban refuge outreach, control invasive species to benefit a diversity of fish and wildlife, restore critical habitat for Oregon spotted frog, construct and operate the promised interpretive center at Grays Harbor National Wildlife Refuge, provide additional wildlife-dependent opportunities at Grays Harbor National Wildlife Refuge in the back of our unit, and further build out our environment education programs.

Our refuges are the face of public lands for many people in the South Puget Sound Community as they are for communities across the country. We need adequate funding to ensure that they stay protected, accessible, and stewarded for the generations to come. Thank you for your consideration.

[The statement of Mr. Hall follows:]

WRITTEN TESTIMONY TO THE U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2021 APPROPRIATIONS FOR THE
UNITED STATES FISH AND WILDLIFE SERVICE
FEBRUARY 6, 2020

SUBMITTED BY JUSTIN S. HALL
PRESIDENT, FRIENDS OF NISQUALLY NATIONAL WILDLIFE REFUGE COMPLEX

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee:
This testimony is being submitted on behalf of the Friends of Nisqually National Wildlife Refuge Complex in the State of Washington, which was formed in 1999 to support the Billy Frank Jr. Nisqually National Wildlife Refuge, its associated Black River Unit, and the Grays Harbor National Wildlife Refuge. We appreciate the opportunity to offer comments on the FY 2021 Interior Appropriations bill. The Nisqually Complex is blessed with three very unique refuges:

Billy Frank Jr. Nisqually National Wildlife Refuge
Billy Frank Jr. Nisqually National Wildlife Refuge (Billy Frank Jr. Nisqually NWR) was established in 1974. Its creation was led by a grass roots citizen movement to aid in the protection and enhancement of the Nisqually River Delta. It is currently 4,529 acres, though its approved boundary is 7,415 acres. In 2009 the Refuge accomplished the largest estuary restoration on the West Coast when 762 acres of diked habitat was converted back to salt marsh and tidal estuary, essential rearing grounds for threatened Puget Sound Chinook salmon. The Billy Frank Jr. Nisqually NWR is an urban refuge. Located between the cities of Olympia and Tacoma and just an hour and a half from Seattle and two hours from Portland, the Refuge receives over 220,000 visitors a year and over 10,000 students and teachers participate in the environmental education program.

Black River Unit
The Black River Unit of Billy Frank Jr. Nisqually NWR protects a unique freshwater floodplain that is also critical habitat for the federally-threatened Oregon Spotted Frog. The Refuge Complex continues to acquire land within the 3,900 acre approved boundary and currently oversees 2,100 acres. Although the Unit hosts the largest breeding population of Oregon Spotted Frog in western Washington, management is concentrated in three small areas, as the Complex lacks the resources to increase monitoring, control invasive species, and expand habitat management along the 7-mile stretch of river within the boundary. With future expansion and acquisition of private lands within the approved boundary, and additional resources, the Refuge has the potential to not only enhance habitat for a diversity of wildlife species but also provide wildlife-dependent opportunities for people to engage in the outdoors.

Grays Harbor Wildlife Refuge
Grays Harbor National Wildlife Refuge (Grays Harbor NWR) was established by law in 1988 and the first land was purchased in 1990. The highlight of the Grays Harbor NWR is the one hundred thousand shorebirds that stopover during the spring migration. The Refuge is open to the public where visitors can view large flocks from the one-mile boardwalk extending into the salt marsh. Over 12,000 people visit annually, mostly in the spring. A partnership between Grays Harbor NWR, Grays Harbor Audubon Society, and the City of Hoquiam puts on the Grays Harbor Shorebird and Nature Festival during the peak spring migration the last weekend of April or first weekend in May. The three-day festival brings in more than 1,400 visitors. The Grays Harbor, Hoquiam, Aberdeen area is economically depressed and one of the purposes of the annual Festival is to increase ecotourism and

help the local communities; however, an annual festival only provides short-term benefits. Grays Harbor NWR has the potential to be a mainstay in the community and a destination for visitors if an Interpretive Center, prioritized by Congress but not funded, was supported for construction with an annual budget for staffing, operations, and maintenance. This would increase the Refuge's capacity to be a contributing member of the community and provide a venue for long-term partnerships with natural resource agencies (e.g., National Park Service, Washington Department of Fish & Wildlife), organizations (Grays Harbor Audubon Society), and Native American Tribes to combine environmental education and interpretive opportunities for the public.

Friends of Nisqually National Wildlife Refuge Complex
Friends of Nisqually National Wildlife Refuge Complex was formed in 1999 to promote the conservation of the natural and cultural resources of these sites, and engage in educational, charitable, scientific, and civic activities that will increase public awareness and assist management in accomplishing Refuge goals. We provide just under $60,000 a year to support programs at the Refuge, with our primary focus being the environmental education program.

The story of the Nisqually National Wildlife Refuge Complex and that of the entire Nisqually River watershed is one of partnerships. The original Nisqually National Wildlife Refuge was formed out of a community desire to see the Nisqually Watershed protected. That same desire led to the creation of the Nisqually River Council, which is a coordinating council of 23 federal, state, local, and tribal governments along with motivated stakeholders that works to preserve, protect, and promote the Nisqually Watershed. The Nisqually National Wildlife Refuge Complex has been a member of the Council since its founding in 1987.

The 2009 restoration of the Nisqually estuary is shining example of how this partnership has benefited its members and the Nisqually Watershed as a whole. Plans for the restoration were presented to the Nisqually River Council, the Nisqually Indian Tribe piloted the restoration techniques on lands it had acquired in the estuary, and Nisqually River Council member agencies were tapped to help with the funding of the project. The restoration project was supported by U. S. Fish and Wildlife Service funds and Ducks Unlimited contributions, as well as more than $5 million in grants from donors including: Puget Sound Acquisition and Restoration funds from all five South Puget Sound watersheds; Salmon Recovery Funding Board funds from the Nisqually River Council; Estuary and Salmon Restoration Program funds administered by Washington Department of Fish and Wildlife; National Fish and Wildlife Foundation; and the National Oceanic and Atmospheric Administration. The Refuge Manager who oversaw the restoration, Jean Takekawa, said that the project would not have been possible without the partnerships and community support formed through the Nisqually River Council.

Perhaps unique in the National Refuge System is the partnership and coordination between the Nisqually National Wildlife Refuge Complex and the Nisqually Indian Tribe. The 1854 Treaty of Medicine Creek was signed within the present day boundaries of the Billy Frank Jr. Nisqually NWR. In 2016, the Refuge was renamed to honor Nisqually fishing and tribal rights activist and visionary leader Billy Frank Jr. Billy Frank Jr. Nisqually NWR manages Tribal Lands located within the estuary under a Cooperative Agreement in the same manner as they manage Billy Frank Jr. Nisqually NWR lands. Whereas the Refuge monitors habitat and wildlife species, the Nisqually Indian Tribe provides an essential ecological component by monitoring federally-threatened Chinook salmon and steelhead fisheries within Billy Frank Jr. Nisqually NWR. This collaborative effort within the Nisqually River Delta is the ideal partnership for protecting one of the largest restored estuaries remaining in Washington.

Challenges at the Complex

The biggest challenge at the Nisqually National Wildlife Refuge Complex is adequate funding for staff. Currently, 7 permanent employees manage over 11,000 acres of lands with Black River Unit 40 minutes from the main office and Grays Harbor Refuge an hour and a half away. The Complex has one maintenance worker to maintain the infrastructure and assist with habitat management, yet a large amount of time is spent commuting between work sites. Ideally, the Complex needs twice the staff (15) to achieve the full purposes of the Refuges, not only to benefit fish and wildlife, but also to provide quality, safe outdoor opportunities for the public. This is a common limitation for many other refuges.

Due to the lack of sufficient staffing, potential Oregon Spotted Frog habitat at the Black River Unit is being overtaken by invasive species. In fact, invasive species are a problem at all three units. Law enforcement is another significant issue at the Nisqually National Wildlife Refuge Complex. Currently we have ¼ of a Refuge Law Enforcement Officer. The Officer is housed 2 hours away in Sequim at the Washington Maritime National Wildlife Refuge Complex. Billy Frank Jr. Nisqually NWR is located directly off Interstate 5, a major corridor between Seattle and Portland. This close proximity and easy exit and entrance onto the highway may be the reason why there is higher crime at Billy Frank Jr. Nisqually NWR, particularly car prowls. Trespassing into closed areas set aside for wildlife and engaging in non-wildlife dependent activities are also big problems despite miles of trails throughout the refuges: for example, portrait photographers disturbing birds so their subjects can sit in the grasslands, dogs on- and off-leash on confined boardwalks and in fields and wetlands, and fishing and hunting in closed areas. A full time law enforcement presence on the refuges is needed to curb abuses and to provide education to those unaware of the rules and regulations and the reason why they are in place. Additionally, a security surveillance system for the parking lots would go a long way towards reducing the problem with car prowls.

The overall level of service to the public is dramatically different between Billy Frank Jr. Nisqually NWR and Grays Harbor NWR. Billy Frank Jr. Nisqually NWR has the infrastructure (office, visitor center, environmental education center, miles of trails, and maintenance shop) to host an active visitor services and education program, over 100 refuge volunteers, interpretive programs, and an annual watershed festival. Grays Harbor NWR, on the other hand, has a dedicated but small corps of volunteers and one dedicated event, the Grays Harbor Shorebird Festival. Every day, we see what can be accomplished if the infrastructure and staff are available to serve the public and the benefits to surrounding communities. Grays Harbor NWR and, in the future, Black River Unit have so much potential to be as popular a destination for visitors, including school groups – if supported by adequate public resources and appropriate staffing.

The education program at the Billy Frank Jr. Nisqually NWR is incredible and is the direction for the future focus of this urban refuge. The Refuge is a popular regional destination, especially on clear (or non-rainy) Pacific Northwest days, and regularly exceeds its visitation capacity due to current resource limitations. This is also true for the education program, which serves a remarkable 10,000 students each year, but continues to face growing demand from school districts and teachers. With additional staff, the program can be expanded to provide environmental education outreach within the communities and follow-up visits to the Refuge.

Currently, the environmental education staff is comprised of an Education Program Manager and two AmeriCorps members. These positions are provided through a contract with a partner non-profit and funded through a combination of station funds, Friends of Nisqually National Wildlife Refuge Complex funds, and competitive grants. The Refuge Complex would like to move the program fully in house, but the permanent staff position is not on the organizational chart and current annual

budgets cannot accommodate the full position. Approval for adding the environmental education staff to the Complex's organizational chart will provide the capacity to develop a more sustainable outreach program and implement urban outreach goals. This in turn, allows Friends' funds to support other refuge needs (e.g., visitor services, volunteers, maintenance of visitor facilities, etc.).

Billy Frank Jr. Nisqually NWR is a priority urban refuge and is well poised to help fulfill the U.S. Fish and Wildlife Service Director's priorities: the Urban Wildlife Conservation Program, Engaging in the Outdoors, and Youth Education. In 2016, the Complex submitted an Urban Refuge proposal in hopes of receiving the additional base funding ($1,000,000) to implement the new program. We were not selected for the Urban Refuge funding; however, the proposal still serves as a guidance and plan for future opportunities to reach out into urban communities such as the Department of Defense at Joint Base Lewis McChord, the Nisqually Indian Tribe, our neighboring communities of Olympia and Tacoma and our nearby major metropolitan areas of Seattle and Portland. Our location right off Interstate 5 makes us an ideal destination to engage folks with the Refuge System and a great jumping off point for education staff to head out into the community. We want to help create the next generation of people who will actively take care of our nation's lands.

As it is now, our Friends group and volunteers are picking up the slack and smoothing out the inconsistencies in the funding to the best of our ability. However, volunteers and outside staff are not a sustainable model for our Refuge System.

National Funding and the Nisqually National Wildlife Refuge Complex
Overall, the National Wildlife Refuge System requires at least $900 million in Operations and Maintenance Funding to be considered fully funded. At this level, all refuges would be fully staffed, with adequate maintenance, biological, hunting, fishing, environmental education, and interpretation programs. We ask that you work towards the overall goal of $900 million in annual funding. In support of that goal we request that this subcommittee allocate $586 million in funding for the Refuge System Operations and Maintenance fund for FY 2021.

This request of $586 million, an increase of $84 million over FY 2020 appropriations, would greatly impact our refuge. The Nisqually National Wildlife Refuge Complex would be better able to hire the staff needed to:

- Have an adequate level of law enforcement
- Increase our Urban Refuge outreach
- Control invasive species to benefit a diversity of fish and wildlife
- Restore critical habitat for Oregon Spotted Frog
- Construct and operate the promised Interpretive Center at Grays Harbor NWR
- Provide additional wildlife-dependent opportunities at Grays Harbor NWR and Black River Unit
- Further build out our environmental education programs

Our Refuges are the face of public lands for many people in the South Puget Sound community, as they are for communities across the country. We need full funding to ensure that they stay protected, accessible, and stewarded for the generations to come.

Thank you for your consideration.

Mr. KILMER. Thank you. Is it Brouwer?
Ms. BROUWER. Brouwer, yes.
Mr. KILMER. All right. Ms. Brouwer.

THURSDAY, FEBRUARY 6, 2020.

NATIONAL WILDLIFE REFUGE ASSOCIATION

WITNESS

CAROLINE BROUWER, VICE PRESIDENT OF GOVERNMENT AFFAIRS, NATIONAL WILDLIFE REFUGE ASSOCIATION

Ms. BROUWER. Good afternoon. My name is Carolyn Brouwer, and I am the vice president of government affairs for the National Wildlife Refuge Association. I very much appreciate the invitation to testify today on behalf of the National Wildlife Refuge Association and our members and supporters, particularly the friends groups who do such amazing work on the ground. I am joined today by Justin and Bill, and we are thrilled to have you into town.

The Refuge Association was started 45 years ago by retired refuge staff who wanted to start a group to advocate on behalf of the National Wildlife Refuge System. Today, the Refuge System consists of 568 refuge units across 850 million acres, which is roughly the size of India. Refuges are in all 50 states and in five marine national monuments in the Pacific and Atlantic Oceans.

Today, I want to talk with you today about what the Refuge System has been able to do with the recent increases. There was an increase of $14 million in the budget this past year in 2020. With the $2.9 million increase included in the budget for law enforcement, the Refuge System has hired 43 new Federal wildlife officers. Last year when I testified, I stated that 13 States have zero or one officer. With these recent hires, this is no longer the case, and we are anticipating law enforcement staffing to increase, especially in the States that have been particularly neglected recently.

Another place that will receive more officers is border refuges. For several years, the Fish and Wildlife Service has moved nearly all of their officers on a rotating schedule down to the border for 21-day details. With these new hires, we expect detailees to be discontinued, which will allow these officers to stay at their home refuge. With additional funding in the upcoming appropriations Bill, the Refuge System is planning on hiring an additional 12 officers, which will raise levels of staffing and law enforcement to a new recent high. Current law enforcement funding is $41 million, and goal is $70 million.

Another positive outcome in the Fiscal Year 2020 bill was additional funding on invasive species. The Fish and Wildlife Service is facing serious impacts on nearly every wildlife refuge with 2.4 million acres infested with invasive plants. I am sure all of you will recognize names like phragmites, Kudzu, and salt cedar. There are also 1,749 invasive animal populations, which includes everything from mice and rats on the Pacific atolls and islands, to feral hogs, quagga mussels, pythons, and Asian carp. To show the impact of funding eradication efforts, one great example is nutria in the Chesapeake Bay. Nutria are a rat species that are roughly 14 pounds on average, which is larger than my cat. There are ex-

tremely destructive to wetland habitats. For several years, there has been a substantial amount of money put towards eradicating nutria in the Chesapeake Bay. There has been a lot of people, I have a team of dogs, lots of money and focus. This is about the fifth year with no nutria sightings, so perhaps this next year, nutria will be considered eradicated in that area.

There has also been a new effort to create invasive species strike teams. There was $2.5 million for this in the fiscal year 2020 bill, which is enough for five new teams, bringing the number up to 12. Their goals are early detection and rapid response. One species that is a prime target for the strike teams are mice on Midway atoll. These mice are literally eating the albatross alive as they sit on their nests, and it is a gruesome sight. And I am told that at dusk, you can see the ground moving there are so many mice there.

I want to thank you for your support of funding for the Refuge system and for that overall $4 million dollar increase in the 2020 bill. The system needs another boost of funding this next year. Funding is now $1 million lower than the height of funding in 2010, and fiscal year 2010 funding of $503 million, after calculating for inflation, would be $598 million now. This means that the Refuge System has had to absorb $94 million in cuts over the last 10 years. As a result, the system has lost one-seventh of its staff. Acres needing prescribed burns are left untouched. Half of refuge units are unstaffed.

Law enforcement funding, even with recent increases, is about 25 percent of full staffing. Many, many refuges have no visitor services staff, which doesn't sound like a big deal until you see the refuges that do have these staffers, and you realize the value they add to the community in terms of bringing school kids out to refuges and teaching the community about nature in their own backyard. Anyone who has visited the Prairie Wetlands Learning Center in Fergus Falls, Minnesota knows the value of hands-on nature for kids. This is what visitor services staff does. Just imagine if we could replicate centers like that all over the country.

Refuges are currently funded at 59 cents an acre. Parks in comparison, and I agree we are talking about apples and oranges, but parks are funded at $30 an acre. Our goal for over a decade now has been to get refuge funding up to $900 million dollars, which would still be barely a dollar per acre. We are asking your subcommittee to include $586 million in the FY 2021 appropriations bill.

Thank you very much, and I am happy to answer any questions you may have.

[The statement of Ms. Brouwer follows:]

WRITTEN TESTIMONY TO THE U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2021 APPROPRIATIONS FOR THE
UNITED STATES FISH AND WILDLIFE SERVICE
FEBRUARY 6, 2020

SUBMITTED BY CAROLINE G. BROUWER, VICE PRESIDENT OF GOVERNMENT AFFAIRS FOR THE NATIONAL WILDLIFE REFUGE ASSOCIATION

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee:

I appreciate the invitation to testify at Public Witness Day, and am pleased to submit testimony on behalf of the National Wildlife Refuge Association. The Refuge Association and its coalition of representatives from Refuge Friends organizations and concerned citizens thank you for your support for the National Wildlife Refuge System, particularly for the $14 million funding increase in FY2020. Thank you for the opportunity to offer comments on the FY2021 Interior Appropriations bill, most importantly regarding funding for the Refuge System Operations and Maintenance Fund, which we respectfully request you fund at $586 million in FY2021.

All of the programs included in this testimony add value both to wildlife conservation in all 50 states and to the economic activity in local communities. Trip-related spending by recreational visits generated $3.2 billion of economic output in local economies. Wildlife refuges are economic engines for their communities, but by far, the biggest challenge facing the Refuge System today is the completely inadequate budgets that fail to cover the cost of maintaining the incredibly rich and diverse wildlife habitats that make up the Refuge System.

The funding gap that has arisen due to low budget allocations over the last decade has degraded critical wildlife habitat and imperiled important species. Although the FY2020 appropriations bill injected a much-needed $14 million to the budget, funding levels remain below the high of $503 million in FY2010, with the shortfall becoming more acute every year. We must change this trajectory.

Overall, inadequate staffing levels of federal wildlife officers and inadequate levels of funding for invasive species eradication are two areas that are in desperate need of increased funding. Your FY2020 bill injected an additional $2.9 million for the law enforcement budget – spurring an additional hire of 43 officers. Additional funding in FY2021 would add to that hiring and change the current statistic where fully one-third of states have only one or zero refuge law enforcement officers. For invasive species, the Service has prioritized the creation of invasive species strike teams, which are an efficient use of federal dollars, assigning invasive species experts to regions and specialties, not individual refuges.

The Refuge System is currently responsible for 850 million acres of land and water. Of that total, 750 million acres are included in the 5 Marine National Monuments created by Presidents Bush and Obama, yet very little additional funding has been provided to these water resources since their initial creation in 2006.

NATIONAL WILDLIFE REFUGE SYSTEM – OPERATIONS & MAINTENANCE

The Refuge Association chairs the Cooperative Alliance for Refuge Enhancement (CARE), a 25-year-old diverse coalition of 23 sporting, conservation, and scientific organizations representing more than 16 million Americans that support increased funding for the Refuge System. CARE estimates the NWRS needs ***at least* $900 million annually** to manage its 100 million land acres and 750 million acres of marine national monuments. Yet the Refuge System is currently funded at slightly more than half that amount – $502.4 million or 59¢ per acre per year – even with the recent increase in funding. By comparison, the National Park Service is funded at $30 per acre per year.

The Refuge System cannot fulfill its obligation to the American public, our wildlife, and 59 million annual visitors (in FY2019) without increases in maintenance and operation funds.

Even with the recent gains in the current fiscal year, overall funding for the Refuge System has declined substantially over the last ten years. Funding in FY2010 was $503 million – $598 million in today's dollars with inflation and salary increases. This difference of $95 million has forced the Service to cut back on programs and create efficiencies whenever possible – efficiencies that are sometimes harmful or even dangerous. For example, many refuges have been placed into complexes, where staff travel sometimes large distances to juggle duties on multiple refuges. One year ago, one third of states had zero or one refuge law enforcement officers for the entire state, but increased funding and new hiring is helping to alleviate this shortfall. Several states have no visitor services or environmental education staff.

Even with these financial challenges, the Service has risen to the occasion and taken care of the lands and waters entrusted to it. Staff work overtime and on weekends. Law enforcement staff are pulled off their duty station to cover shifts on the southern border. Budget cuts have led to the loss of nearly 500 positions since FY11. Because most refuge lands and waters are highly managed to provide optimal habitat conditions, this deterioration in staffing has had a dramatic impact resulting in significant declines in habitat protection and management, hunting, fishing, volunteerism and scientific research.

Current funding is nowhere near the at least $900 million needed for full funding. Our goal is to reach that figure in the next four years, and funding the Refuge System Operations and Maintenance Fund at $586 million is the first step to reaching that goal.

The number of annual Refuge System visitors jumped by 13 million over the last six years. More people are looking to recreate on wildlife refuges, yet understaffed refuges struggle to provide those opportunities. Reductions in visitor services can be extremely limiting for constituencies who want to visit. Equally troubling is a 15% drop in the number of volunteers since FY2011. At a time when record numbers of Americans are retiring and have the capability and desire to give back, the Service's ability to oversee their efforts has been curtailed. Volunteers provide an additional 20% of work on our national wildlife refuges, yet they are being turned away when the System needs them the most.

FY2020 increases in law enforcement funding has brought that budget up to $41 million, allowing the hiring of a new class of 43 officers, for a total of 260 officers. These officers will be fully trained by the end of Fall 2020, allowing them to move down to border refuges in South Texas and Arizona to relieve the officers sent to these refuges on sometimes up to a dozen 21-day details. They will be stationed in states that currently have no officers, or bolster the law enforcement presence at refuges that currently see law enforcement coverage of ¼ time or less.

Another priority for the Refuge Association is combatting the spread of invasive species, both plant and animal. Overall, the problem is vast. 2.4 million Refuge System acres are infested with invasive plants, and current funding and capacity only allows treatment of 10% of those acres. Similarly, the Refuge System has 1,749 invasive animal populations and currently controls 5.3% of those. One refuge particularly in need of funding is the Arthur R. Marshall Loxahatchee National Wildlife Refuge in Florida, which is currently allocated $1.15 million from appropriated and headquarters dollars, but needs $2 million per year to comply with the Service's obligations under the management agreement with the State of Florida.

One method the Service is using to combat invasive species spread is the use of "strike teams", currently numbering 12. There is a need for an additional 28 teams, at an annual cost of $454,000 per team, or $12.7 million. Starting in 2009, the Refuge System began spending $1 million per year to eradicate invasive species, which has proven successful with eradication of several species from various wildlife refuges. Additional funding of $3 million would fund 3 total projects each year.

The examples with law enforcement and invasive species control are just two of the most critical funding shortfalls. The Refuge System also faces a lack of wage-grade workers (mostly maintenance staff), biologists, and visitor services specialists, and climate change is an ever-present complication that makes planning difficult and time-consuming.

We cannot emphasize enough how important it is to the health of our nation's national wildlife refuges that funding be increased, and increased substantially. The $14 million increase in FY2020 was desperately needed, but in reality, that is the minimum amount needed just to keep pace with inflation and fixed costs. The situation on the ground is critical. The Refuge System is bare bones right now and increased growth in urban spaces and outdoor recreation, and the impacts of climate change, place additional stress on the System. Every year, more and more refuges are closed to the public, habitat degrades, and visitors are turned away.

The Refuge Association appreciates the Subcommittee's consideration of our request of $586 million for FY2021 for National Wildlife Refuge System Operations and Maintenance.

STRATEGIC GROWTH – LAND AND WATER CONSERVATION FUND (LWCF)

The Land and Water Conservation Fund is an essential tool for protecting the integrity of the Refuge System and is the primary funding source for land and conservation easement acquisition by federal land agencies. Some in Congress have argued that public lands like the Refuge System can't manage what they have and thus, all land acquisition should end. We believe that land acquisition in fee simple and as part of a targeted easement program will provide an important mix of habitats that will increase the habitat value of the Refuge System.

The Refuge Association calls on Congress to fund LWCF at $900 million per year, with $150 million provided in FY2021 to the USFWS.

COMMITMENT TO REFUGE COMMUNITIES – REFUGE FUND

The Refuge System uses net income derived from permits and timber harvests to make payments to local communities to offset property tax revenue lost when the federally-acquired lands are removed from local tax rolls. The System relies on Congressional appropriations to the Refuge Fund to compensate for the shortfall between revenues and tax replacement obligations. However, declining revenues and lack of appropriations have resulted in the Service paying less

than 50% of its tax-offset obligations since 2001. Reduced funding threatens the partnerships that are so important for successful conservation, and the negative impact on local communities is felt even more starkly in difficult economic times.

We also ask that this Committee consider converting or rolling the Refuge Fund into the PILT (Payment in Lieu of Taxes) program. Some refuge lands are included in PILT and others are included in the Refuge Fund. One funding mechanism for all refuge lands makes sense and would streamline the process of returning funds to local communities.

The Refuge Association requests $50 million for the Refuge Fund in FY2021.

PARTNERSHIPS – PARTNERS FOR FISH AND WILDLIFE PROGRAM (PARTNERS PROGRAM)

With 75% of all fish and wildlife species dependent upon private lands for their survival, the Partners Program is one of the most powerful tools for protecting wildlife where it lives. By building effective partnerships between public agencies and private landowners to conserve America's expansive working landscapes, the Partners Program has implemented nearly 29,000 restoration projects in the past twenty-five years, restoring over one million acres of wetlands, three million acres of uplands, and 11,000 miles of streams. The Partners Program leverages federal dollars, generating nearly $16 in economic return for every $1 appropriated for projects.

The Refuge Association and the landowner-led Partners for Conservation request $75 million for FY2021. Such a funding level would result in an additional $400 million worth of conservation across the nation.

FISH AND WILDLIFE SERVICE GRANT PROGRAMS

- The North American Wetlands Conservation Act delivers an average 3:1 match for all federal standard and small grants, and has restored wetlands on wildlife refuges across the nation. The Refuge Association supports funding at the proposed authorization level of $60 million, as passed in H.R. 925.
- State and Tribal Wildlife Grants provides funding to state wildlife agencies directed to developing and implementing programs that benefit wildlife habitat for both hunted and non-hunted species. This funding is critical for research, wildlife surveys, species restoration, and habitat management on state lands, which all contribute to a system of healthy federal and state lands. The states are essential partners to the Refuge System, and we support funding for this program of $75 million.
- The Neotropical Migratory Bird Conservation Act program protects neotropical bird species across the Americas. As vital as refuge lands are, wildlife conservation must also take place on state and private lands, as well as in other countries, particularly for migratory species. We support FY2021 funding at $6 million for the NMBCA and thank the subcommittee for the increases this last fiscal year for all three of these programs.

We believe that with sound conservation policy, increased funding, and the power of more than 40,000 dedicated volunteers, the Refuge System can fulfill its mission to provide wildlife dependent recreation for Americans and protect the habitat for more than 700 species of birds, 220 species of mammals, 250 reptile and amphibian species and more than 1,000 species of fish.

We look forward to working with Congress to accomplish this goal and appreciate your consideration of our requests. Please let me know if you have any questions.

Mr. KILMER. Thank you. Mr. Leinbach.

Mr. LEINBACH. Thank you. Am I allowed to give you pictures and stuff?

Mr. KILMER. I think so, yeah. Sure.

Mr. LEINBACH. [Audio malfunction in hearing room.]

Mr. KILMER. Great. We love pictures. Thank you. I will pass them down. Thank you.

THURSDAY, FEBRUARY 6, 2020.

URBAN ECOLOGY CENTER

WITNESS

KEN LEINBACH, EXECUTIVE DIRECTOR, URBAN ECOLOGY CENTER

Mr. LEINBACH. Good afternoon. Ranking Member Joyce and Mr. Kilmer, and anyone else who is listening in the room. It is a lovely afternoon if you are a duck. I am the executive director of the Urban Ecology Center in Milwaukee, Wisconsin, and I am super grateful for the opportunity to speak with you today. The purpose of this testimony is to introduce the Interior and Environment Subcommittee to a replicable nonprofit model for urban revitalization.

The Urban Ecology Center, the UEC, uses environmental education as a tool to transform challenged urban parks and neighborhoods, and our work is capturing the attention of cities across the country. The UEC started as an experimental social invention based on research that states, "If one has consistent access to nature from an early age while having a mentor in your life who demonstrates respectful behavior toward the land, that person is very likely to grow up caring for and working for the environment." That is the kind of person we need right now in the world.

Our mission then is quite simple: to connect people who live in cities to nature and each other. The center began in the mid-90s as a small group of teachers in a humble trailer in a high crime park in one of the most densely populated neighborhoods in our State. We started offering field trips to nearby schools, and quickly discovered the what we are offering was needed. Nature-based recreation and education is beneficial in every: intellectual, emotional, social, spiritual, and physical. Our trailer became a hive of community activities for adults and kids. Our success allowed us to grow, and we now are in three beautiful green built and rehab buildings that bustle with community activities on Milwaukee's southwest and east side.

While the center began as a strategy to improve ecological literacy of folks in a city, we discovered that when a UEC is placed in an urban park, so much more happens. The park becomes safe. Student academic achievement improves. New jobs are created. Volunteerism explodes. And if done correctly, a significant influx of community resources flow into the park and nearby surroundings. The center has catalyzed over $45 million in direct investments in and near the parks that we occupy. What once was blighted, even dangerous, green spaces becomes a safe and green community asset.

Last year, we hosted over 220,000 visits by youth and adults at our three branches in Milwaukee. Three thousand five hundred volunteers helped us plant over 10,000 native trees and plants in the 70-plus acres that we now manage. We partner with 63 urban schools providing 35,000 students with regular field trips. We reach an incredibly diverse audience. All ages, racial, political, and economic backgrounds come together at our centers. Both sides of the aisle have supported us.

Today, cities all over the Nation are reaching out and showing interest in replicating this model. To help facilitate, we published this book, Urban Ecology, and created a training institute around it. To date we have had over 50 people come through our training, representing 19 different cities, Columbus, Atlanta, Rochester, and Denver to name a few. We have had cities from different countries as well.

Twenty years after our inception, the program is flourishing to such a degree that it was suggested that it was important for you, who are charged with governance of this Nation, to be aware of our existence and the transferable impacts we are having. I am deeply honored that you accepted our testimony to speak to you today and have hopes that you and any listening might be able to assist us in finding additional partnerships and funding opportunities to help accelerate the spread of our important program. Worth noting, we have worked with the U.S. Forest Service in creating a 40-acre children's forest, an arboretum out of remediated industrial land. And we were also grateful to receive nearly $1 million dollars of funding from the Great Lakes Restoration Initiative, the first year of its inception, to help remediate a tier-one tributary into Lake Michigan. Thank you. Congratulations, by the way, on passing the reauthorization bill for the GLRI just yesterday, I believe, right? Well done.

Some of you may be in Milwaukee this July for the Democratic National Convention. Come visit. We would love to show you around. And if you happen to know of anybody looking for a unique venue for their meeting or event, please contact us. We have really cool facilities, these ultra-green facilities.

I know as you, Ranking Member Joyce, that the freshwater bodies in our region aren't merely Good Lakes, they are Great Lakes. Accordingly, I don't know if I am allowed, but I brought you each a Petoskey stone, a polished fossilized ancient stone found only on Lake Michigan, as a gift from the lake. I actually have enough that folks in the room can have them as well. And there is no real value to these except for the beauty, so I think it is okay for me to give them. It is not like——

Mr. KILMER. People frequently throw rocks at us——

[Laughter.]

Mr. KILMER. So we are good. We are good. Thank you. Thank you.

Mr. LEINBACH. These are quite beautiful, so take one, pass it on. Make sure you get one. You are doing the hard work. I would Tyler to get one because he helped me out early, and then anybody else in the room until they are gone. Thank you for the opportunity to testify. I am more than happy to answer any questions you have about our mission and our work.

[The statement of Mr. Leinbach follows:]

Category: Environment, Climate Change and Sciences
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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Good Afternoon. Chairwoman McCollum, Ranking Member Joyce, and distinguished Committee members. My name is Ken Leinbach, the Executive Director of the Urban Ecology Center in Milwaukee, Wisconsin. I'm grateful for the opportunity to be with you today.

The purpose of this testimony it to introduce the Interior & Environment Appropriations Subcommittee to a successful 20-year experiment in Milwaukee, Wisconsin that is capturing the attention of cities and urban landscapes across the country as a replicable non-profit model. The Urban Ecology Center (UEC) uses environmental education as way to transform challenged urban parks and neighborhoods. The Urban Ecology Center aligns with the goals and mission of programs under the jurisdiction of the Environmental Protection Agency, the U.S. Forest Service, and the Department of the Interior, (specifically the U.S. Fish & Wildlife Service).

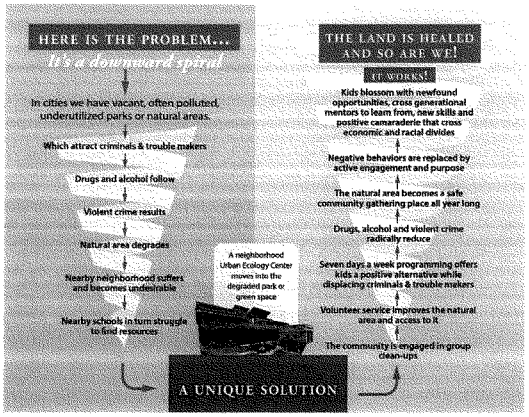
Most environmental issues are the result of many small actions adding up to bigger problems. We need the common, everyday person to understand that their actions matter, and that every action they make has an impact. In short, we need everyone to care about the environment, not just a few.

Armed with this mindset 20 plus years ago a few of us discovered research that identified two consistent commonalities in the early life of those who cared about the environment: consistent access to the natural world and having a mentor or an interested adult or friend who demonstrated respectful behavior toward the land and toward the environment as a whole. If interested, the research is entitled "Significant Life Experience" research and was first put forth by Dr. Louise Chawla in a research review article dating back to 1998. Richard Louv popularized and expanded on this research in his more recent book *Last Child in the Woods.*

The Urban Ecology Center emerged after an extensive national search for programs based on this research resulted in no matches. The UEC is an experimental social invention that brings kids and adults alike into contact with nearby nature while fostering mentorship and role modeling. The experiment is working.

While our goal started out as a strategy to improve ecological literacy of folks in a city, when a Center is placed in an urban park so much more happens! The parks become safer, student academic achievement improves, new jobs are created, job training occurs, volunteerism explodes, property values improve, and, if done correctly, a significant influx of community resources and engagement happens. In total, over its 20 year existence, the Center has

catalyzed over $45 million in direct investments in and near the parks that we occupy. It is a unique way to stabilize urban neighborhoods, and now, 20 years later, cities all over the nation and world are interested in replicating our model.



The mission of the Urban Ecology Center is quite simple. Connect people who live in cities to nature and each other. The Center started with this mission in Milwaukee in the late 90's, operating out of a humble trailer in a high crime park in one of the most densely populated neighborhoods in the state of Wisconsin. We started as a small group of science teachers, offering field trips to nearby schools. We discovered quickly that learning science can be a passport to a different world. From the micro level changes in cells, to understanding our place in the ecosystem, experiences that offer these "aha" moments change one's view of the world.

Traditional nature centers have done an excellent job of raising public awareness, preserving green space, and introducing children to nature largely in suburban and rural areas. The Urban Ecology Center builds on the success of this model by viewing green space as more than recreational space or an educational laboratory but as an anchoring community hub around which neighbors come together to build community and healthy neighborhoods. The Center's model combines environmental education with community engagement through a wide range of activities including hosting community events, field trips, lending outdoor equipment, and welcoming volunteers to help with land stewardship and research projects.

The Urban Ecology Center's place-based strategy in urban areas reaches a diverse audience—all ages, racial backgrounds, socioeconomic standings, political leanings and, perhaps most importantly, people with a variety of perspectives and opinions on environmental issues. The Center has been supported equally by all sides of the Wisconsin political spectrum.

The Center's continuum of educational and recreational programming helps urban children to explore the natural world right in their own neighborhoods. From innovative urban habitat

restoration to an efficient and effective approach to environmental education for all ages, the Urban Ecology Center is a proven model for transforming communities by revitalizing urban green space.

The Urban Ecology Center strives to create a community where all of our children can be transformed by nature. Based in Milwaukee, the Center operates three environmental education sites where there are more than 100,000 people living, and more than 40 schools operating within a two-mile radius of each site. For our children, environment-based recreation and education is beneficial in every major way -- intellectually, emotionally, socially, spiritually, and physically. Entrance to the Urban Ecology Center is free and the Center is open nearly 365 days a year, providing youth with a safe, engaging environment in their out-of-school time.

Through the Center's innovative and engaging programming urban children are provided with the opportunity to learn, explore and discover in green spaces right in their own neighborhoods. Annually, the Center achieves the following:

- Over 225,000 visits by youth and adults learning and growing in natural spaces at our three branches on Milwaukee's Southside, West Side and Eastside.
- Increased academic knowledge and skill by program participants.
- Increased ecological literacy and environmental ethic by program participants.

As a learning organization, the Urban Ecology Center values evaluation as an important tool for both internal program improvement and accountability to the community. The Center is interested in both the depth and breadth of program impact on participants and the community. These measurement tools include quantitative and qualitative components to ensure that outputs and short-term benchmarks are being met and to measure the progress toward reaching long-term goals.

The Urban Ecology Center is actively engaged in building a city where urban children can explore and be mentored in the natural world. The Center builds outdoor laboratories where people of all ages can come together, building curiosity and respect for nature. To date, measurable impacts include:

- 99% of teachers reported that the Center's school partnership, the Neighborhood Environmental Education Project (NEEP) improved students' academic performance.
- The Center is directly responsible for the restoration of 70+ acres and have been the catalyst for hundreds of acres of preserved and restored land along the Milwaukee River Corridor and the Menomonee River.
- Crime is down 90% in Riverside Park since the introduction of the Urban Ecology Center. The parks are used nearly 365 days of the year, creating a continuous community presence.
- The Center partners with 60+ local schools through the Neighborhood Environmental Education Project with a 95% retention rate year after year.

- Over 3,400 volunteers contribute more than 24,750 hours annually.

On Earthday, 2018, the Center published the book *Urban Ecology: A Natural way to Transform Kids, Parks, Cities and the World* while at the same time launching the Urban Ecology Center Institute. The institute provides a training option for the many inquiries that the Center now receives from cities across the nation and world. The Grange Insurance Audubon Center in Columbus, Ohio was based on the Urban Ecology Center Model. Atlanta Georgia, Rochester New York and Denver Colorado are all in the process of creating such Centers, while many others have sent representatives to our workshops. On the international front Tiberius Israel, Medellin Colombia, Monterey Mexico to name a few are engaged in our training program.

In addition to urban environmental education, urban land restoration has become a core competency of the Center. We have worked with the US Forest Service in creating a 40 acre "Children's Forest" or Arboretum out of old industrial land, as well as another 26 acre park on the south side of Milwaukee from an old rail yard. The first was a $9 million environmental remediation project and the second was part of a $25 million project. We were grateful to receive nearly a million dollars of funding from the Great Lake Restoration Initiative the first year of its inception to help remediate a mile of tier one waterways into the Great Lakes along the Milwaukee River.

From all of this work our motto has become "heal the land and the land heals us", while our tagline is "So much Life!" based on how much new life abounds in the parks that we occupy, both human and natural. We offer this introduction to you today in hopes that you might assist us in finding additional partnership and funding opportunities to help accelerate the growth of similar centers across this beautiful country that you oversee and perhaps even in your own communities.

In closing, I invite each of you to tour and see first-hand the work of the UEC. I know some of you will be in Milwaukee this July for the Democratic National Convention and would be happy to host you at your convenience.

Thank you for this opportunity to testify. I'm more than happy to answer any questions you may have about our mission and work.

Mr. KILMER. Thank you. Thank you for your testimony. This got Oprah real quick. You get a rock, and you get a rock. [Laughter.]

Mr. Joyce, do you have any questions?

Mr. JOYCE. No. I thank you all for being here, and I appreciate all the hard work you do. Hopefully we can all continue to work together for a better planet.

Mr. KILMER. I would like to thank each of you for your testimony. I have been trying to get David Joyce to come to the Democratic Convention for a long time now, so thank you. [Laughter.]

Mr. JOYCE. I got to go to Washington. That was nice.

Mr. KILMER. There you go. Yeah, that was nice. That was nice. I actually did want to just make maybe a comment and a question to Justin. Thank you for mentioning some extraordinary refuges in our neck of the woods. The Billy Frank, Jr. Refuge is really incredible, and is appropriately named after someone who was a real champion for tribal justice and for environmental justice, and I know that the work of that refuge is designed to sort of live up to that mission. I am also really grateful that you mentioned Grays Harbor and the Shorebird Festival. I would encourage anyone who is watching on C–SPAN 8——

[Laughter.]

Mr. KILMER [continuing]. To come visit Grays Harbor Country, and it really is an extraordinary refuge, the Shorebird Festival. So I have got two daughters. My oldest daughter was quite young. She was a total birder. She was very unusual. Most kids would read Dr. Seuss, and she would read, like, a book on birds at night rather than reading Dr. Seuss. She would be the yellow-breasted warbler, you know, lives in shrubs and trees, and migrates in the fall, right? It was a very unusual childhood for her. But I took her to the Shorebird Festival, and it was so cool to see her just sort of connect with nature. And the only connection I had seen prior to that was Angry Birds was about as close as she got to connecting, and so I appreciate you mentioning that.

I want to ask you in light of these unique assets, so if there was additional base funding, talk about how that could build capacity for connecting with communities, connecting with youth. You mentioned a couple of examples, but I just want to make sure we hear the message loud and clear from you.

Mr. HALL. You bet. So most of education comes out of the Billy Frank, Jr. Nisqually, and we actually have a partnership between the Friends group, the refuge, some amount of their base funding, and another nonprofit, the Nisqually River Foundation, that provides a staff member in order to do that. And then we have a couple AmeriCorps, one that works Grays Harbor and that works at Billy Frank, Jr. As I said, we reached capacity. Our parking lots are full. People are parking on the grass on those occasional sunny days that we do get in the Pacific Northwest.

So the way to increase the outreach and the benefit of that refuge is to get those education staff out into the schools, into the community. We also work with the Nisqually Tribe with their Head Start program, getting them out. And they learn about the refuge, and what the missions are, and what we are trying to do, and then they have capstone field trip into the refuge itself. And so really working with Joint Base Lewis-McChord, and then Pierce County

Schools and Thurston County Schools and some Lewis County Schools, we are really able to extend that out, and then those people come back. The students come back with their parents, and, you know, they learn what the refuge system is for, why they are there, what the benefits are. And so really that is that next step.

And the Fish and Wildlife Service had an urban refuge contest, a funding contest, which added $1 million to the base funding, which we applied for. We still have that plan ready to go. We were not successful. They only did one. It went on for 3 years. They did two refuges one year and then one refuge the other 2 years, and the one in our district was fortunate enough to get that. But we have those plans ready to go. And so really to extend the impact of the refuge into the community, it just requires that extra base funding in order to fully support that education program.

Mr. KILMER. Terrific. I appreciate you mentioning that. And I also just wanted to call out the staff at both of those refuges are just really tremendous.

Mr. HALL. Absolutely amazing people to work with.

Mr. KILMER. Yeah. Thank you. Thank you all for your testimony.

Mr. LEINBACH. Can I offer a thought to this?

Mr. KILMER. Go on. Dive in.

Mr. LEINBACH. I was just thinking, I am curious. In our modeling of an urban ecology center, it would be really great to partner with the refuges and the parks that are on the outskirts. And the way our model works is we actually have a fleet of buses that we own that we are able to take kids to where we need to go, which is often a stumbling block. So it would be lovely to talk to with you or anyone else again in the room—I don't know who is here—related to that type of partnership. But the amount of money that it would require to create those urban centers is actually not very significant, so it would be interesting to talk to somebody about that. So thanks.

Mr. KILMER. Thank you. Great. Thank you all for your testimony. Let me invite up the next panel. Miles Keogh, the executive director of the National Association of Clean Air Agencies. Dr. Sumita Khatri. Did I get that close?

Dr. KHATRI. Yes.

Mr. KILMER. Okay. With the American Lung Association, and Mandy Warner with the Environmental Defense Fund. Thank you. Thank you. Welcome. Mr. Keogh, go ahead. Kick us off. You have got 5 minutes.

THURSDAY, FEBRUARY 6, 2020.

NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

WITNESS

MILES KEOGH, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

Mr. KEOGH. Thank you so much. This is actually my second rodeo doing this, and to repay your kindness for the last time that I came, I have some written remarks, but I know you know I can read, and I know you can read, so I am not going to read them. I will speak a little bit extemporaneously, but I will kind of try to

make it worth your time as much as possible. Thank you so much, again, to you and to the other members of the subcommittee for letting me speak today.

You mentioned I am Miles Keogh. I run the National Association of Clean Air Agencies, which convenes 155 of the State and local air pollution and climate agencies across the country. And I am testifying today because those agencies, which have the primary responsibility under the Clean Air Act for protecting your constituents form air pollution. They get a lot of their funding through appropriations that you all consider and authorize.

Those agencies which are coastal and heartland, urban and rural, every stripe of politics, those agencies have received level funding for a long time. In fact, they continue to receive today the same level of funding that they received 15 years ago in 2004 during the George W. Bush Administration.

NACAA's ask for every State and local agency in every State of the country, is for the House, for you all, to help appropriate an additional $87 million this year to the State and local category grants under Section 103 and 105 of the Clean Air Act. That is a 15-year inflation adjustment, and I came in last year and asked for a 14-year inflation adjustment. The needs are greater than that. In 2007, we asked the agencies what they needed, and, you know, it is 15 years at the same level, and the numbers were more than double what they were receiving. But adjusting for inflation would go a long way.

So I remember from last year. I know what you are thinking. Why should you all give any more money to the Clean Air Agencies for this work, right? Obviously you can do it with level funding because you are doing it, and you have been doing it, so why would we consider increasing the money? In fact, there are five ways in which your districts would benefit from having these agencies get an increase in the funding.

The first is that at the current level, there is an impediment to business development. When the agencies are stretched as they are over 15 years of operating with the same funding, it delays the time that we can approve projects as being in line with the law. It slows down how fast we can get permits out the door. It impedes investment. It slows economic growth, and it slows job creation. So this is a real thing. It is hard to tally what that number actually is, but holding things steady over that time has had an effect.

Second, it shifts that spending to your States. There are not that many sources of money in the world, so where the Federal money doesn't show up, it is citizens in your district that backfill the difference, and that a lot of what has happened. Third is that the public demands more information and more effort than we needed in previous years. We now find out about air quality in our weather apps. There is greater Clean Air awareness thanks to wildfires. There are some explosion and sensor data, and there is a bunch of new pollutants, things like ethylene oxide and PFAS, and the like that we just didn't have the same understanding years ago as we do know.

Fourth, if you have ambitions to comprehensively reduce greenhouse gas emissions, those are going to involve State and local agencies. If you want to do that in the future, the time to invest

in those agencies is now. And then finally, and by far most importantly, even though more people are protected from air pollution today, we still have non-attainment areas, and we still have people exposed to air toxics. There are still limits to the work that we could be doing, and constraining the ability of air agencies to provide services to the public, it narrows that reach and limits the protection we can provide your constituents.

We don't know how many environmental justice programs we are not doing. We don't know how many communities we are not reaching. And the fact is that while clean air is a huge success story, it is still an unfinished story. More Americans still die from air pollution than from car crashes or from gun violence, and about a third of Americans still breath unhealthy air for about a third of the year. So, again, the ask is for an addition $87 million to adjust for 15 years of holding it steady on the paycheck.

I thank you for your time, and if you have questions, I am happy to address them.

[The statement of Mr. Keogh follows:]

Testimony of Miles Keogh
Executive Director, National Association of Clean Air Agencies (NACAA)
Before the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2021 Budget for the U.S. Environmental Protection Agency
February 6, 2020

Good morning. I am Miles Keogh, Executive Director of the National Association of Clean Air Agencies (NACAA). Thank you for this opportunity to testify on the FY 2021 budget for the United States Environmental Protection Agency (EPA), particularly grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act (CAA), which are part of the State and Tribal Assistance Grant (STAG) program. NACAA urges Congress to 1) increase federal grants to state and local air agencies by $87 million above FY 2020 levels, for a total of $315 million; 2) provide flexibility to these agencies to use any additional grants to address the highest priority programs in their areas; and 3) retain grants for monitoring fine particulate matter under the authority of Section 103.

NACAA is the national, non-partisan, non-profit association of air pollution control agencies in 40 states, including 115 local air agencies, the District of Columbia and four territories. These agencies have the "primary responsibility" under the Clean Air Act for implementing our nation's clean air programs. As such, they carry out an array of critical activities intended to improve and maintain air quality and protect public health.

A good national air quality program is an essential investment in America. The sad fact is more Americans die or get sick from air pollution than from almost any other environmental or domestic problem facing our nation. Tens of thousands of people die prematurely each year in this country and millions suffer serious health problems as a result of exposure to such air pollutants as particulate matter, ozone and hundreds of toxic compounds. State and local air pollution control agencies work tirelessly, and without sufficient resources, to address this threat to public health by implementing the Clean Air Act.

The responsibilities facing these agencies have continued to grow while, unfortunately, federal funding has lagged behind. Federal grants to state and local air quality agencies under Sections 103 and 105 of the CAA were $228 million in FY 2020, which is the same amount these agencies received over 15 years ago, in FY 2004. If the FY 2004 figure is adjusted for inflation, level funding would translate to approximately $315 million in today's dollars – an $87-million difference. While the need for increases is far greater, NACAA's recommendation for Section 103 and 105 grants in FY 2021 is merely for level funding, adjusted for inflation – or $315 million.

Additionally, NACAA recommends that state and local agencies be provided with flexibility to use the increased funds on the highest priority programs in their areas. Finally, NACAA requests that grants for fine particulate matter monitoring remain under CAA Section 103 authority, where matching funds are not required, rather than being shifted to Section 105 authority, as the Administration has proposed in recent years.

State and local air quality agencies have made do with inadequate resources for many years. While the Clean Air Act envisioned the federal government supporting up to 60 percent of the cost of state and local air programs, the truth is it provides only 25 percent and in some cases much less, while state and local agencies provide the remaining 75 percent. While we understand Congress is not able to grant increases to fully meet the needs of our clean air programs, even the modest increases we are requesting will help.

On a day-to-day basis, as part of their "core" programs, our agencies carry out a host of essential resource-intensive activities, including monitoring, compiling emission inventories, planning, conducting sophisticated modeling, permitting and inspecting sources and adopting and enforcing regulations. These ongoing core programs are critical and they are only a part of the picture. State and local air quality agencies are also called upon to address new and emerging issues. Yet since FY 2004, when we were receiving the same dollar amount we do now, our responsibilities have expanded, while the purchasing power of our grants has diminished by more than 30 percent.

How would increased federal grants be spent? The list is long, but a few activities for which additional funding is necessary include:

- reducing concentrations of fine particulates;
- improving small business compliance assistance;
- modernizing modeling and other estimation tools;
- improving emission inventories of air pollutants;
- increasing the frequency of inspections;
- improving monitoring, including adding locations and replacing outdated equipment;
- developing strategies to meet our health-based air quality standards;
- improving risk assessment capabilities; and
- improving communications with the public to protect their health.

All these activities are critical to our mission to reduce air pollution, maintain the many improvements we have already made and continue to protect public health, as we have been charged to do by the people of this country.

In conclusion, NACAA urges Congress to 1) increase federal grants to state and local air agencies in FY 2021 by $87 million above FY 2020 levels, for a total of $315 million; 2) provide flexibility to state and local air agencies to use any additional grants to address the highest priority programs in their areas; and 3) retain grants for monitoring fine particulate matter under the authority of Section 103.

Thank you very much for this opportunity to testify today. I am happy to answer any questions you have.

Mr. KILMER. Thank you. Dr. Khatri.

THURSDAY, FEBRUARY 6, 2020.

AMERICAN LUNG ASSOCIATION

WITNESS

SUMITA KHATRI, M.D., M.S., VICE CHAIR–MISSION PROGRAMS; CHAIR OF THE PUBLIC POLICY COMMITTEE, AMERICAN LUNG ASSOCIATION

Dr. KHATRI. Good afternoon. Hello, Ranking Member Joyce. I am a Buckeye, too. Thanks. Mr. Kilmer and others in the room, thank you for offering us the opportunity to testify in front of your subcommittee. My name is Sumita Khatri. I am a board member of the American Lung Association, and I am also a lung physician, and also a member of the community. And it is in these realms that I am here for you today. The mission of the American Lung Association is to improve lung health and prevent lung disease, and how that mixes in with air quality, so thank you for the segue prior.

So I am here to urge the subcommittee to increase its investments in the U.S. EPA air quality programs. It is the 50th anniversary of the Clean Air Act, and there is opportunity to do even more than has already been done. There is much more to be done because you can't have too healthy air. In order for us to deliver on our promise for the Clean Air Act, if we fund further, there are so many things we can do.

For instance, build upon the EPA air quality management system that is in already place which is keeping track of what air quality is going on so that we can all be informed citizens. Two, EPA's grants to States and tribes to do what needs to be done individually based on what the community needs after you have done the research to figure out and have these partnerships. Three, monitoring and enforcement. Unless we monitor, we don't know what we are needing to do next. And enforcement because we need to be held accountable whatever the origin of those air quality alerts are coming from. And then, of course, the EPA's Climate Protection Program because after decades of progress, we are seeing some backslide due to changes in climate, as you mentioned, in the wildfires.

So my written comments outline more in detail what we are asking for specifically, but I would like to highlight how the EPA has helped me be better at all three realms that I discussed earlier. I live in Cleveland, and don't talk about the river, okay? But Cleveland used to have worse air quality, but it has gotten a lot better. And part of how we are being able to do that is through the State implementation plans, looking at what the sources of air pollution are. And not only is it industry, but it is also transportation.

So I have to mention a story. I do a lot of outreach. I just don't stay in my four walls as a clinician. I partner with air quality agencies, and I have a really compelling story about the very proactive bus fleet manager in a large public school system, who decided that he wanted to be part of the solution. And so he applied for the diesel particulate filter funding grants, and he took about 300 buses over 6 years and retrofitted them with diesel par-

ticulate filters. And the air quality not just outside improved, but inside. We actually rode those buses and did some air quality monitoring, and we saw that.

So about 10 years ago when my kids started going to school, you will be sure to know that as I waved goodbye to them, I was actually making sure that the DPF was there. Like, what are you doing, Mom? I am like, never mind, it is good for you. So that is one thing that I know that we are doing well with these programs. The second thing is that having publicly-available databases with air quality metrics, like AQS Data Mart, that lets people who are epidemiologists like me look and see whether there are associations from a timing standpoint with asthma visits to the ED, or even doing kind of studies looking at inflammation in their upper airways, people with asthma who demonstrate that more. So having this publicly-available data available allows for us to do this research.

And then finally, as a clinician, I am able to have these conversations. They know what they are breathing, and it doesn't feel good. They are the canaries in the coal mine. And having conversations around air quality index and what they can do, when they should exercise, what they can do in their own environments to think how to have a healthier lifestyle can be improved. Those are all important.

So I already mentioned about how climate change, having these extreme weather events, and not only are the people getting sicker in these areas, but the people who are trying to deliver medical care, they are experiencing challenges. So all of these things are important that we talk about. So thank you very much. We appreciate all of the progress that has been made through the EPA, but I call on you to further fund the EPA, and we have all those details available for you so that we as clinicians can do job well done, too.

Thank you very much.

[The statement of Dr. Khatri follows:]

AMERICAN LUNG ASSOCIATION.

Sumita Khatri, MD, MS
Board Member, American Lung Association
[redacted]
FY 2021
American Lung Association

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Environmental Protection Agency

Clean Air Program overall – $469 million
Climate Protection Program – $115.9 million
Federal Support for Air Quality Management – $171 million
Federal Vehicle Fuels Standards and Certifications Programs – $103.6 million
Categorical Grants: State and Local Air Quality Management – $310 million
Categorical Grants: Tribal Air Quality Management – $14.5 million
Diesel Emissions Reduction Grant Program – $100 million
Categorical Grant: Radon – $8.1 million
EPA Radon Program - $3.3 million
Compliance Monitoring – $111.3 million
Enforcement – $268.1 million
New Wildfire Smoke Protection Program: $15 million

Thank you for the opportunity to testify. My name is Dr. Sumita Khatri and I am a board member of the American Lung Association, where I serve as vice chair of mission programs and chair of our public policy committee. I am also an associate professor of medicine and an adult pulmonary and ICU physician. I'm pleased to present the American Lung Association's appropriations recommendations for Fiscal Year 2021 for the Interior and Environment subcommittee, and to urge the committee to reject all harmful policy riders to appropriations legislation.

The mission of the American Lung Association is to save lives by improving lung health and preventing lung disease. Our organization represents millions of Americans with lung disease, including the more than 5 million children with asthma and more than 16 million adults with chronic obstructive pulmonary disease, and more than 228,000 who will be diagnosed this year with lung cancer

The American Lung Association recognizes that the Clean Air Act, which is celebrating its 50th anniversary this year, is one of the nation's premier public health laws, with a mission of protecting human health and the environment. The programs that the U.S.

Environmental Protection Agency runs are critical to protect all Americans, including those with lung disease, from harmful air pollution.

These programs are also highly cost-effective. An EPA study estimated that the benefits of Clean Air Act protections outweigh the costs by a factor of 30 to 1. Air pollution protections prevent a sweeping array of health harms, from asthma attacks to missed days of work and school to heart attacks to premature deaths. These have an obvious human cost, but also carry a heavy financial cost. According to a 2011 EPA estimate, in 2020, the Clean Air Act Amendments will prevent over 230,000 early deaths. This is probably a conservative estimate because after this analysis was performed, EPA adopted additional pollution control strategies to further clean a wide variety of air pollution sources.

Thanks to the Clean Air Act, the nation has made enormous strides in reducing harmful outdoor air pollution. However, that progress is at risk for two big reasons.

First, climate change is already undoing some of the progress we've made, with dire consequences for lung health. Simply put, climate change is a public health emergency. Wildfire smoke, extreme heat, increased levels of ozone pollution, disruption of medical care due to extreme storms, and health hazards of disaster cleanup all put lungs at risk.

Second, despite the clear mandate of EPA to protect human health from air pollution and the excellent return on investment that these protections have provided, numerous proposals by the Trump Administration would weaken, delay or rescind clean air protections. The current EPA leadership has repealed the Clean Power Plan's carbon pollution standards for existing power plants, replacing them with a rule that could actually be worse for health than doing nothing. The agency is attempting to gut carbon pollution standards for new power plants, undermine standards that limit mercury and other air toxics from power plants, roll back successful limits on greenhouse gasses from vehicles, and censor the science that shows the health harms of air pollution and cherry-pick benefit and cost data to support these rollbacks. Beyond the rollbacks, enforcement of EPA's existing rules is down as well.

Despite these proposed rollbacks, the staff at EPA are still doing the lifesaving work of helping protect human health from air pollution across the country. I call on this subcommittee to support this critical work by beginning to reverse years of under-investment in EPA's public health protections.

It is also critical that the FY21 appropriations bills are free of harmful policy riders that would weaken EPA's ability to protect public health. These restrictions have no place in appropriations legislation. Specifically, we call not only for no new riders, but also for the removal of riders in previous Interior and Environment appropriations bills, including the provision that circumvents science to encourage the use of biomass burning for electricity.

[redacted]

I'd like to outline a few programs worthy of this subcommittee's continued and increased investment:

EPA's Clean Air Program Area

EPA's work to protect people from the impacts of air pollution saves lives and improves health. Anyone can suffer health harms from unsafe levels of air pollution, but some are at particular risk, including people with asthma and other lung diseases; people with heart disease; babies and children; pregnant women; older adults; people living in low-income communities; and people who work or exercise outdoors. We request that the subcommittee provide **$469 million overall for EPA's Clean Air Program,** which includes $341 million for Environmental Programs and Management and $128 million for Science and Technology.

Within EPA's clean air program, we request that the subcommittee provide **$115.9 million for the Climate Protection Program.** Climate change is a public health emergency with dangerous consequences for lungs. The Clean Air Act requires that EPA reduce greenhouse gas pollution because of the danger it poses to human health. Continued investment in EPA's work to address climate change is critical.

The American Lung Association also requests that the subcommittee provide **$171 million for Federal Support for Air Quality Management.** This program helps states, tribes, and local air pollution control agencies administer programs and standards to protect their communities from unhealthy air pollution. States have the primary responsibility for developing clean air measures necessary to meet federal standards, but they rely on support, training and assistance from EPA.

Another important program within EPA's clean air work is the **Federal Vehicle Fuels Standards and Certifications Programs, which we're requesting be fully funded at $103.6 million**. This funding is essential to improve testing and oversight of vehicles.

State, Local and Tribal Air Quality Management

States, local governments and Tribes need direct support from EPA to implement and enforce lifesaving clean air protections. The American Lung Association requests that the subcommittee provide **$310 million for Categorical Grants: State and Local Air Quality Management and $14.5 million for Categorical Grants: Tribal Air Quality Management.** State, local and tribal air pollution agencies are on the front lines of vital efforts to improve air quality and protect public health, yet they are perennially underfunded. These agencies need more funding, not less, to ensure proper protection of the public through implementation of the Clean Air Act.

Reducing Pollution from Vehicles

Another critical program for reducing dangerous vehicle pollution is the **Diesel Emissions Reduction Grant Program, for which we're requesting $100 million.** Immense opportunities remain to reduce diesel emissions through the DERA program: millions of old, dirty diesel engines are in use today that pollute communities and threaten workers. The Subcommittee's continued investments in this highly successful program have yielded up to $13 of public health benefit for every $1 spent on diesel projects, according to a 2016 EPA report.

Radon

In addition to the critical work that EPA does to reduce outdoor air pollution, I want to highlight another pair of programs that protect lung health from a deadly indoor air pollutant: radon. Radon is the second leading cause of lung cancer in the United States, yet it remains an underappreciated health risk. The State Indoor Radon Grant program and the EPA radon program have helped to forge a cooperative approach among the federal government, states, tribes, nonprofits, public health groups, and business and professional groups to inform people and work to save lives for decades. States and tribes depend on the grant funds and on EPA's technical assistance through the radon program to educate the public and reduce exposure to this deadly carcinogen. In 2003, the National Academy of Sciences estimated that radon kills 21,000 people each year. We request that the subcommittee provide **$8.1 million for the Categorical Grant for Radon and $3.3 million for EPA's Radon Program,** which includes $3.1 million for Environmental Program and Management and $158,000 for Science and Technology.

Monitoring and Enforcement

EPA's air quality standards mean nothing if they are not enforced. Continued investment in EPA's monitoring and enforcement work is critical to keeping the cop on the beat when it comes to protecting the public from dangerous air pollution. The American Lung Association requests that the subcommittee provide **at least $111.3 million for EPA's Compliance Monitoring and $268.1 million for Enforcement.** EPA must have the ability and funding needed to reduce non-compliance, as well as enforce penalties for violations. EPA must also be prepared to respond to civil enforcement actions authorized by the Clean Air Act.

New Program Request

Wildfires are no longer a rare occurrence, making wildfire smoke an urgent and increasing threat to health. EPA needs additional resources to protect the public from this source of dangerous air pollution. The Lung Association requests a total of **$15 million in funding to address these impacts**, including $5 million to establish Wildfire Smoke Health Centers in Collaboration with US Forest Service Missoula Fire Sciences Laboratory; $7 million for targeted research on wildfire smoke exposure and policy; and $3 million for EPA to coordinate interagency science, management and communication strategies for addressing wildfires.

Conclusion

2020 marks the 50th anniversary of the Clean Air Act and the Environmental Protection Agency. Thanks to this subcommittee's investments in EPA's clean air work over the years, our nation has made enormous progress in reducing air pollution that causes premature death and makes people sick. However, more work remains to realize the promise of healthy air for all, and climate change is already beginning to undo that progress. I call on you now to ensure that EPA has the funding it needs to carry out the lifesaving day-to-day work of implementing and enforcing protections under the Clean Air Act, and to ensure that your bill does not contain any harmful policy riders that would undermine this work. Thank you for your work to ensure the promise of the Clean Air Act: healthy air for all to breathe.

Mr. KILMER. Thank you. Ms. Warner.

THURSDAY, FEBRUARY 6, 2020.

ENVIRONMENTAL DEFENSE FUND

WITNESS

MANDY WARNER, SENIOR MANAGER, CLIMATE & AIR POLICY, ENVIRONMENTAL DEFENSE FUND

Ms. WARNER. Thank you. Good afternoon. I want to thank Chairwoman McCollum, Ranking Member Joyce, and Representative Kilmer, and other members of the subcommittee for the opportunity to testify today. My name is Mandy Warner. I am a senior manager for climate and air policy at Environmental Defense Fund. EDF is an international and environmental advocacy organization with 2-and-a-half million members nationwide. While there are numerous priorities for EDF within Interior and Environment appropriations that are critical to public health, my remarks today are specifically focused on the Environmental Protection Agency's proposal related to the mercury and air toxic standards for power plants.

EDF is respectfully asking the Interior, Environment Subcommittee to include a provision to direct EPA to complete a report that fully assesses this proposal's impacts on Americans. Specifically, we recommend EPA complete an analysis of the impacts of its MATS proposal that includes a comprehensive assessment of its potential public health, economic, and environmental consequences. That study must include an analysis of the costs and benefits of the Administrator's proposed revised supplemental finding, and of any rescission, invalidation, or termination of MATS, as well as a study of the actual cost to industry of complying with MATS since it has been implemented. This analysis will better inform the public and Congress of the issues at stake in the MATS proposal.

Remarkably, EPA proposed to find control of power plant mercury in air toxics emissions is not appropriate without doing any such study, and despite a massive record showing the grave harms that these pollutants cause to society, including children and vulnerable populations.

As background, in 2011, EPA finalized standards to reduce mercury and other toxic air pollution, including lead, chromium, arsenic, and soot from coal- and oil-fired power plants. Power plants were the single-largest source of toxic mercury emissions in the U.S. and emit over 80 hazardous air pollutants. These pollutants are known to cause cancer, birth and reproductive impacts, respiratory and cardiovascular impacts, impaired brain develop in children, and other harms to human health.

Leading up to the finalization of the standards, EPA assessed the benefits and costs associated with implementing the rule, finding up to 11,000 lives would be saved every year, along with avoiding 130,000 asthma attacks among children and other health harms. This analysis demonstrates that the benefits outweigh the costs of implementing the standards by a margin of 9 to 1. And subsequent to finalization and implementation of MATS, many studies have further quantified and monetized reductions of mercury, finding that the benefits are indeed orders of magnitude higher than EPA

had estimated. And it is now also clear that EPA and industry overestimated the cost of compliance with the standards.

The power sector is meeting MATS and has achieved an 85 percent reduction in mercury, an 81 percent reduction in other metals, and a 96 percent reduction in acid gases since 2010. Unfortunately, in 2018, EPA proposed to reverse the Agency's prior foundational finding that MATS is appropriate and necessary, which could potentially undermine these already-implemented and widely-supported standards. EPA presented no scientific evidence to suggest it was not appropriate to regulate power plants' hazardous air pollution. EPA also declined to update its analysis of the cost and benefits of the rule, and instead inappropriately relied on the 2011 regulatory impact analysis.

Numerous public commenters noted that the substantial peer-reviewed research documenting greater health effects of mercury and analysis quantifying and monetizing benefits and reducing mercury emissions were not considered in EPA's 2018 proposal. This deficiency was also noted by the EPA's Science Advisory Board in a draft report addressed to Administrator Wheeler in October 2019. For example, as EPA admitted at the time, the Agency's 2011 RIA was only able to quantify and monetize a small subset of the subset of the impacts of methyl mercury exposure. More recent studies have shown that there are significant new analysis EPA could draw from to assess the full array of benefits from implementing the standards.

A comprehensive report from leading independent environmental economists released in December 2019 also found that EPA's approach greatly underestimated the public health benefits associated with reducing mercury emissions, and that a new retrospective and prospective benefit cost analysis could better represent the impacts of the MATS rule. Furthermore, the public health and environmental community is not alone in objecting to EPA's harmful and scientifically-unsupported proposal. EPA's proposal has been widely opposed, including by the power sector and labor leaders, who have asked EPA to leave the standards in place and effective. Also the House of Representatives has expressed bipartisan opposition to the 2018 MATS proposal with the House Interior EPA funding for Fiscal Year 2020 having included an amendment that would have blocked the EPA from finalizing this proposal.

I want to thank you again for your consideration of the MATS study proposal, and we look forward to working with the committee on this important matter.

[The statement of Ms. Warner follows:]

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

FY2021

February 6, 2020

Mandy Warner

Senior Manager, Climate and Air Policy

Environmental Defense Fund

Chairwoman McCollum, Ranking Member Joyce, and other members of the Subcommittee, thank you for the opportunity to testify today. My name is Mandy Warner and I am Senior Manager for Climate & Air Policy at Environmental Defense Fund. EDF is an international environmental advocacy organization with 2.5 million members nationwide. While there are numerous priorities for EDF within Interior & Environment Appropriations that are critical to our public health, my remarks today are specifically focused on the Environmental Protection Agency (EPA)'s proposal related to the Mercury and Air Toxics Standards for Power Plants (MATS).

MATS Study Language

EDF respectfully asks the Interior-Environment Subcommittee to include a provision to direct EPA to complete a report that fully assesses the proposal's impact on Americans.

Specifically, EPA should complete an analysis of the impacts of its proposal related to MATS including a comprehensive assessment of the proposal's potential public health, economic, and environmental consequences. That study must include an analysis[1] of the costs and benefits of the Administrator's proposed revised supplemental finding and of any rescission, invalidation or termination of MATS, as well as a study of the actual costs to the industry of compliance with MATS since implementation.

This analysis will better inform the public and Congress of the issues at stake in the MATS proposal. Remarkably, EPA has proposed to find control of power plant mercury and air toxics emissions is "not appropriate" without doing any such study – and despite a massive record showing the grave harms that these pollutants cause to society – including children and other vulnerable populations.

Background

In 2011, EPA finalized standards to reduce mercury and other toxic air pollution, including lead, chromium, arsenic, and soot from coal- and oil-fired power plants. Power plants were the single largest source of toxic mercury in the US, and emit over 80 hazardous air pollutants. These

[1] Consistent with the requirements of OMB Circular A-4.

pollutants are known to cause cancer, or birth or reproductive impacts, respiratory and cardiovascular impacts, impaired brain development in children, and other harms to human health. Leading up to the finalization, EPA assessed the benefits and costs associated with implementing its rule, finding up to 11,000 lives were saved every year, along with the avoidance of 130,000 asthma attacks among children and other health harms.[2] The analysis demonstrated that the benefits outweighed the costs of implementing the standards by a margin of 9-to-1. Subsequent to finalization and implementation of the rule, many studies have further quantified and monetized reductions of mercury, finding that the benefits are orders of magnitude higher than EPA estimated, and it is now also clear that EPA and industry *overestimated* the cost of compliance with the standards.[3] The power sector is in compliance with MATS and has achieved an 86% reduction in mercury, an 81% reduction in other metals, and a 96% reduction in acid gases since 2010.[4]

Unfortunately, in 2018, EPA proposed to reverse the agency's prior foundational finding that MATS is "appropriate & necessary," which can potentially undermine these already-implemented, widely supported standards. EPA presented no scientific evidence to suggest it was not appropriate to regulate power plants' hazardous air pollution. EPA also declined to update its analysis of the costs and benefits of the rule, and instead inappropriately relied on the 2011 Regulatory Impact Analysis (RIA). Numerous public commenters noted the substantial peer-reviewed research documenting greater health effects of mercury and analysis quantifying and monetizing benefits of reducing mercury emissions that were not considered in EPA's 2018 proposal.[5] This deficiency was noted by the Science Advisory Board in a draft report addressed to Administrator Wheeler dated October 16, 2019.[6] For example, as EPA admitted at the time, the agency's 2011 RIA was only able to quantify and monetize a small subset of a subset of the impacts of methylmercury exposure; more recent studies have shown there is significant new analysis EPA could draw from to assess the full array of benefits from implementation of the standards. A comprehensive report from leading, independent economists released in December 2019 found that EPA's approach greatly underestimated the public health benefits associated

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[2] National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial Commercial Institutional, and Small Industrial Commercial-Institutional Steam Generating Units, 77 Fed. Reg. 9304, at 9429 (Feb. 16, 2012).

[3] *See* Comments of Environmental, Public Health, and Civil Rights Organizations, at 55-76 (Apr. 17, 2019), EPA-HQOAR-2018-0794-1191, https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0794-1191.

[4] Proposed National Emissions Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review, 84 Fed. Reg. 2670, at 2676 (Feb. 7, 2019).

[5] Comments of Environmental, Public Health, and Civil Rights Organizations, at 55-76 (Apr. 17, 2019), EPA-HQOAR-2018-0794-1191, https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0794-1191.

[6] Science Advisory Board (SAB), Draft Report, Consideration of the Scientific and Technical Basis of EPA's Proposed *Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review*, October 16, 2019.

with reducing mercury emissions and that a new "retrospective and prospective benefit-cost analysis could better represent the impacts of the MATS rule."[7]

The public health and environmental community is not alone in opposing EPA's harmful and scientifically unsupported proposal. EPA's proposal has been widely opposed, including by the power sector and labor leaders, who have asked EPA to leave the standards "in place and effective."[8] The House of Representatives has expressed bi-partisan opposition to the 2018 MATS proposal, with the House Interior-EPA funding bill for FY2020 including an amendment that would have blocked EPA from finalizing its proposal that could undermine the standards.

Thank you again for your consideration of our MATS study proposal and we look forward to working with the Committee to address this important matter.

[7] External Environmental Economics Advisory Committee, Report on the Proposed Changes to the Federal Mercury and Air Toxics Standards, at 2 (Dec. 2019), https://www.e-eeac.org/matsreport.
[8] Edison Electric Institute et al., letter (July 10, 2018) available at: http://blogs.edf.org/climate411/files/2018/08/JointTradesMATSLetter_Final.pdf

Ms. MCCOLLUM [presiding]. So I will just ask a quick question of all three of you. We have things I looked at. I mean, some of this is appropriations, making sure that there is the funding to do the right analysis, the funding to do the right studies, the funding to do the enforcement. That is kind of the place we are at. And the amendments can come on the floor and be in order for some of the things. But do you have anything moving through Energy and Commerce in the authorizations committee that Mr. Joyce and I should be looking at to see whether or not there is a funding attachment to them and be aware of it?

Dr. KHATRI. I don't know that we have anything formally going through those committees. However, I think the clean energy sector certainly helps with improving our air quality. And so any collaborations we can make in that regard would be helpful. I think the lens through which I came with representing ALA is the fact that it is a broad issue, the air quality, and it doesn't even affect only those people with chronic lung diseases, but can develop it as well.

Ms. MCCOLLUM. Right.

Dr. KHATRI. So I think knowledge is power is the key to this, and giving the communities the empowerment to sort of partner and change their environment, that is the lens through which I came. So perhaps that didn't come through as clearly.

Ms. MCCOLLUM. No, no, it did. I was just wondering if you had any other, you know, we are not the only tool in the congressional toolbox that you are looking at to bring these issues either to awareness. You know, sometimes there is environmental justice bills going through. There are other hearings happening. I was just wondering if there was anything that I as a member should be talking to some of my counterparts in either Energy and Commerce or any of the other committees.

Dr. KHATRI. I can certainly get back to you on that.

Ms. MCCOLLUM. You could get back to us. That would be helpful.

Mr. KEOGH. We do not have anything attached to any other legislation. Implementing the Clean Air Act is a pretty swim lane.

Ms. MCCOLLUM. I think so.

Mr. KEOGH. And the State and local agencies have these category grants. So you are the dance partner that we come with.

Ms. MCCOLLUM. With the dance.

Mr. KEOGH. So that is where we are at.

Ms. MCCOLLUM. But for the grants, but for some of the other things.

Mr. KEOGH. Yeah, I am not aware of any advocacy work that we have in Energy and Commerce related to the mercury stuff that I talked about, but I am happy to follow up with you as well about that.

Ms. MCCOLLUM. Okay.

Mr. KEOGH. Thank you for that question.

Ms. MCCOLLUM. Thank you.

Mr. KEOGH. Thank you for your time.

Ms. MCCOLLUM. Absolutely. We have heard from the EPA clean air panel. Now we are going to hear from the EPA clean water panel. So if you would, and we won't count it against your time. Just take a moment and introduce yourself, and then go into your testimony. We will go through. We found out that that kind of

saves time and gets people back on track. And you have waited throughout a vote, so we appreciate it, and we look forward to hearing your testimony. Please start.

THURSDAY, FEBRUARY 6, 2020.

ENVIRONMENTAL LAW & POLICY CENTER

WITNESS

ANN MESNIKOFF, FEDERAL LEGISLATIVE DIRECTOR, ENVIRONMENTAL LAW & POLICY CENTER

Ms. MESNIKOFF. Thank you. Good afternoon. I am Anne Mesnikoff. I am the Federal legislative director for the Environmental Law and Policy Center. ELPC is based in the Great Lakes region with offices in seven Midwest States and here in D.C. Thank you, Chair McCollum, Ranking Member Joyce, and Representative Kilmer for the opportunity to testify today in support of the popular bipartisan Great Lakes Restoration Initiative. We greatly appreciate the leadership of this committee that resulted in the program receiving $320 million for this Fiscal Year.

The Great Lakes are a global gem and contain 21 percent of the world's fresh water. They supply 42 million people with safe drinking water. The Great Lakes support a $7 billion annual fishing industry, and recreation draws millions of tourists, who boost the economies of shoreline communities. In short, the Great Lakes are where many millions live, work, and play.

I will make three points today. First, the Great Lakes Restoration Initiative is vitally important and successful. It is a model Federal program providing great benefits, and it is working well. As the GLRI's Third Action Plan notes, the GLRI has been a catalyst for unprecedented Federal agency coordination, which has, in turn, produced unprecedented results.

Congress' recognition of the effectiveness of the program is reflected in the bipartisan support to reject the President's proposed budget cuts for this successful program, and instead restored funding for it for Fiscal Year 2018, 2019, and an increase in Fiscal Year 2020. Yesterday on the House floor, many members spoke to the benefits of GLRI across the Great Lakes, and my written testimony details a range of projects the program covers and highlights several examples of successful projects documented by our partners, Healing Our Waters Coalition. Importantly, GLRI projects bring together a broad array of partners to do the work to achieve GLRI's goals and create jobs. The program delivers significant regional economic value.

Second, even as we applaud the success of GLRI, we need to recognize the new and evolving threats the Great Lakes face from climate change, the increases of harmful algal blooms, to this Administration's attack on the Clean Water Act. These combined threats mean we need to protect the Great Lakes more now than ever. Last spring, ELPC issued a report authored by top climate experts from Midwest universities, including the University of Minnesota and Ohio State University. The report found that climate change is causing significant and far-reaching impacts across the region. Among the impacts particularly relevant to GLRI is the finding

that climate change is contributing to a more dramatic pattern of fluctuating lake levels compared to historic patterns. Annual precipitation in the Lakes region has increased at a higher percentage than the rest of the country, and more of this precipitation is occurring in unusually large events.

The Lakes remain at dangerously high levels, bringing flooding, impacting infrastructure and increased polluted runoff. We need to recognize the role climate change is playing and will play across the region with attention to resilience, protecting shorelines, wetlands restoration, other projects that GLRI supports. Changes in precipitation patterns are also contributing to the growing challenge of algal blooms, which threaten public health, drinking water, and treatment costs, and impact recreation and fishing.

In just the Maumee River Watershed, a priority watershed for GLRI, the estimated number of animals in the region tripled over the last 10 years. We used satellite imagery to count and measure CAFOs in the Maumee Watershed to estimate the number of animals the amount of manure these facilities produce, and concluded that in 2018 alone, CAFOs produced 3.5 million tons of manure, fueling Lake Erie's excess nutrient load. GLRI supports strategies to reduce this harmful runoff, but even as these programs are implemented, the number of animals and industrial farms is on the rise.

Finally, the Lakes face new threats from critical rollbacks of rules intended to protect clean water. The recently-announced Navigable Waters Protection Act will leave rain-dependent streams and a large percentage of wetlands unprotected. EPA's own Science Advisory Board's draft letter was deeply critical of the analysis supporting the final rule. This rollback, along with the proposed changes to States' authority under section 401 of the Clean Water Act could also increase challenges to the Lakes.

And finally, third, I need to make amendment to my written testimony because, again, as members spoke in support of GLRI yesterday, they also passed the GLRI Act of 2019. ELPC supports this bill and the important goal of funding GLRI at $475 million. But given the urgency of protecting the Lakes, we request that this committee consider increasing funding for the program to that level for fiscal year 2021. This increase would be both a downpayment toward the implementation of the reauthorization and a recognition of the challenges the Great Lakes face.

Thank you again for the opportunity to testify today in support of GLRI.

[The statement of Ms. Mesnikoff follows:]

TESTIMONY OF ANN MESNIKOFF
FEDERAL LEGISLATIVE DIRECTOR, ENVIRONMENTAL LAW & POLICY CENTER
U.S. HOUSE OF REPRESENTATIVES, APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
FEBRUARY 6, 2020 – WASHINGTON D.C.

I am Ann Mesnikoff, the Federal Legislative Director for the Environmental Law & Policy Center (ELPC), which is the Midwest's leading environmental legal advocacy and eco-business innovation organization. ELPC has staff and offices in seven Midwest states and, here, in Washington D.C. We have worked for many years to protect the Great Lakes and were very engaged with many colleagues and public officials to establish the successful Great Lakes Restoration Initiative (GLRI) before and then during the Obama administration.

Thank you Chair McCollum, Ranking Member Joyce and members of this subcommittee for the opportunity to testify today in support of the popular and bipartisan Great Lakes Restoration Initiative. We greatly appreciate the leadership of this committee that resulted in the program receiving $320 million for this fiscal year.

ELPC would like to make three points today:
First, the Great Lakes Restoration Initiative is vitally important and successful. This is a model federal program providing great benefits, and it is working well.
Second, the challenges to the Great Lakes are only increasing – from climate change and the increases in harmful algal blooms to the recently-issued new replacement for the 2015 Clean Water rule, the administration's proposal to constrain state authority under the section 401 of the Clean Water Act, among other rollbacks. These combined threats mean we need to protect the lakes more than ever before.
Third, while we look forward to Congress reauthorizing the program this year as provided in the GLRI Act of 2019, we request that this committee consider increasing funding for the program to $475 million for FY 2021. This increase would be both a down payment toward implementing the reauthorization and a recognition of the challenges the Great Lakes face.

The Great Lakes are a global gem and contain 21% of the planet's fresh water supply. 42 million people rely on the Great Lakes for safe drinking water supplies. The Great Lakes provide a rich aquatic habitat for many species. The Great Lakes support a $7 billion annual fishing industry, and Great Lakes recreation draws millions of tourists who boost the economies of shoreline communities. In short, the Great Lakes are where many millions live, work and play.

First: As the third GLRI's 3rd Action Plan notes, "the GLRI has been a catalyst for unprecedented federal agency coordination, which has in turn produced unprecedented results." The program supports shoreline and wetlands protection projects, keeping out invasive species, and reducing harmful algae blooms. Congress' recognition of the effectiveness of the Great Lakes Restoration Initiative is reflected in the bipartisan support to reject President Trump's proposed budget cuts for this successful program, and, instead, restore the full authorized funding of $300 million for FY 2018 and 2019 and an increase in funding for FY2020.

The Initiative funds and supports thousands of projects across the Great Lakes states to:

- Improve water quality for safe drinking water supplies, fisheries and aquatic habitats.
- Protect shorelines and restore wetlands.
- Protect and restore native habitats and species.
- Help prevent and control invasive species.
- Clean up toxic sediments on lake bottoms.
- Reduce nutrient runoff that contributes to harmful algal blooms.

There are countless examples of GLRI projects that deliver multiple benefits to the Great Lakes, from river and natural area restoration projects and reducing the threat of invasive species to addressing and ultimately delisting of Areas of Concern. The Healing Our Waters Coalition (HOW) documents projects like the Flute Reed Riverbank stabilization in Northern Minnesota detailing how it keeps nutrients out of Lake Superior, improves flood plains and creates habitat for fish and the Burnham Wildlife Corridor in Chicago, which restored natural areas with native species and wildlife habitats and also helps slow down and filter water before it enters Lake Michigan, reducing runoff into the lake. Importantly, these projects bring together a broad array of partners to work together to achieve GLRI's goals and create jobs. The GLRI Action Plan III details the progress being made across the region to address Areas of Concern including now delisted areas: Presque Isle Bay in Pennsylvania and Deer Lake and White Lake in Michigan.

Finally, in addition to the direct benefits of specific projects, GLRI has broad regional economic benefits. A University of Michigan study found that the federal dollars invested through GLRI projects between 2010 and 2016 will produce $3.35 in additional economic activity for every dollar invested in the Great Lakes region through 2036.

Second: Even as we applaud the success of the GLRI, we need to recognize the new and evolving threats to the Great Lakes. These threats include climate change, the growing threat of toxic algal blooms, and rollbacks of several key protections for clean water that the administration is pursuing. With respect to climate change, last spring, ELPC with Chicago Council on Global Affairs, released *An Assessment of the Impacts of Climate Change on the Great Lakes*. This report brought together top climate experts from Midwest universities including the University of Minnesota and Ohio State University to bring together the best science on the impacts and threats climate change poses to the Great Lakes into one report.

The report found that climate change is causing significant and far-reaching impacts on the Great Lakes and the Great Lakes region. Among the impacts particularly relevant to GLRI is the finding that climate change is contributing to a more dramatic pattern of fluctuating lake levels compared to historical fluctuation patterns. Driving this in part is that annual precipitation in the Great Lakes region has increased at a higher percentage than the rest of the country and more of this precipitation is occurring in unusually large events. This past year has seen record high levels bringing flooding, impacting infrastructure, and increased polluted runoff. These impacts demonstrate the need to recognize the role climate change is and will play across the region with attention to resilience, protecting shorelines, wetlands restoration and other projects that GLRI supports across the Great Lakes.

The report also noted that changes in precipitation patterns are not only contributing to the fluctuating water levels, they are contributing to the growing challenge of toxic algal blooms in Lake Erie and across the Great Lakes and smaller regional lakes and ponds. These blooms threaten

public health, drinking water and treatment costs and also impact recreation and fishing. In just one watershed – the Maumee River watershed in Ohio which feeds into Lake Erie -- the estimated number of animals in the region tripled over the last 10 years. The Maumee is among the priority watersheds included in the GLRI Action Plan III. Using satellite imagery to count and measure CAFOs and to estimate the number of animals and amount of manure those facilities produce, ELPC has concluded that in 2018 alone, CAFOs produced over 3.5 million tons of manure. Due to this rapid increase in manure in the basin, it is likely that manure is responsible for 40% of agricultural phosphorus in the watershed. Agricultural phosphorus, including phosphorus from CAFOs, is the single largest source of western Lake Erie's excess phosphorus. The current GLRI Action Plan provides strategies to reduce this harmful runoff, noting the GLRI has kept more than one million pounds of phosphorous out of the lakes. GLRI and other programs are working to help address this massive challenge of reducing nutrient pollution and the threat of toxic blooms – but even as these programs are implemented the number of animals and industrial farms are on the rise.

Finally, the Great Lakes face new threats from critical rollbacks of rules intended to protect clean water. Under the recently announced Navigable Waters Protection Rule more than two million miles of rain-dependent streams in the country are unprotected. In addition, an EPA preliminary analysis of the proposed rule indicated it could exclude approximately 51 percent of the roughly 110 million acres of wetlands in the continental United States. EPA's own Science Advisory Board issued a draft letter at the end of December noting the analysis supporting the rule was contrary to science and not supported. This rollback along with the proposed changes to state's authority under section 401 of the Clean Water Act could also increase the challenges the Great Lakes face.

Third: Last fall the House Transportation & Infrastructure Committee passed HR 4031, the GLRI Act of 2019. This bipartisan bill reauthorizes the program through 2026. ELPC supports this bill and the important goal of funding GLRI at $475 million. But for the reasons noted in my testimony – namely the climate impacts on the Lakes, including fluctuating water levels, changes in precipitation patterns, toxic algal blooms, and impacts of rollbacks of Clean Water Act protections as well as ongoing needs to address the many other goals of the program, $475 million is warranted for FY2021.

This Committee and the full House have consistently voted to appropriate $300 million for the Great Lakes Restoration Initiative and to reject the President's proposals to zero out or cut 90% of the program funding, For FY 2020 the funding is $320 million – an important increase to the program. The GLRI is a successful program and a model for federal, state and local cooperation. The Environmental Law & Policy respectfully requests you consider the urgency of protecting the Great Lakes and consider supporting GLRI with $475 million.

THURSDAY, FEBRUARY 6, 2020.

UNIVERSITY OF MONTANA, FLATHEAD LAKE BIOLOGICAL STATION

WITNESS

ERIN K. SEXTON, SENIOR SCIENTIST, UNIVERSITY OF MONTANA, FLATHEAD LAKE BIOLOGICAL STATION

Ms. SEXTON. So thanks in advance for your time today. Thanks, Chairman McCollum, and Ranking Member Joyce, and Committee Member Kilmer. This is a first for me. So my name is Erin Sexton, and I am a senior scientist at the University of Montana Flathead Biological Station. I am here today to discuss the important issue of mine contamination from British Columbia flowing downriver into Alaska, Washington, Montana, and Idaho.

I have spent the last 2 decades studying the impacts of large-scale mining in transboundary rivers. I live and work with my family just outside of Glacier National Park and live near two of these big transboundary rivers, the Flathead and the Kootenai watershed. Both of these rivers have their headwaters in southeast British Columbia and are underlain by some of the world's largest metallurgical coal deposits.

I am here today because there is a critical need for Federal funding to address the issue of B.C. mining impacts to our downstream States.

Ms. MCCOLLUM. For the record, B.C. is British Columbia?

Ms. SEXTON. Yes, I am sorry. British Columbia. British Columbia, Canada. This spending is an investment up front to ensure accountability so that our communities in Washington, Idaho, Alaska, and Montana do not pay the price for long-term damages from Canadian mines.

Mines in British Columbia leeching into western States creates a unique problem for our State, tribal, and Federal Governments. We are collectively outside of the decision-making process and excluded from environmental assessments and mining permits that directly impact our rivers. In Montana and Idaho, mines owned by Teck Coal in southeast B.C. are right now delivering mine waste into our Kootenai River watershed, and they are already impacting water quality and fish. In Washington State, Imperial Metals seeks to build a giant copper mine in the headwaters of the Skagit River, and in Alaska, there are more than 12 operating and proposed mines that threaten some of our last remaining wild salmon rivers. All four States share the common problem of British Columbia mines jeopardizing downstream economies, water quality, fish, and communities.

In years of working on transboundary mines and sorting through the environmental process in British Columbia, I have learned that we cannot trust their laws to protect our waters. In British Columbia, the mining company leads every aspect of the EA, from data collection, to assessment of impacts, to selecting the mitigation. In short, letting a mining company write their own environmental assessment is business as usual for British Columbia, but represents a substantial downgrading of our own environmental laws.

Fifteen years ago when I started sampling water quality downstream Teck's Elk Valley mines in southeast B.C., I found significantly elevated levels of selenium nitrates and other contaminants, all well above healthy environmental thresholds. We saw evidence from fishing outfitters of fish with missing gills and birds with two beaks, common deformities resulting from selenium toxicity. Given these impacts and clear increasing contaminant trends, I expected to see a moratorium on new mines pending effective mitigations and regulatory enforcement. Instead, with this data in hand, British Columbia permitted the expansion of four open coal mines in the Elk Valley and Kootenai watershed. Rather than enforcing water quality guidelines, they rewrote the management plan, increasing water limits to accommodate rising contaminant levels.

Teck Coal's mitigations have repeatedly failed, and we now have decades of mine waste leeching into Montana and Idaho over 150 miles downriver from the mines. This year, USGS, USEPA, and the Kootenai Tribe of Idaho are trying to cobble together funding to verify those findings and expand their study.

In Fiscal Year 2019 and 2020 with funding from Interior appropriations, USGS took a first pass at baseline data at the International Boundary of the States bordering British Columbia. They did this by installing higher-grade gauges at the International Boundary. To date, EPA has not received funding to address this issue despite being a lead entity across all four States and providing a critical link to our States and tribes.

Data gathered with those initial dollars in Fiscal Year 2019 and 2020 shows the need for a substantial long-term funding investment to our interior agencies. A conservative estimate would be $16 million over 5 years across Washington, Alaska, Montana, and Idaho. This funding will allow us to lead our own science, establish our own baseline, evaluate impacts, and proactively ensure protection and rehabilitation of these rivers. We can build a long-term strategy, which can include assessment of damages and assignment of accountability north of the border.

The call for resolution on this issue has been loud and clear. Last year, eight U.S. senators from the four downstream States read a joint letter to B.C. Premier Horgan demanding action. The letter followed on a rising chorus from affected tribes expressing deep concerns about impacts to travel, treaty rights, and lands. The response from Premier Horgan was insufficient and notably lacked any mention of financial assurances or accountability to downstream States.

A robust commitment to Federal-led science is imperative to U.S. efforts to achieve meaningful and lasting resolution to this issue, and ultimately to ensure that the cost of this contamination isn't paid by downstream communities of Idaho, Montana, Washington, and Alaska. Thank you for your time today.

[The statement of Ms. Sexton follows:]

Testifying: Erin K. Sexton, Senior Scientist, University of Montana, Flathead Lake Biological Station

Primary Focus of the Testimony: Environment with Public Health Focus and/or Environment, Climate Change and Science

Subject Description: Federal leadership is critical to mitigating Canadian mine contamination in U.S. waters, by providing research funds to establish baselines, and evaluate damages to U.S. property, water quality and fishery health.

I thank the Members for an opportunity to address this Committee on the need for more scientific data and information to address threats to international watersheds shared with our Canadian neighbors. As a researcher at the University of Montana, Flathead Lake Biological Station, I have been studying mining impacts in our CA-US watersheds for over thirteen years. Canadian mining ventures, operating in British Columbia (B.C.), are leaching toxic contaminants into U.S. waters at levels that exceed U.S. EPA standards for protection of fish, water quality and community health. Specifically, hazardous pollutants from large-scale coal mines in B.C. are being transported into Montana and Idaho by way of the transboundary Kootenai River; contaminants from legacy, operating and proposed hardrock mines threaten transboundary salmon and water quality in Alaska; and proposed hardrock mining in B.C. headwaters threatens freshwater and ocean resources in the Puget Sound region of Washington state. In all downstream states, B.C. mine pollutants jeopardize U.S. economic, environmental and community interests, including tribal lands, resources and rights. In short, Canada receives the economic benefits while the U.S. downstream waters receive contaminated mine waste at the expense of U.S. watersheds and communities.

I very much appreciate the steps already taken by this committee, including initial funding to the federal family of agencies working to document the volume and types of contaminants leaching into U.S. waters from B.C.'s mines (USGS FY19&20 Interior Appropriations funding, "implementation of a baseline strategy for transboundary rivers"). This funding enabled a critical first step in documenting mine contaminants leaching across the international boundary. For example, data gathered with the initial funding confirmed that B.C. mining contaminants are now exceeding U.S. EPA water quality standards at the international boundary of B.C. and Montana in the Kootenai watershed. Based on these findings, it is clear that a significant, multi-year investment is essential to enable federal agencies, working with tribes and states, to accurately quantify damages, seek reimbursement for contamination, and compel effective mitigation of impacts in these high-value watersheds that are integral to Montana, Idaho, Washington, and Alaska.

With all due respect to our Canadian neighbors, B.C. 's mining regulations fall far short of U.S. environmental standards. From project assessment to approval, monitoring to enforcement, operations to clean-up, the provincial regulatory structure fails to meet U.S. criteria. As a consequence, we are receiving mined water from B.C. that meets weaker environmental standards than our current federal and state laws. In addition, because the mines are permitted

in B.C., U.S. federal, state, and tribal governments are excluded from the decision-making process. For example, in the headwaters of the Kootenai watershed in B.C. (an important tributary of the Columbia River Basin), B.C. recently approved four large-scale mine expansions, despite clear scientific evidence that contamination is over 100 times the threshold for protecting fish and aquatic life. Contamination from those approved mines is now being transported into Montana and Idaho. These are clearly international issues, covered under the Boundary Waters Treaty between our two countries. Federal responsibility under this treaty requires federal-to-federal engagement and U.S. involvement in Canadian mine assessment if and when transboundary contaminants are anticipated. Already, U.S. research has revealed severe impacts in the U.S., including to our water quality, our fisheries, and our wildlife. High levels of selenium, one of the most troubling contaminants, is resulting in spinal and skeletal deformities in fish and birds. This presents an immediate threat to the rural communities that rely upon these resources for their economic futures. Only by scientifically documenting the types and volume of contamination flowing into U.S. communities can we begin to hold polluters accountable and implement restorative mitigations. And only by long-term funding for that research can your committee protect these downstream state-side communities.

Our need for continued data collection and damage assessment has never been greater. Recent data from the U.S. EPA, USGS and the Kootenai Tribe of Idaho show that concentrations of selenium and nitrate from legacy and active open-pit coal mines in B.C. have been steadily increasing for decades. While contaminant levels are highest immediately downstream from the mines in southeast B.C., pollutant concentrations also exceed safe levels well into Montana and Idaho. Specifically, the U.S. EPA, USGS and Kootenai Tribe of Idaho recently found selenium more than 100 km downstream of the mines in the Kootenai River of Montana and Idaho. Alarming new data show that selenium is nearly twice the U.S. EPA standard in certain fish, and may threaten the endangered white sturgeon, which is one of the most sensitive species of fish to selenium toxicity, and is a species of cultural significance to the Kootenai Tribe of Idaho.

Water quality models produced by Teck Resources predict that contaminant concentrations in the Kootenai / Elk headwater system will continue to increase for at least five more years, and hoped-for stabilization will depend upon as-yet unproven technology. In fact, previous mine-waste mitigation schemes have failed, resulting in additional fish-kill in downstream waters. Despite these failures and the demonstrated contamination of U.S. waters, Canadian regulators continue to assess and approve new mine ventures in the headwaters of U.S. states: Teck Resources is expanding operations upstream of Montana and Idaho; Imperial Metals (perpetrator of the largest environmental mining disaster in Canadian history, at Mount Polley) is operating the Red Chris mine in the headwaters of the AK-B.C. Stikine River, and is currently seeking to industrialize the headwaters of the Skagit River, upstream of Seattle. Furthermore, B.C. has permitted or is considering permits for Teck, Seabridge Gold, and others to operate some of North America's largest open-pit gold mines near the Canadian headwaters of Alaska's largest salmon-producing rivers, which are both culturally and economically significant. In all of these cases, and despite known contamination, Canadian regulators continue to assess and approve new ventures in the absence of scientifically validated plans to contain toxins. The threat is not hypothetical.

In Montana, Idaho, Washington and Alaska, we face very concerning unknowns. Conservative estimates suggest that even were the B.C. transboundary mines to be shuttered today, the pollutants would continue to leach into surface waters for many centuries to come. And trendlines suggest the toxicity of these contaminants will continue to increase for generations - which is why we seek immediate and long-term funding for monitoring in these transboundary watersheds. These issues can be quantified and addressed, through federal leadership and funding. With a multi-year commitment for critical data collection across Montana, Idaho, Washington and Alaska, we can address important data gaps with respect to the complete suite of potential contaminants, the quantities of pollutants that are being released, and how long those toxins will persist in our rivers, fish, wildlife and communities. This data, collected by U.S federal agencies will enable them to work with tribal and state governments to evaluate mining impacts, seek compensation where applicable and determine what and where restorative mitigation is necessary.

In 2018, in response to increasing concerns from tribes and members of Congress about this issue, the U.S. EPA convened a federal interagency working group, *"tasked with identifying the gaps and limitations within the Memoranda of Understanding between British Columbia and Alaska, Washington, Idaho and Montana, relating to British Columbia mining within United States-British Columbia transboundary watersheds."*

FY20 Report language from this committee states that: *"U.S.- British Columbia Transboundary Watersheds. The Committees direct the Agency to continue and expand its work coordinating with Federal, State, local, and tribal agencies to monitor and reduce transboundary hazardous contaminants in the Kootenai watershed. The Agency is directed to coordinate with the Department of State, U.S. Geological Survey, and other partners to submit a report to the Committees within 60 days of enactment on any remaining data gaps to address transboundary watershed contamination in the Kootenai with Canada. The Agency is also directed to release to the Committees, within 180 days of enactment, any data gap analysis relating to potential impacts to water quality and/or aquatic resources related to hard rock copper and gold mining projects in British Columbia for transboundary rivers."*

While we greatly appreciate these steps toward inter-agency cooperation and reporting, we also realize these initial measures must be complemented by continued investment in long-term data collection and agency collaboration. In Alaska and Washington state, where legacy, operating, and proposed B.C. mines endanger critical salmon habitat that sustains the region's multi-billion-dollar fisheries economy and traditional and customary ways of life, the primary need is for fundamental baseline scientific data collection, and long-term monitoring. In Montana and Idaho, where contamination from active B.C. mines already impacts important natural and cultural resources, the need for data collection is combined with a need for a full damages assessment and mitigation plan. The direct economic and social costs to U.S. citizens must be quantified if we are to negotiate appropriate solutions with B.C. and Canadian leadership.

The initial FY19 and FY20 appropriations of $1,500,000, granted by this Committee, enabled USGS to initiate first-phase baseline data collection to better understand current conditions in U.S. rivers threatened by B.C. mining. Unfortunately, in the Kootenai River of MT and ID, preliminary data show contamination concentrations holding steady (in exceedance) all the way through Montana and into Idaho. This surprising and important information was discovered only because the USGS, U.S. EPA, and Kootenai Tribe of Idaho cobbled together existing funds for an independent and thorough analysis. Follow-up studies will further refine our understanding, and will help downstream states articulate specific damages when negotiating solutions with B.C. In Montana, it is too late to collect "baseline" data, as B.C. mining has been ongoing for more than a century in our headwaters. In Washington and Alaska, however, we have an opportunity to identify baseline "natural" conditions, so that changes caused by proposed B.C. mines can be quantified and properly attributed. The time is now to adequately fund this needed baseline data collection, before B.C. and Canada continue to permit additional mines in this region--absent this critical information.

The call for resolution to this contamination of U.S. waters and communities has been loud and clear, and from the highest offices. Last year, eight U.S. Senators from the four affected downstream states penned a joint letter to B.C. Premier John Horgan, demanding action to remedy the international water dispute. Similarly, affected Native American tribes have written multiple letters to the U.S. Department of State and U.S. EPA expressing deep concerns about impacts to tribal treaty lands and requesting increased federal engagement to address the risks associated with legacy mining damages, on-going contamination, and future leaching from B.C. mines into U.S waters.

Transparent, objective science, led by the US EPA, USGS and USFWS is critical to document the impacts from mines, and inform the U.S. approach to this problem. Currently, there is insufficient data to inform both a short and long-term strategy, which may include assessment of damages and assignment of accountability north of the border. Scoping of work to be done by the US EPA and USGS suggest that $16 million/year over a minimum of five years is needed to confidently evaluate the current impacts and future risks, based on current pollutant trends, across all four states. A robust commitment to federal-led science is imperative to the U.S. efforts to achieve meaningful and lasting resolution to this issue, and ultimately to ensure that the cost of this contamination isn't paid by downstream communities in Idaho, Montana, Washington and Alaska.

Ms. MCCOLLUM. Thank you.

THURSDAY, FEBRUARY 6, 2020.

ENVIRONMENT AMERICA

WITNESS

JOHN RUMPLER, SENIOR DIRECTOR, ENVIRONMENT AMERICA

Mr. RUMPLER. Good afternoon, Madam Chair, Ranking Member Joyce, Representative Kilmer. My name is John Rumpler, and I am a senior attorney and clean water program director for Environment America. Madam Chair, if I can indulge for just a moment, I just want to recall of all the elected officials that I have ever had the privilege to hear speak on the importance of clean water, when you when I shared a stage in March of 2014, 200-plus people on a hearing on the Clean Water Rule in St. Paul, you were the one who better than anyone captured what clean water means for America, for our ecosystem, and our citizens. And I remember it to this day.

Ms. MCCOLLUM. Thank you.

Mr. RUMPLER. I am here to testify in support of dramatic increases that are urgently needed in the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. As a national organization working to protect the places we love and promote core environmental values, Environment America believes that we have to fund the water infrastructure that our environment deserves and our health demands. And as a citizen-based network of State groups in 29 States, we know the public agrees.

Now, Congress nearly 50 years ago when we passed the Clean Water Act made a promise to the Nation that our waters would be safe for swimming. Yet here we are all these years later, and we still have billions of gallons of sewage overflows and runoff pollution plaguing Lake Erie, plaguing the rivers, including the Mississippi River in Minnesota, plaguing Puget Sound. Just to underscore, last summer in our report, "Safe for Swimming," my researchers found widespread fecal bacteria contamination in beaches across America. And, in fact, health experts estimate there are 57 million instances of Americans getting sick each year from swimming in our waters: gastroenteritis, skin rashes, ear infections, et cetera. This is clearly not what we meant when we said let's make our waters safe for swimming right here in Congress with the Clean Water Act.

Moreover, these problems are likely to get worse with climate change exacerbating storms and flooding. To give you one recent example, a sewage facility that was flooded in Nebraska has been releasing over a 1 million gallons of sewage every day since last spring because it has been knocked out of capacity. In addition to these challenges, we now have new challenges facing our wastewater infrastructure from PFAS, to micro plastics, to pharmaceutical waste. Now, I have to ask you, if the American Society of Civil Engineers has given our wastewater infrastructure a recent grade of D-plus, how on earth are we going to secure clean water if we don't step it up with dramatically increased funding?

EPA estimates that to solve our wastewater problems, it is going to take an investment of $271 billion over the next 20 years. Current levels do not even approach that, but Environment America, along with 20 other organizations, are urging Congress to triple the SRF level up to $6 billion per year so that we can have safe clean water. But it is not just our waterways that are at risk. It is also our drinking water, and let me talk primarily right now about the threat of lead contamination.

Unfortunately, over the course of a century, we built our pipes and a lot of our fixtures with a potent neurotoxin that harms the way that our kids learn, behave, and grow. And now I have to tell you we have a national epidemic of drinking water contamination by lead. And I don't just mean in communities like Flint or Newark. Researchers have found lead in water at the tap in 2,000 water systems in all 50 States, rural, suburban. It is everywhere. We know that lead harms the way that our kids develop, so we have got to deal with this problem.

To stop the toxic contamination, job one is removing lead service lines. These toxic pipes are the leading source of lead water contamination wherever they are. EPA now estimates there are 9.3 million of them out there. The price tag to remove them all, which health officials say we must do, is now estimated at approximately $45 billion. State and local rate payers are not going to be able to bear that burden alone. The longer we here in the Federal Government wait for a substantial investment, the longer our kids are going to be drinking water tainted with lead. And let me assure you that it is our kids because, in fact, our research through our Get the Lead Out Campaign has found it not just in our homes with service lines, but in schools across the country. A high percentage in Washington State, a high percentage in Ohio and States across the country. Lead contamination of drinking water in our schools is pervasive, and I can get you that data from about 20 States that have done various levels of testing so far.

We need to help our schools get the lead out so that our kids can learn and grow up safely every day when we send them to learn and grow. How do we do that? Well, schools need to start removing old water fountains that have lead in them, and water fountains, and put on filters that are certified to remove lead. That is going to take a lot of resources, and schools that are, you know, strapped for their budgets are not going to be able to do it alone. So, again, this is going to require a substantial unprecedented Federal commitment to say we are not going to tolerate the contamination of our water with a potent neurotoxin that makes our kids sick.

Now I should say lead is not the only problem that we need to face with drinking water. We have heard about PFAS, toxic chemicals and toxic metals getting into our waterways. EPA estimates overall there that we are going to $472 billion over the next 20 years just to maintain our current drinking water infrastructure.

Ms. MCCOLLUM. Are you about done?

Mr. RUMPLER. I am just about to finish. I just wanted to add, Madam Chairwoman, if I can, that clean, safe water is the hallmark of an advanced society. And for too long, we have taken it for granted, and now America has fallen short. But if we can take this opportunity to make a historic investment in clean water, we

can bring back the promise of clean water for all Americans. Thank you.

[The statement of Mr. Rumpler follows:]



Testimony of John Rumpler, Environment America
House Appropriations Committee -- February 6, 2020

Good afternoon. My name is John Rumpler. I am Senior Attorney and Clean Water Program Director for Environment America. I am here to testify in support of dramatically increased funding in the U.S. Environmental Protection Agency (EPA) budget for both the Clean Water State Revolving Fund (SRF) and the Drinking Water SRF.

As a national organization working to protect the places we love and promote core environmental values, Environment America strongly supports these vital programs to fund the water infrastructure our environment deserves and our health demands. And, as citizen-supported group with affiliates in 29 states, we know the public agrees.

Of the many reasons to repair and strengthen our nation's water infrastructure, my testimony today will focus on one: protecting our health.

Congress should triple annual Clean Water SRF funding to stop sewage overflows and runoff pollution

Each year, billions of gallons of sewage overflows and stormwater runoff pollute our beaches, rivers, and other waterways with pathogens. This pollution puts the public's health at risk. Last summer, my research team found that more than half of beach sites tested in 29 coastal and Great Lakes states had levels of fecal bacteria in the water that put swimmers at risk of getting sick in 2018.[1] Each year, there are an estimated 57 million instances of people getting sick from swimming in U.S. waterways - including acute gastrointestinal illness, ear infections, and skin rashes.[2]

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[1] John Rumpler, *Safe for Swimming?* Environment America Research & Policy Center, July 2019 accessible at https://environmentamerica.org/feature/ame/safe-swimming

[2] See Table 3: Stephanie DeFlorio-Barker et al., *Estimate of Incidence and Cost of Recreational Waterborne Illness on United States Surface Waters, Environ Health*, 9 January 2018, available online at https://ehjournal.biomedcentral.com/articles/10.1186/s12940-017-0347-9

Clearly, our wastewater infrastructure is no longer up to the core task of preventing pollution and disease. Pipes, septic tanks, and treatment facilities have exceeded their intended lifespans and are breaking down. The American Society of Civil Engineers gave the nation's wastewater infrastructure a D+ grade in its 2017 report card.

In 2012, the EPA estimated that we will need $271 billion over the next twenty years to maintain and repair our wastewater infrastructure to meet current environmental and health standards.[3] That's $13 billion a year.

There is reason to believe the cost of adequate wastewater infrastructure is even higher now. Sewage and runoff pollution are likely to get worse in coming years, as climate change increases the likelihood and severity of storms and flooding. In a recent example, a treatment plant overwhelmed by flooding in Nebraska has been releasing 1 million gallons of sewage into the Missouri River every day since last spring.[4] Moreover, our wastewater systems are now facing other environmental and pollution challenges not adequately foreseen in 2012 - including pharmaceutical waste, microplastics, and toxic per-fluorinated compounds (commonly known as PFAS).

For all of these reasons, Environment America and 20 other organizations have urged Congress to increase funding for the Clean Water SRF to $6 billion per year.

Yet dramatically increasing federal investment in wastewater infrastructure is only one part of the solution. We must also spend the money wisely.

By investing in natural and green infrastructure, we can not only curb sewage overflows but also prevent runoff pollution and improve the health of our communities. Low-tech, decentralized techniques such as rain barrels, permeable pavement and rooftop gardens can absorb up to 90 percent of rainfall, reducing the flow of stormwater that cause sewage overflows and sweep pathogens, oil and grease, and other pollution into local waterways.[5] Restoring or expanding natural infrastructure - such as wetlands or other greenspace - also help protect our communities from flooding and replenish groundwater.[6]

For all of these reasons, we also recommend that the Appropriations Committee dedicate at least 20 percent of Clean Water SRF funding to natural and green infrastructure projects that prevent water pollution.

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[3] U.S. EPA Clean Watersheds Needs Survey - 2012 Report and Data, accessed online 29 January 2020 at https://www.epa.gov/cwns/clean-watersheds-needs-survey-cwns-2012-report-and-data

[4] Tara Campbell, *Raw Sewage Dumped into Missouri River,* WOWT, 8 January 2020, accessed at https://www.wowt.com/content/news/Hundreds-of-millions-of-raw-sewage-dumped-into-Missouri-River-amidst-calls-for-testing-566827971.html

[5] Elizabeth Berg, Frontier Group; Luke Metzger and Brian Zabcik, *Environment Texas, Catching the Rain: How Green Infrastructure Can Reduce Flooding and Improve Water Quality in Texas,* Winter 2017.

[6] Ibid.

Congress should dramatically increase Drinking Water SRF funding to "get the lead out" and take other steps to ensure safe drinking water for all Americans.

Over the course of nearly a century, we allowed key parts in our drinking water delivery systems to be built with a potent neurotoxin that affects how our children learn, grow and behave. As a result, we now have a national epidemic of lead-contaminated drinking water - from urban neighborhoods to suburbs to rural America. It will take an unprecedented national commitment to undo this mistake and get the lead out of our drinking water.

Nearly 2000 water systems in all 50 states had levels of lead contamination above EPA's action level of 15 parts per billion, according to a 2016 review of testing data by USA Today.[7] This is just the tip of the iceberg. Many communities have failed to test or test properly. More importantly, these figures do not include communities with lower concentrations of lead in their water.

And make no mistake: health experts tell us there is no safe level of lead. According to the EPA,"In children, low levels of lead exposure have been linked to damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing, and impaired formation and function of blood cells."[8] Medical experts estimate that 24 million children are at risk of losing IQ points due to low levels of lead exposure.[9]

And yes, our children are exposed to this lead-tainted water. Over the past few years, more and more schools have started to test their drinking water. And as more schools test, they are finding lead. Our review of this new testing data now shows that lead contamination of drinking water at schools is pervasive across the country - from Montana to Massachusetts, from Texas to the suburbs of Chicago.[10]

Chief among the investments needed to stop lead contamination of our drinking water is the full replacement of all lead service lines. These toxic pipes are the largest source of lead contamination wherever they exist; public health experts say removing them is the single most important step we can take to reduce lead contamination of drinking water.[11] There are roughly 9.3 million lead service lines still out there, according to EPA's most recent estimate.[12] The full cost of removing these toxic pipes likely exceeds $45 billion.[13]

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[7] Alison Young and Mark Nichols, *Beyond Flint: Excessive lead levels found in almost 2,000 water systems across all 50 states,* USA Today, 27 March 2017 available online at http://www.usatoday.com/story/news/2016/03/11/nearly-2000-water-systems-fail-lead-tests/81220466/

[8] U.S. EPA, Basic Information about Lead in Drinking Water, available online at https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water

[9] American Academy of Pediatrics, *Policy Statement on Prevention of Childhood Lead Toxicity*, June 2016, available online at https://pediatrics.aappublications.org/content/early/2016/06/16/peds.2016-1493

[10] John Rumpler and Emma Dietz, *Get the Lead Out*, Environment America Research & Policy Center, March 2019 at Figure 3, available online at https://environmentamerica.org/feature/ame/get-lead-out-0

[11] Pew Charitable Trust, *10 Policies to Prevent and Respond to Childhood Lead Exposure*, August 30, 2017, available online at https://www.pewtrusts.org/en/research-and-analysis/reports/2017/08/10-policies-to-prevent-and-respond-to-childhood-lead-exposure

[12] U.S. EPA, Exhibit 4-10 (LSL Inventory) to Lead & Copper Rule Revisions, 13 November 2019, available online at https://www.regulations.gov/docket?D=EPA-HQ-OW-2017-0300 (9,267,910 LSLs in 2023)

Given how toxic lead is for our children, Congress should also dramatically increase federal funding to help schools and pre-schools get the lead out. The key steps are replacing lead-bearing parts wherever we can and installing certified filters. In 2018, Congress established a $5 million pilot program to help schools replace lead-bearing water fountains. Congress should dramatically expand funding for this program.

Of course, ensuring safe drinking water for all Americans requires other investments as well - from replacing leaking pipes that waste vast quantities of clean water to safeguarding drinking water sources from toxic pollution. U.S. EPA estimates maintaining and improving the nation's drinking water infrastructure will require that $472.6 billion over the next 20 years.[14]

The public overwhelmingly supports federal investment in clean water.

As Republican strategist Frank Luntz noted back in 2004 "Young and old, Democrat AND Republican, the demand for clean water is universal. More importantly, **the public is willing to pay for it.**" (emphasis in original) More recently, a 2016 Gallup poll showed that 61 percent of those polled, including 48 percent of Republicans, were worried "a great deal" about the pollution of drinking water.[15] And just two years ago, Americans ranked pollution of rivers and drinking water 2nd and 3rd among their fears.[16]

None of this should surprise us. Polluted water can make anyone sick, regardless of race, religion, political affiliation or any of the other demographic categories that far too often are used to divide us rather than unite us.

Clean, safe water is the hallmark of an advanced society. But it is one that we have taken for granted for too long, and now America is falling short. To make good on this clean water promise we made to ourselves, we must invest as a nation to repair our water infrastructure as wisely and rapidly as possible.

Last fall, we saw bi-partisan support for increasing clean water infrastructure funding when U.S. House Committee on Transportation and Infrastructure approved H.R.1497, which would more than double annual funding for the Clean Water SRF. Today, we hope the Appropriations Committee will act with even greater boldness and vision, to restore our nation's promise of clean water for all. Our children are waiting.

John Rumpler, jrumpler@environmentamerica.org (617) 747-4306

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[13] See "Replacing All Lead Water Pipes Could Cost $30 Billion," *Water Technology,* 11 March 2016, available online at https://www.watertechonline.com/home/article/15549954/replacing-all-lead-water-pipes-could-cost-30-billion (AWWA estimate of $5000 per LSL replacement x 9.3 million LSLs = $45 billion.)

[14] U.S. EPA, *6th Drinking Water Infrastructure Needs Survey and Assessment,* March 2018, available online at https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-assessment

[15] Gallup, *Americans Concerns about Water Pollution Edge Up,* 17 March 2016, available at https://news.gallup.com/poll/190034/americans-concerns-water-pollution-edge.aspx

[16] Chapman University, America's Top Fears 2018, 16 October 2018, available at https://blogs.chapman.edu/wilkinson/2018/10/16/americas-top-fears-2018/

Ms. MCCOLLUM. Thank you.

THURSDAY, FEBRUARY 6, 2020.

ASSOCIATION OF NATIONAL ESTUARY PROGRAMS

WITNESS

RICH INNES, SENIOR POLICY DIRECTOR, ASSOCIATION OF NATIONAL ESTUARY PROGRAMS

Mr. INNES. Thank you. Is it okay to give you a couple of pictures?
Ms. MCCOLLUM. We love handouts. [Laughter.]
Mr. INNES. I am Rich Innes. I am the——
Voice. What we got last time.
Mr. INNES. Oh, that is right. You missed your stone.
Ms. MCCOLLUM. It is an agate.
Mr. INNES. My name is Rich Innes. I am the senior policy director of the Association of National Estuary Programs. My association with the NEPs goes back to when I was fortunate enough to be a staffer on the Senate Environment Committee when we were doing the 1987 amendments to the Clean Water Act, which created the program. And I am sure that champions of the program at that time, including my boss, Senator John Chaffee, George Mitchell of Maine, and Pat Moynihan would be very proud of how this program has flourished.

I want to particularly thank Representative Kilmer for inviting both the chair and the ranking member to see firsthand one of our premiere national estuary programs, the Puget Sound. And while I am sure you saw it is absolutely stunningly beautiful and breathtaking framed by Mount Saint Helena, surrounded by the lands that belonged to Chief Seattle, the ancestral lands, it is trouble underneath, and there are a world of problems that the National Estuary Program, together with many other partners, the Puget Sound Partnership, is addressing out there.

The way that that started is the way that all of our estuary programs have started, and that is with the commitment and support of a few very strong, committed citizens. In this case, it was some of your former colleagues, then Representative and now Governor Jay Inslee; the chairman emeritus of this committee, who will always be Mr. Chairman to me, and that is Norm Dicks; my lifelong mentor and very dear friend, Bill Ruckelshaus, who passed recently; and the legendary tribal leader, Billy Frank, Jr. I hope you got a chance to see the Wildlife Refuge named in his honor while you were out there. It is beautiful.

I am really so glad you got a chance to see that. That is being replicated 28 times around the country for the 28 national estuary programs, and each one of them has its own story to tell with modest funding, which we greatly appreciate, from this committee, and not just this committee. This is generations of this committee that have been very supportive of this program. It has hit well above its weight. The examples here are too numerous, but I am going to mention a few of them. The Delaware NEP, where I spend a great deal of time, is bringing back the oyster, and it is appearing on tables and in restaurants, and it is also cleaning the Bay, which is a major accomplishment. The New York-New Jersey Harbor, one

of our great economic ports, is degraded, as I think we all know. And the NEP there, along with many partners, is spearheading a plan to revive and resuscitate that great port.

The San Francisco Bay NEP, that estuary suffered dramatically from the indiscriminate filling of San Francisco Bay for decades. And what the NEP now is doing is changing that. They are addressing it along with Save the Bay, along with many partners, in order to restore and recapture the beauty of that Bay. Casco Bay in Maine, I am sorry that Chellie isn't here, but it is doing incredible work up there to reduce nitrate and nitrite loadings into the Bay. And, of course, the Puget Sound Partnership, the NEP up there, is in the forefront of the governor's efforts to save the orcas. And I am sure you learned a great deal about that when you were out there. The iconic black and white fish, they are down to 72. They just lost another one within the last few days.

So the red light is blinking there. I want to just take one moment to talk about a special one, Tampa Bay, just because it is such a poster child, and Tampa Bay was essentially dead in the 1980s. Eighty percent of the seagrasses were gone, and almost half of the wetlands were gone out of Tampa Bay. The National Estuary Program down there, again, I don't want to say that they did it by themselves. They didn't. It was a partnership that is the model that NEPs employ where they get citizens, businesses together in order muster the political will and the funding, which you have been so helpful with, to restore these places that we love and care about. Right now, Tampa Bay is considered a world-class model for estuary restoration, and it didn't come about easily. It took decades for us to get there. The work isn't done, but it is a stellar example.

Yesterday, there was some very good news, as we heard some of it, the Great Lakes bill. Thank you for passing that. Also, a bill reauthorizing the National Estuary Program. H.R. 4044 was approved overwhelmingly by this body, and we greatly appreciate that. Norm Dicks when he was chair of this committee lamented publicly in a hearing similar to this that the NEPs were doing so much with so little, and at that point I think we were getting about $400 per NEP. Now thanks to you, it is up to a little over $600,000. Yesterday's bill that passed on the floor of the House would increase the authorization amount to $1 million per NEP, and continue to put $4 million into a competitive fund used to address things like ocean acidification in Hood Canal, algae blooms, which, as you know, harmful algae blooms are a major, major problem.

So anyway, I am going to end there. I just want to thank all of you for your continued support.

[The statement of Mr. Innes follows:]



Testimony Submitted by Rich Innes

Senior Policy Director
Association of National Estuary Programs
1800 M Street NW, Suite 400 N
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To the House Appropriations Committee's Subcommittee on Interior, Environment, and Related Agencies

January 28th, 2020

Dear Chairman McCollum and Ranking Member Joyce:

On behalf of the Association of National Estuary Programs, I am submitting testimony to thank you for your past support of the National Estuary Program, a program of the Environmental Protection Agency, and ask you to continue to invest directly in the stewardship of our nation's coasts by funding this program in FY 2021 at the authorized level of $26.5 million, including $750,000 per NEP, and $4 million for the newly created competitive fund.

We greatly appreciate your longstanding support of NEP, and can assure you that these funds are being put to extremely good purpose in protecting and restoring estuaries and coastal communities.

Recent examples include:

- The Puget Sound Partnership is restoring forage fish spawning---which are critically important in the Puget Sound foodweb---back to 1500 feet of shoreline, and reducing the flow of stormwater containing toxic pollutants into Puget Sound.

- The NY-NJ Harbor & Estuary Program is working with the Bronx River Alliance and other community groups to track down sources of floatable trash in the River, including locations in upstream Westchester County.

- The Casco Bay Estuary Partnership and partners are monitoring nutrients around Casco Bay to provide real-time data on nutrient processes. CBEP's nutrient analyzer has been automatically collecting nitrate, nitrite and ammonium samples and working collaboratively to assure safe levels in the bay.

- The Center of the Inland Bays in Delaware is bringing the oyster back, with all its ecological and economic benefits, after it nearly disappeared in the last century. The Center is using living shorelines to stop erosion, protect property and restore habitat.

As you know important reforms were made to the National Estuary Program (NEP) in the reauthorization that was signed into law in the 114th Congress. These reforms created a competitive program to address urgent challenges and maximize funds received by our national estuaries, while streamlining the administrative costs of the program.

Also of note, HR 4044, which would increase funding for the NEP and assure that each estuary program receive at least $1 million annually was approved unanimously by the House Transportation and Infrastructure Committee in 2019. A similar measure, S.3171, has been introduced with bipartisan support in the Senate in January, 2020.

Of all federally funded coastal programs, only NEPs organize local stakeholders as partners in a unique decision-making framework to fund local priorities. NEPs provide technical, management, and communication assistance to develop priorities and implement comprehensive actions: storm water and infrastructure projects, seagrass and shellfish restoration which support fishing and tourist industries, science and monitoring to guide decision-making, and innovative education programs designed for the next generation of Americans.

NEPs engage industries, businesses, and other community members to develop solutions for tough problems. The NEP's public-private partnerships stretch federal dollars to provide successful on-the-ground results driven by diverse stakeholders. NEP partners include commercial agriculture and fisheries, energy and water utilities, local restaurants & tourist businesses, construction and landscaping professionals, engineering and mining companies, state and local governments, colleges and universities, and other community organizations.

Our national estuaries have never been more critical to maintaining the economic engines for our state and regional economy.

The value of our oceans, estuaries and coasts to our nation is immense and their full potential remains unrealized. Over half the US population lives in coastal watershed counties, many of these in estuaries of national significance. Roughly half the nation's gross domestic product is

generated in those counties and adjacent ocean waters. According to NOAA's 2019 report on the ocean economy, ocean industries contributed $320 billion to U.S. economy, while employment in the ocean economy increased by 14.5 percent by 2016, compared to 4.8 percent in the U.S. economy as a whole.

The NEP consists of 28 unique, voluntary programs established by the Clean Water Act to protect and improve estuaries of national significance. Each NEP engages its local community in a non-regulatory, consensus-driven, and science-based process. For every dollar EPA provides, NEPs leverage $19 in local funds to protect and improve coastal environments, communities and economies.

NEPs develop Comprehensive Conservation and Management Plans based on community consensus and the best available science to ensure the quality of life in coastal communities. These plans outline specific actions and on-the-ground projects that ensure local engagement and promote public support for states and communities working together to protect open space, update critical coastal infrastructure, and respond to dramatic changes along our coasts.

NEPs have collectively restored and protected more than 2,000,000 acres of vital habitats since 2000 alone. Consistent Congressional funding of the National Estuary Programs is essential – resulting in clean water, healthy estuaries, and strong coastal communities. This investment in our national estuaries will help strengthen America's economy and support thousands of jobs, and will secure the future of our coastal communities.

We would greatly appreciate the opportunity to work with you to ensure that as you undertake work on the FY 2021 appropriations measure, it reflects the recent reauthorization by allocating at least $750,000 to each NEP, and funds the newly authorized competitive program at approximately $4 million, consistent with Public Law 114-162.

Thank you for your strong support of this program over the years, and for considering our request.

Ms. MCCOLLUM. Thank you. Well, Mr. Joyce, you have gotten a lot of kudos for the Great Lakes bill, and people have talked about authorizing amounts. When our last bill that Mr. Joyce and I worked on left here at the House, it has $1.3 billion more dollars in it than when it came back from conference committee.

Voice. Wow.

Ms. MCCOLLUM. And so we are trying to do our level best to work with our authorizers and their suggested amounts because we all think that they are wonderful, but we don't have an open pocketbook here. So what we are trying to do is utilize you and the testimony today to ask our leadership for a bigger allocation, so thank you all for helping to do that.

I would just like to throw something on the table here to just discuss briefly. One of the challenges that I find with water is everybody knows we need it. Everybody drinks it. Some people like to recreate in it. We eat food from there. Some people like to just enjoy a sailboat on it. But when you ask people what water is worth, they say it is priceless, but then when it comes to some of the runoff, when it comes to some of the pollution that you referred to, Ms. Sexton, we get into this cost benefit analysis. Oh, we need the minerals. We need this. And that is all very true, but I think we need to be conservative. And as you pointed out, Mr. Rumpler, everybody is for clean water. They are willing to pay for clean water.

What are we missing is that there is still a disconnect that water has a significant important value to it, because when you don't value it, you will pollute it. And I grew up in a river town, the Mississippi River. When the stockyards first opened up, they just washed everything out into the river because the river would wash it downstream. You don't have to look at it. Dilution was the solution to the pollution, and eventually it choked off and killed that section of the Mississippi River. The stockyards are gone. We mourn the loss of the jobs, but we don't mourn the loss of the pollution when the river is making a comeback. There are also some other issues with our sanitary sewer system there, too.

So any suggestions about what you are doing to raise public awareness that water has a value so that when people talk about water, they also have in the back of their mind a value to it besides just, oh, it is here, it is accessible, it is never going away.

Mr. RUMPLER. Madam Chair, I have two thoughts on that. One is I think the U.S. Water Alliance actually has a whole public education program called the Value of Water. So perhaps there would be some resources there about how to remind people that water has value. But I would say, although this is a little bit beyond the purview of the Appropriations Committee, that there is a direct relationship between our regulatory regimes to protect our waterways and prevent pollution versus how much money we have to spend on the back end cleaning it up. And as we all know, it is cheaper to prevent, right?

So if we could maintain stronger Clean Water protections, for example, Federal jurisdiction over our wetlands and streams that provide drinking water to hundreds of millions of Americans, or 117 million Americans, I should say, we will have less cost on the back end to clean up pollution.

Ms. MESNIKOFF. And I will just add that ELPC has done polling in various parts where we operate in the Great Lakes region to asses show people are viewing the value of clean water and understanding some of the particular sources that affect their access to clean water in their area because it is different, you know, sources depending on where people are. And then using that to help educate people about the importance of clean water protection, clean water regulations. So we are doing that, and I can share that polling with you.

Ms. MCCOLLUM. Okay.

Mr. INNES. A major part of the mission of the National Estuary Program is environmental education, and it starts when folks are young, but it continues. One of the benchmarks of a successful plan is that it includes businesses and the general public in buy-in to these programs. We have seen the enemy. The enemy is us.

The majority of pollution of water right now, as we know, is coming from non-point source pollution runoff. It is coming from the fertilizers we are putting on our lawns, from agriculture, from the cars we drive. It is no longer the big bad industrial polluter as it was when we first passed the Clean Water Act. And so that is going to involve all of us in a real public education campaign in how to value and cherish something as essential to human life as water.

Ms. MCCOLLUM. Okay. I am just going to make one quick comment before I turn it over Mr. Joyce. I am dealing with an issue that is reverse flow than what you are dealing with with the Canadians, Ms. Sexton, because of the Laurentian Divide. So when you teach social studies, geography is part of it, so I have to get the map up, and in our part of the world, the water flows north. And so we are dealing with sulfur copper ore mining, and I am sure the Canadians don't want anything going into Quantico Bay, just as we don't.

I want to work save their pristine waters. Waters in the boundary waters, we can literally put this glass in, take it out, and drink it. And all the mines, it just isn't one mine, all the mining permits that could go along in that area, and one mistake, and it is over. There is no going back. So I appreciate the fact you mentioned your challenge with the Canadians. I am planning on meeting with some of our counterparts in Canada, and one of the things that I have highlighted with the permitting of these mines is we need to be mindful of the 1908 Boundary Waters Treaty. I think it is 1909. I did have the date correct. And the water flows both ways on that, so you gave me some ammunition, and I will be using it. Mr. Joyce.

Mr. JOYCE. Thank you all for coming here today and for providing us with this information. Erin, I thought you did a hell of a job for your first time testifying.

Ms. MCCOLLUM. Mr. Kilmer.

Mr. KILMER. Thanks, Madam Chair. I want to thank all of you as well. And, Mr. Innes, thanks for highlighting the Puget Sound Partnership and the work they do. As you all pointed out, last year, we saw an increase in National Estuary Program funds. We saw an increase in funds for the Puget Sound Geographic Program. I want to thank our chairwoman for her leadership, and partnership, and advocacy in making that happen. The Puget Sound is just so

vital to our economy, to our environment, and as you pointed out, it is beautiful, but sick. Talk about how increased funding will help us move the needle on recovery.

Mr. INNES. So as you are well aware, Congressman, each of the NEPs develop something called a comprehensive management plan. In Puget Sound, it is called the Action Agenda, and it has a tremendous amount of buy-in, and this goes back to Bill Ruckelshaus, his shared strategy. So now you have got a very dynamic, very well-conceived plan for achieving the cleanup goals for Puget Sound, and there is no substitute for funding. And it isn't all Federal. I have to say that the State of Washington is putting in an enormous amount of money, more than the Federal contribution, and also private industry. We have got NGOs that are very engaged in this. The tribal contribution is enormous as well.

We made a decision. I probably shouldn't tell you this, but the figures were so big and so staggering that good advice was don't put out there that it is going to take $2 billion to recover this because that might scare people, to make it more bite sized. But there is no substitute for some of the investments that be made. They are expensive. They are culverts, replacing culverts to restore streams. They are water treatment. Anyway, it is expensive. And I do have to say that in the NEPs in general and Puget Sound in particular, that investment is put to extremely good purpose and goes a long way. So thank you.

Mr. KILMER. Thank you. I yield back.

Ms. MCCOLLUM. Thank you. Well, we will have our next panel come up. Thank you so much.

Ms. SEXTON. Would you like some maps?

Ms. MCCOLLUM. Oh, I love maps. Well, welcome. So you know the drill probably better than anybody else. You are the last panel, so I want to thank you so much for your patience, your due diligence, putting up with the vote, and we are anxious to hear your testimony. So, Ms. Murdoch, if you want to introduce yourself, we won't count that against your time.

Ms. MURDOCH. Thank you.

Ms. MCCOLLUM. It saves time.

Ms. MURDOCH. Thank you.

Ms. MCCOLLUM. And go into your testimony.

THURSDAY, FEBRUARY 6, 2020.

AMERICAN FORESTS

WITNESS

ALEXANDRA A. MURDOCH, ESQUIRE, VICE PRESIDENT OF POLICY, AMERICAN FORESTS

Ms. MURDOCH. Hello. My name is Alex Murdoch, and I am the vice president of policy for American Forests. Thank you very much for having us today. Chairman McCollum, Mr. Joyce, and Mr. Kilmer, thank you so much.

I am here to talk with you today about our recommendations for U.S. Forest Service programs that are critical to achieving climate-informed restoration and reforestation of America's forests. So very particularly about our national forests and what they do for us

with respect to our changing climate. We sincerely thank the committee for the Fiscal Year 2020 funding levels for the Forest Service. And I would also like to particularly appreciate the increase in funding that you provided for the Urban and Community Forest Program, and we are grateful to the committee for recognizing how important that program is.

American Forests was founded in 1875 by citizens who were alarmed by the state of our forests. At that time, America was growing quickly, and we were clearing our forests to make way for new farms, towns, and railways. This development came at a price. In the 1600s, almost half of the United States was forested, and those forests provided clean water, and fish and game, and shelter and goods for those who lived near them. But by the start of the 20th century, we cleared over 25 percent of our forest land, and our drinking water was seriously at risk.

Thankfully in 1911, Congress began to protect our forests and waters by authorizing Federal purchase of forested cutover or denuded lands to protect important watersheds. So today, national forest lands are the largest source of municipal water supply in the United States and serve 60 million people. Today we also know that our forests play an important role in regulating our climate. In Congress and the White House now, we see an emerging bipartisan recognition that forests and climate-informed forest management are an important strategy for mitigating climate change.

At American Forest, we agree with that consensus. Today, U.S. forests and forest products annually sequester and store 15 percent of U.S. carbon emissions from burning fossil fuels. New research suggests we could nearly double this natural carbon capture with the right actions. Managing and protecting our national forests in a changing climate is a critical piece of this climate puzzle. The good news is we can do this through existing programs if proper levels are provided.

Foresters need good scientific data to manage our forests and changing climate. Increased investment in the Forest and Rangeland Research Program can provide the tools for foresters to identify, prioritize, and manage climate-driven risks to forests. Foresters need to restore an estimated 80 million acres of national forests with climate-informed management practices. To do this, they need to significantly increase investments in existing programs that improve forest carbon, adaptation, and resilience outcomes both on Federal lands and across boundaries. These programs include the Collaborative Forest Landscape Restoration Program, the Hazardous Fuels Reduction, and Vegetation and Watershed Management Programs.

Over 1.2 million acres of national forests need reforestation, a backlog that grows with every catastrophic wildfire or infestation from pests and disease. After a catastrophic event, foresters need funding to implement post-fire reforestation treatments on lands unlikely to recover naturally, as well as increased reforestation practice investments.

Healthy and resilient national forests can deliver critical power to close climate change. We are greatly heartened by the optimism and enthusiasm emerging in our country that reforesting America is an important part of the climate puzzle. Business leaders are

playing an essential and growing role by funding millions of trees planted all across America, and pledging investment to the new Trillion Trees Initiative that was announced at the World Economic Forum in late January. But Congress has the power to activate the greatest single lever for quickly advancing large-scale forest carbon mitigation activities in the U.S. by significantly increasing climate-informed restoration and reforestation on our national forests. Thank you.

[The statement of Ms. Murdoch follows:]

Testimony of Alexandra Murdoch, Vice President of Policy, American Forests

Before the Subcommittee on Interior, Environment, and Related Agencies

House Committee on Appropriations

February 6, 2020

Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee, thank you for the opportunity to testify on American Forests' fiscal year 2021 appropriations recommendations for U.S. Forest Service programs that are critical to achieving climate-informed restoration and reforestation of America's forests. We sincerely thank the Committee for FY20 funding levels, which provide the Forest Service with important tools and resources to manage all our nation's forests. We particularly appreciate the FY20 increase in funding for the Urban and Community Forestry Program and are grateful to the Committee for recognizing the importance of the program and providing increases to address stresses and pressure on urban tree canopy and support the benefits they provide.

American Forests was founded in 1875 by citizens alarmed by the state our forests. At that time, America was growing quickly and we were clearing our forests to make way for new farms, towns, and railways. This development came at a price. In the 1600s, almost half of the United States was forested and these forests provided clean drinking water, fish and game, and shelter and goods for people living nearby. But by the start of the 20th century, we had cleared over 25% of our forestland, and our drinking water was seriously at risk[1]. Thankfully, in 1911 Congress began to protect our forests and waters by authorizing federal purchase of 'forested, cutover, or

denuded lands' to protect important watersheds. Today, National Forest lands are the largest source of municipal water supply in the U.S., serving over 60 million people.[2]

Today we also know our forests play an important role in regulating our climate. In Congress and the White House, we see emerging bipartisan recognition that forests and climate-informed forest management are an important strategy for mitigating climate change. At American Forests, we agree with that consensus. Today US forests and forest products annually sequester and store 15% of US carbon emissions from burning fossil fuels. New research suggests we could nearly double this natural carbon capture with the right actions. Managing and protecting our national forests in a changing climate is a critical piece of the climate puzzle.

Unfortunately, our national forests are at serious risk and at the US Forest Service, foresters have many of the right tools but do not have the resources they need to keep our national forests healthy and to help them adapt to a changing climate. In fact, over 40% of our national forests -- 80 million acres – need restoration. Some forests are overcrowded with too many trees per acre but foresters do not have the resources to thin them. Trees weak or dead from drought but must be left in place. When lightning strikes, these trees can become fuel for catastrophic uncontrollable fires. A growing backlog exists of over 1.2 million acres that need reforestation after such catastrophes. The good news is many of these challenges can be addressed through existing programs – if proper funding levels are provided.

Foresters rely on good scientific data to manage our forests -- from baseline data that describes carbon stocks and helps illuminate fluxes and trends to applied scientific information such as vulnerability assessments that reveal climate-driven threats. Increased investment in the USFS

Forest and Rangeland Research program can provide the tools for foresters to identify, prioritize and manage climate-driven risks to forests.

Foresters need to restore an estimated 80 million acres of national forests with climate-informed management practices to ensure these forests are healthy and resilient in a changing climate. To do so, they need significantly increased investments in programs that improve forest carbon, adaptation and resilience outcomes both on federal lands and across boundaries, including the Collaborative Forest Landscape Restoration Program, Hazardous Fuels Reduction and Vegetation and Watershed Management programs.

Over 1.2M acres of national forests need reforestation, a backlog that grows with every catastrophic wildfire or infestation from pests and disease. After a catastrophic event, foresters have the tools they need to stabilize the landscape in the first year. However, they need funding to implement post-fire reforestation treatments for up to three years on lands unlikely to recover naturally in addition to increased reforestation investment through the Reforestation Trust Fund.

Healthy and resilient national forests can deliver critical power to slow climate change. We have urgent forestry work ahead to keep our national forests healthy and resilient so that they can provide the clean water that over 60 million Americans depend on and also vigorously sequester carbon and provide resilient and reliable storage. We are greatly heartened by the optimism and enthusiasm emerging in our country that reforesting America is the right response to address climate change. Business leaders are playing an essential and growing role by funding millions

of trees planted all across America and pledging investment through the 1 Trillion Trees initiative announced at the World Economic Forum in late January.

At American Forests, we have worked with partners to plant over 60 million trees in the last three decades alone so we understand the opportunities and challenges ahead. By investing in our national forests through existing programs, Congress has the power to activate the greatest single lever for quickly advancing large-scale forest carbon mitigation activities in the U.S.: scaling up the pace and extent of restoration and reforestation on our national forests. Our children and grandchildren will thank you.

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[1] https://www.fia.fs.fed.us/library/brochures/docs/2000/ForestFactsMetric.pdf

[2] U.S. Forest Service. Water Facts. https://www.fs.usda.gov/managing-land/national-forests-grasslands/water-facts

Ms. MCCOLLUM. Mr. Baker.

THURSDAY, FEBRUARY 6, 2020.

SOCIETY OF AMERICAN FORESTERS

WITNESS

TERRY BAKER, CEO, SOCIETY OF AMERICAN FORESTERS

Mr. BAKER. Good afternoon, Chairwoman McCollum, and Ranking Member Joyce, and also Representative Kilmer. My name is Terry Baker, and I am the CEO of the Society of American Foresters. Thank you for this opportunity to share how forestry, national resource professionals, and stakeholders can work together to ensure the sustainability of our Nation's forests through thoughtful investments and long-term commitment to active management, research, and partnerships.

SAF is a professional society that represents over 10,000 forestry and natural resource professionals across our Nation. SAF also produces two peer-reviewed scientific journals and critical natural resource programs at academic institutions across the Nation, and helps encourage professional excellence through credentialing and continuing education.

Since our founding in 1900, forestry and foresters have evolved. Today's foresters are proud women and men who have devoted their careers to understanding forests and trees, enhancing benefits that they provide, and ensuring that they continue to thrive for generations to come. In our humble opinion, we are the original green job——

[Laughter.]

Mr. BAKER [continuing]. That through commitment to science and innovation, we have continuously improved forestry practices and tools, lessening impacts to the land and improving outcomes to communities, wildlife, and society as a whole.

With increasing threats and demands on our forests, no agency program or organization can do it alone. Partnerships, collaboration, and cross-boundary work is more important than ever. This is exactly why SAF wholeheartedly supports the Forest Service's shared stewardship strategy. Actively working to identify shared priorities and improved processes and procedures will benefit all stakeholders in the long run. We encourage you to support these efforts and tools that expand collaboration with rural communities, partners, and industry, such as the Good Neighbor Authority and stewardship contracting.

We sincerely thank this subcommittee for its work in supporting and securing funding increases for the Forest Service and Bureau of Labor Management programs for Fiscal Year 2020. These important gains would not have been realized without your leadership and dedication. For Fiscal Year 2021, we respectfully ask that you consider the continuing trend of investing in our forest resources, specifically through the Forest Service's forest and rangeland research, State and private forestry programs, and the Bureau of Labor Management forestry programs. Advancing forest science is integral to improving the health of U.S. forests and citizens, in-

creasing the competitiveness of U.S. products in the global marketplace, and adapting to future challenges. Recent Forest Service research activities have developed innovative solutions to managing invasive species, improving smoke and fire management capabilities, and driving innovation and expansion of commercial applications for forest products.

For Fiscal Year 2020, we appreciate that this subcommittee not only rejected the drastic cuts to Forest Service research, but also championed an increase. For Fiscal Year 2021, we urge you increase funding for Forest Service research to no less than $310 million, which includes $83 million for the Forest and Inventory Analysis Program, and $227 million for the remaining research and develop programs.

As we all work to use resources more efficiently and effectively, State and private forestry programs provide a significant return on Federal investment by leveraging the boots on the ground and financial resources of State agencies to deliver to landowners, communities, tribes, and other Federal agencies. The President's budget for the last few years has proposed eliminating programs like Urban and Community Forestry and Landscape Skill Restoration. Again, we appreciate your efforts to continue these programs to secure much-needed increases for the entire five programs of the State and private forestry area.

SAF recommends that these programs be funded at Fiscal Year 2020 levels, and, if possible, above. In addition, we urge you to consider increasing urban and community forestry to at least $35 million and forest self-management on cooperative lands to $48 million. The Bureau of Labor Management plays an integral role in improving the health and productivity of our Nation's public lands. SAF asks this subcommittee to extend the authorization for the Forest Ecosystem Health and Recovery Fund, which is currently set to expire this year. This fund specifically helps support management that improves wildfire resilience and other benefits for BLM and adjacent lands.

In conclusion, we understand and appreciate the resources are finite, and that more money is not always the answer. However, our forests have been long been undervalued by society and underfunded by decision makers. Today, thanks to the growing and more sophisticated body of science, we know that forests and trees are key to mitigating climate impacts and improving the health, well-being and prosperity of our communities.

Modest increases to the programs discussed today can yield incredible results for our forests. Please know that SAF and its diverse membership are always a resource to you. Whether you are looking for the latest science or insights from our on-the-ground practitioners, don't hesitate to reach out. Thank you again for your leadership and your recognition of the importance of our forests, forest management, research, and forestry professionals.

[The statement of Mr. Baker follows:]

Fiscal Year 2021 US House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Written Testimony of Terry Baker
Chief Executive Officer, Society of American Foresters
February 6, 2020

The Society of American Foresters (SAF) appreciates the opportunity to submit written public testimony to the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies regarding fiscal year (FY) 2021 appropriations. SAF recommendations focus on supporting programs at the USDA Forest Service (USFS) and the Department of the Interior (DOI), including the Bureau of Land Management (BLM).

Founded by Gifford Pinchot in 1900, SAF is the premier scientific and educational organization in the United States—promoting science-based, sustainable management and stewardship of the nation's public and private forests. SAF members include public and private sector natural resource professionals, researchers, CEOs, administrators, investment advisors, educators, and students. As the professionals who study, manage, and care for our nation's forest resources, we have a vested interest in ensuring their long-term health and sustainability. Investment in forest management activities across landscapes is essential to maintain and bolster the social, economic, and environmental benefits forests and trees provide.

On behalf of over 10,000 members across the country, we wish to thank this subcommittee for its work in supporting and securing funding increases for many USFS and DOI programs for FY 2020. These important gains would not have been realized without your leadership and commitment to forests, forest management, and forestry and natural resources professionals.

Top Federal Priorities for FY 2021

1. Increase funding for USFS Forest and Rangeland Research to no less than $310 million, with no less than $83 million for the Forest Inventory and Analysis program.

2. Continue to support increased cross-boundary work and collaboration across landownerships and stakeholders to improve forest health and reduce wildfire risks.

3. Maintain funding support for USFS State and Private Forestry Programs at or above FY 2020 funding levels.

4. Support BLM Public Domain Forestry and Oregon & California Railroad Grant Lands funding levels at no less than $10.24 million and $112.1 million, respectively.

Please note, because the President's budget for FY 2021 and the accompanying agency reports have not been released yet, the following represents a placeholder until further information is available. We plan to augment this information and submit updated testimony in March.

Forestry Research—Investments in forestry research are essential for the future health and sustainability of the nation's forests, which include 22 million small private forest landowners. Although this testimony focuses on USFS Forest and Rangeland Research programs, SAF also recognizes and supports the full array of forestry research efforts led by the Bureau of Land Management, US Fish and Wildlife Service, US Geologic Survey, and others including land-grant institutions and other universities. USFS Research and Development (USFS R&D) research conducted at the five USFS research stations, the International Institute of Tropical Forestry, and in the Forest Products Laboratory is crucial. Federal forestry research develops new products and practical innovation; identifies forest ecosystem disturbance response and forest resilience; helps responses to shifting social demands and demographic changes; and quantifies the contributions of forests to air and water quality. Without USFS leadership, investigation of these critical research needs would largely be left unfulfilled. Using federal investments that are leveraged in partnership with universities and private-public consortiums, important research questions, emerging threats, and potential opportunities are thoroughly researched and vetted. Clear and relevant research helps eliminate uncertainties and builds consensus on management actions, potentially avoiding litigation and enabling more projects to move forward. These results are disseminated through wide networks in the forestry community, help to support decision-making, and drive innovations in practices and utilization. ***SAF supports a funding level of $310 million for USFS R&D, with emphasis on prioritization of research projects uniquely suited to R&D expertise furthering agency and partner objectives.***

Forest Inventory and Analysis—The USFS R&D Forest Inventory and Analysis (FIA) program is the backbone of US forestry—providing the only national census of forests across all ownerships. Through FIA, the USFS, in partnership with state forestry agency, university, and private sector partners, collects and analyzes forest data to assess trends on issues such as forest health and management, fragmentation and parcelization, and forest carbon sequestration. The data and information collected by FIA serve as the basis for identifying trends in forest ownership; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risk; predicting the spread of invasive species; determining capital investment in existing forest products facilities and selecting locations for new forest product facilities; and identifying and responding to priorities identified in State Forest Action Plans. The critical need for current information about the condition of our forests underlies the need for FIA program capacity to be increased in FY 2021 and beyond. ***SAF requests additional investment in FIA with a funding level of at least $83 million. We urge the subcommittee to ensure that this increase does not come at the expense of other research programs and provide direction for future increases to allow the program to keep pace with ever-growing and diverse information needs.***

Fire Science Program—SAF appreciates this subcommittee's commitment to continuing the important work of the Joint Fires Science Program (JFSP). ***SAF supports funding for the JFSP at or above FY 2020 levels and asks the subcommittee to encourage active participation by DOI and USFS in prioritizing investment in fire research and decision support.***

Wildfire Funding and Federal Forest Management—We appreciate this subcommittee's longstanding support and tireless efforts to change the way wildfires are funded. Thank you again for helping to finally treat wildfires like other natural disasters. While passing a wildfire funding fix was a huge step forward, there is a lot of work to be done on the ground with estimates of more than 82 million acres in the National Forest System (NFS) still in need of restoration. SAF urges this subcommittee to encourage the agencies to use all available tools to expand collaboration with rural communities, partners, and industry to meet and exceed forest plan management goals. Existing authorizations in the Farm Bill, the 2018 Omnibus, and other sources can facilitate quicker responses to areas devastated by insects and disease, more Stewardship Contracts, Good Neighbor agreements, increased use of remote sensing where appropriate, and other mechanisms to work across boundaries on shared objectives.

Hazardous Fuels—Thank you for the significant increase to hazardous fuels funding for FY 2020. These programs at USFS and DOI are integral to forest health, risk mitigation, and reducing wildfire suppression costs. They also serve as an important source of jobs, maintain critical forest products processing capability, and expand markets for the use of biomass residuals as renewable energy through efforts like the USFS Woody Innovations Grant Program. ***SAF supports funding the USFS and DOI Hazardous Fuels Program at or above FY 2020 levels.***

State and Private Forestry—SAF again thank this subcommittee for its recognition of the importance of USFS State and Private Forestry (S&PF) programs. ***SAF recommends that these programs be at least maintained at FY 2020 levels.***

Bureau of Land Management—Management of BLM forestlands is an important element of maintaining and improving the health and productivity of our nation's public lands. SAF asks this subcommittee to extend authorization for the Forest Ecosystem Health and Recovery Fund. The authorization in the 2015 Omnibus Bill is currently set to expire in 2020. SAF also requests that this subcommittee consider a provision to explicitly allow BLM to utilize the 3,000-acre categorical exclusions for insect and disease infestations and wildfire resilience to by amending the Healthy Forest Restoration Act of 2003. ***SAF supports $10.24 million for the PD program and $112.1 million for the O&C program.***

Thank you for your consideration of these important requests. SAF and its extensive network of forestry and natural resources professionals stand ready to assist with further development and implementation of these efforts and ideas

Ms. MCCOLLUM. Thank you. Mr. Asher.

THURSDAY, FEBRUARY 6, 2020.

THE WILDERNESS SOCIETY

WITNESS

JONATHAN ASHER, DIRECTOR OF GOVERNMENT RELATIONS, THE WILDERNESS SOCIETY

Mr. ASHER. Thank you, Chair McCollum, for having me today, and, of course, Ranking Member Joyce and Mr. Kilmer. I am Jonathan Asher. I am the director of government relations for conservation funding with the Wilderness Society.

And I just want to start out by saying, you know, in particular thank you to you and your staff for working across the aisle, but also, you know, in particular, taking advantage of the increased budget cap and negotiating the increased budget cap last year, and then also a full-year bill. That is, you know, a huge benefit, I think, to all of our priorities. So thank you very much. I appreciate that.

I just want to share with you some priorities of the Wilderness Society looking forward to this year. And in doing a quick time read of what I had written, it was like way over, so I am just going to kind of go through what I can.

Ms. MCCOLLUM. We will have——

Mr. ASHER. There you go. Exactly. [Laughter.]

Right. So, you know, the Land and Conservation Fund remains one of the Wilderness Society's top priorities because of its on-the-ground impact and value to actual conservation, and to local communities, and to our natural landscape. The increased funding level of $495 million last year was greatly appreciated and certainly acknowledged. I think, you know, as look forward to this year, noting that the program remains authorized at $900 million, we, you know, always continue to look for opportunities to increase that because of its value to our local communities, our natural landscapes, recreation, and, in particular, climate change.

LCWF is one of the main on-the-ground tools that we have in addressing the impacts of climate change through adaptation efforts as exemplified in the Sierra Nevada and California, where the long history of kind of the patchwork of railroad ownership throughout the years has created kind of the patchwork ownership that makes it hard to fight wildfires efficiently. The State teamed up with the Forest Service, localities, land trusts, and other landowners to employ LWCF to undo some of that patchwork, and it is actually seen a visible increase in the ability to efficiently address wildfires in the State. So they are using LWCF there as a climate tool.

Similarly, in New Jersey, there was a large wetlands project that was done as a natural storm buffer from hurricanes and, in particular, to mitigate against the impacts of climate change. A study of the insurance industry showed that with similar efforts, we saved upwards of, you know, several hundred million dollars with Hurricane Harvey. So, again, these natural solutions are really key to how we are looking towards the future of addressing climate change, not only for our natural landscapes, but also for local communities, in particular. So the Land and Water Conservation Fund

is critical to that effort, and we certainly hope the committee will continue to increase its funding levels and support that critical program.

Additionally, we pay attention to renewable energy opportunities on public lands. You know, while there is still authorizing legislation that is working its way through Congress, we know that several programs, several line items within the appropriations bill speak specifically to renewable energy to public lands, and we want to support those, and increased responsible development of renewable energy on public lands, again, as a climate solution.

The Wilderness Society also pays particular attention to wildlife refuges and noting, in particular, funding for listing under the Endangered Species Act. We certainly support that and efforts to make sure that it doesn't get cut this year. We would like to, you know, continue to push for the legacy Roads and Trails Program to kind of be independent of the Capital Improvement and Maintenance Fund. And then, in particular, also, you know, a number of oversight provisions last year were great that we hope you will continue to support this year, including the boundary waters, including Chaco Canyon, and, you know, with the DOI reorg and the BLM headquarters move. You know, these are moves that the Trump Administration has made that are, you know, pretty aggressive with respect to congressional authority, and we hope that you will feel bolstered in your ability to continue those oversight activities.

So with that, thank you again for a great bill last year. We really appreciate it and hope that you will keep up the progress this year.

[The statement of Mr. Asher follows:]

Written Testimony of Jonathan Asher,
Director of Government Affairs, Conservation Funding, The Wilderness Society

Chair McCollum, Ranking Member Joyce, and members of the committee, thank you for the opportunity to testify today and highlight several priorities of The Wilderness Society and our over one million members and supporters, specifically at the Department of Interior, as you begin the Fiscal Year 2021 appropriations process. The Wilderness Society is celebrating it's eighty-fifth birthday this year, and remains a committed leader in ensuring our natural treasures and wild places are protected and equitably available for generations to come.

I would like to start by commending you and your staffs' hard work to produce truly laudable funding outcomes for Fiscal Year 2020. Your work across the aisle to first raise what would have been devastating caps associated with the Budget Control Act, and second, produce full-year appropriations bills avoiding damaging de-facto cuts associated with a Continuing Resolution, will have tangible benefits for our country, local communities and the natural world. While hopes were high that broad funding packages would carry along with them any multitude of other priorities, leaving many of us with some disappointment over important unfinished business; from a funding perspective your committee and colleagues in leadership produced one of the best Interior Appropriations bills seen in recent memory, providing key investments and eschewing new environmentally damaging policy riders. Please know that those efforts and successes are noticed and appreciated.

While not an exhaustive list, below are a number of key funding priorities The Wilderness Society hopes you will pay particular attention to this upcoming fiscal year:

The Land and Water Conservation Fund – The Land and Water Conservation Fund remains one of the top funding and policy priorities for The Wilderness Society because of its on-the-ground and felt benefits to conservation, our public lands and local communities. The LWCF funding level of $495 million in FY 2020, a noteworthy increase over recent years, is commendable, justifiable and greatly appreciated. However, the fact that this increased funding level remains roughly half of the authorized and envisioned amount underscores the need for this vital program's funding to be made mandatory. Hundreds of millions of conservation dollars should not be left unused simply because appropriators are handcuffed by 302(b) allocations and competing priorities.

This is particularly true at a time when population centers near public lands are booming and equitable access to recreation and nature are in ever increasing demand. Furthermore, LWCF is one of our best current climate adaptation tools, already utilized nation-wide to protect communities and ecosystems threatened and impacted by climate change.

In California's Sierra Nevada, for example, checkerboard ownership left over from the railroad-days presents daunting challenges in managing the forests to reduce the risk of catastrophic wildfires. A joint partnership with the Forest Service, the State of California, and land trusts has utilized LWCF, allowing for comprehensive forest management and

treatment, preventing and suppressing fire much more efficiently. Elsewhere, the state of New Jersey, the Army Corps of Engineers, and NGO's have worked together to restore coastal wetlands. The wetland restoration, funded by $23.95 million from LWCF, serves as critical climate infrastructure by absorbing and slowing down flood and storm waters. In a 2016 study by a risk modeler for the insurance industry and others, showed that marsh wetlands saved over $650 million in property damages during Hurricane Sandy and reduced annual property losses by nearly 20% in Ocean County, New Jersey.

Renewable Energy Development on Public Lands and Waters – Public lands have a large potential to not only provide climate adaptation benefits, but also aid in the growth of clean energy. Several accounts within the Interior Appropriations bill fund important work aimed at responsible renewable energy development on public lands and waters. We support the adoption of the Public Lands Renewable Energy Development Act (PLREDA), and support current funding for the Department of Interior to develop and deploy renewable energy infrastructure on public lands where appropriate.

The Wildlife Refuge System – The Wilderness Society has long advocated for properly funding our wildlife refuge system. These areas too have faced long-time underfunding and also face a significant maintenance and conservation backlog. Furthermore, any attempt to underfund or undermine the listing of endangered species is not welcome. The Endangered Species Act is a bedrock environmental law, and appropriate funding for the listing process is a cornerstone element of the functioning of that law. Numerous wildlife refuges have also faced immediate impacts from natural disasters. Recent disaster supplemental appropriations have helped backfill some of the damage, but up-front investment to gird for future impacts is both needed and more fiscally efficient than inconsistent and ad-hoc disaster funding.

Public Lands Infrastructure, and Legacy Roads and Trails – The Wilderness Society also supports funding that benefits equitable access to and enjoyment of our public lands. Well-maintained infrastructure in the right places ensures everything from safe public and recreational access to the protection of water quality. We are disappointed with the continued move over the last several appropriations cycles to consolidate the Legacy Roads and Trails program into the broader Capital Improvement and Maintenance (CIM) account. With already limited resources, and a maintenance backlog throughout our public lands system, we urge the committee to ensure that the valuable benefits realized by the Legacy Roads and Trails (LRT) program do not disappear. Ideally, the program would remain independent, and at the very least current language to protect it's functioning and to track the impacts of LRT investments should be strengthened.

Land Use Planning and Recreation Management – The core functions of our land management agencies remain vitally important in this time of increased stressors from population growth and climate change. Many of our public land plans remain woefully out of date or revisions behind schedule. Funding for land use planning including resource management planning, travel management planning and recreation resource planning are critical investments that ensure the protection of public resources, the efficient management of those resources by public land managers and pay dividends to

Challenges at the Complex

The biggest challenge at the Nisqually National Wildlife Refuge Complex is adequate funding for staff. Currently, 7 permanent employees manage over 11,000 acres of lands with Black River Unit 40 minutes from the main office and Grays Harbor Refuge an hour and a half away. The Complex has one maintenance worker to maintain the infrastructure and assist with habitat management, yet a large amount of time is spent commuting between work sites. Ideally, the Complex needs twice the staff (15) to achieve the full purposes of the Refuges, not only to benefit fish and wildlife, but also to provide quality, safe outdoor opportunities for the public. This is a common limitation for many other refuges.

Due to the lack of sufficient staffing, potential Oregon Spotted Frog habitat at the Black River Unit is being overtaken by invasive species. In fact, invasive species are a problem at all three units. Law enforcement is another significant issue at the Nisqually National Wildlife Refuge Complex. Currently we have ¼ of a Refuge Law Enforcement Officer. The Officer is housed 2 hours away in Sequim at the Washington Maritime National Wildlife Refuge Complex. Billy Frank Jr. Nisqually NWR is located directly off Interstate 5, a major corridor between Seattle and Portland. This close proximity and easy exit and entrance onto the highway may be the reason why there is higher crime at Billy Frank Jr. Nisqually NWR, particularly car prowls. Trespassing into closed areas set aside for wildlife and engaging in non-wildlife dependent activities are also big problems despite miles of trails throughout the refuges: for example, portrait photographers disturbing birds so their subjects can sit in the grasslands, dogs on- and off-leash on confined boardwalks and in fields and wetlands, and fishing and hunting in closed areas. A full time law enforcement presence on the refuges is needed to curb abuses and to provide education to those unaware of the rules and regulations and the reason why they are in place. Additionally, a security surveillance system for the parking lots would go a long way towards reducing the problem with car prowls.

The overall level of service to the public is dramatically different between Billy Frank Jr. Nisqually NWR and Grays Harbor NWR. Billy Frank Jr. Nisqually NWR has the infrastructure (office, visitor center, environmental education center, miles of trails, and maintenance shop) to host an active visitor services and education program, over 100 refuge volunteers, interpretive programs, and an annual watershed festival. Grays Harbor NWR, on the other hand, has a dedicated but small corps of volunteers and one dedicated event, the Grays Harbor Shorebird Festival. Every day, we see what can be accomplished if the infrastructure and staff are available to serve the public and the benefits to surrounding communities. Grays Harbor NWR and, in the future, Black River Unit have so much potential to be as popular a destination for visitors, including school groups – if supported by adequate public resources and appropriate staffing.

The education program at the Billy Frank Jr. Nisqually NWR is incredible and is the direction for the future focus of this urban refuge. The Refuge is a popular regional destination, especially on clear (or non-rainy) Pacific Northwest days, and regularly exceeds its visitation capacity due to current resource limitations. This is also true for the education program, which serves a remarkable 10,000 students each year, but continues to face growing demand from school districts and teachers. With additional staff, the program can be expanded to provide environmental education outreach within the communities and follow-up visits to the Refuge.

Currently, the environmental education staff is comprised of an Education Program Manager and two AmeriCorps members. These positions are provided through a contract with a partner non-profit and funded through a combination of station funds, Friends of Nisqually National Wildlife Refuge Complex funds, and competitive grants. The Refuge Complex would like to move the program fully in house, but the permanent staff position is not on the organizational chart and current annual

budgets cannot accommodate the full position. Approval for adding the environmental education staff to the Complex's organizational chart will provide the capacity to develop a more sustainable outreach program and implement urban outreach goals. This in turn, allows Friends' funds to support other refuge needs (e.g., visitor services, volunteers, maintenance of visitor facilities, etc.).

Billy Frank Jr. Nisqually NWR is a priority urban refuge and is well poised to help fulfill the U.S. Fish and Wildlife Service Director's priorities: the Urban Wildlife Conservation Program, Engaging in the Outdoors, and Youth Education. In 2016, the Complex submitted an Urban Refuge proposal in hopes of receiving the additional base funding ($1,000,000) to implement the new program. We were not selected for the Urban Refuge funding; however, the proposal still serves as a guidance and plan for future opportunities to reach out into urban communities such as the Department of Defense at Joint Base Lewis McChord, the Nisqually Indian Tribe, our neighboring communities of Olympia and Tacoma and our nearby major metropolitan areas of Seattle and Portland. Our location right off Interstate 5 makes us an ideal destination to engage folks with the Refuge System and a great jumping off point for education staff to head out into the community. We want to help create the next generation of people who will actively take care of our nation's lands.

As it is now, our Friends group and volunteers are picking up the slack and smoothing out the inconsistencies in the funding to the best of our ability. However, volunteers and outside staff are not a sustainable model for our Refuge System.

National Funding and the Nisqually National Wildlife Refuge Complex
Overall, the National Wildlife Refuge System requires at least $900 million in Operations and Maintenance Funding to be considered fully funded. At this level, all refuges would be fully staffed, with adequate maintenance, biological, hunting, fishing, environmental education, and interpretation programs. We ask that you work towards the overall goal of $900 million in annual funding. In support of that goal we request that this subcommittee allocate $586 million in funding for the Refuge System Operations and Maintenance fund for FY 2021.

This request of $586 million, an increase of $84 million over FY 2020 appropriations, would greatly impact our refuge. The Nisqually National Wildlife Refuge Complex would be better able to hire the staff needed to:

- Have an adequate level of law enforcement
- Increase our Urban Refuge outreach
- Control invasive species to benefit a diversity of fish and wildlife
- Restore critical habitat for Oregon Spotted Frog
- Construct and operate the promised Interpretive Center at Grays Harbor NWR
- Provide additional wildlife-dependent opportunities at Grays Harbor NWR and Black River Unit
- Further build out our environmental education programs

Our Refuges are the face of public lands for many people in the South Puget Sound community, as they are for communities across the country. We need full funding to ensure that they stay protected, accessible, and stewarded for the generations to come.

Thank you for your consideration.

Ms. MCCOLLUM. Thank you.

THURSDAY, FEBRUARY 6, 2020.

LEAGUE OF CONSERVATION VOTERS

WITNESS

LAURA FORERO, LEGISLATIVE REPRESENTATIVE, LEAGUE OF CONSERVATION VOTERS

Ms. FORERO. Good afternoon, Madam Chair, and Ranking Member Joyce. My name is Laura Forero, and I am the legislative representative for conservation and public lands with the League of Conservation Voters. As you know, the League of Conservation Voters is a national environmental nonprofit focused on protecting our planet and everyone who inhabits it. And along with our 30 State affiliates and the conservation voter movement, we work for a more just and equitable democracy where people, and not polluters, determine our future. So today, we want to thank you for the increased levels of funding in last year's Interior appropriations budget. We are also very thankful for the subcommittee's Fiscal Year 2020, especially because it did not contain any longstanding anti-environmental provisions, and we urge you to take this approach once again.

Our written testimony does tell a lot of our full budget recommendations, but today I would like to highlight just a couple of those programs. So, first, I would like to talk about the Land and Water Conservation Fund, which in its 50 years of history has protected our public lands, increased accessibility to green spaces, and helped fuel our thriving outdoor recreation economy. What is more, we want to talk about the fact that LWCF also helps preserve our natural and cultural heritage. It helps tell the stories of diverse communities in our country and its support of green spaces in every single State and almost every county in the country. So we definitely appreciate that Congress last year provided a sizable increase to LWCF and that the subcommittee provided even more than Congress, that is, last year.

So just to show how critical this program is across the country, I wanted to share the story of one of my colleagues, Barbara Hartzell. Barbara was raised Nuwu. Tribally, she is a Chemehuevi Paiute from the Chemehuevi Tribe of Lake Havasu, California and Las Vegas Indian Colony. Her grandmother was raised as an orphan and was forced into a residential school system that separated Indian children from their families and their culture and their heritage. Due to this, her grandmother lived her entire life with unanswered questions about her family, and Barb only got to know the stories of these women through oral history and seeing their names listed in the Indian Census rolls.

The one vestige of the story that remains for her family is an old picture of her great, great, great grandmother at an unknown location. But as it turns out, it was taken at the Doll House at Kiel Ranch Historic Park in Las Vegas, and Barb, my colleague, came to this realization when she arrived at Kiel Ranch for an event. One thing that we really want to highlight is the impact on her family. When she took her mother to the park, her mother's eyes

filled with tears, and her mother's words still haunt her. Her mother said, "You mean they were real," meaning these people existed. Barb and her family were able to see the land their family lived on because of the Land and Water Conservation Fund and because of the money that it provided to the State of Nevada.

So as my colleague said, when we talk about the Land and Water Conservation Fund, we are talking about the importance of the preservation of our lands, our water, and, more than anything, our heritage. The League of Conservation Voters supports full funding of $900 million in discretionary appropriations for LWCF in Fiscal Year 2021, and we also look forward to working with Congress to find a permanent solution for LWCF. So as Barb put it, we can focus on a new kind of conservation that centers on our voices, on our communities, instead of having to fight every year for these special places.

In addition to that, I would now like to turn to a different program, the National Environmental Policy Act. NEPA is one of Nation's bedrock environmental laws that fosters government transparency and accountability. For 50 years, it has enabled the public to provide critical input on the environmental effects that Federal projects will have in our communities, public lands, wildlife habitats, as well as our health. But as you know, unfortunately, the Administration has recently proposed changes to NEPA. Those changes would severely limit public input and undermine the analysis of cumulative effects.

More than anything, we want to highlight how gutting this process would have dire implications for mitigating climate change, and also to access clean air, land, water, and especially for those in low-wealth communities and communities of color, which are the most impacted by climate change and toxic pollution. Because of that, we also wanted to share the story of one of our members, Jose Archapa down in Texas, who has unfortunately been impacted through toxic pollution. Unfortunately, due to time, I might not be able to tell the entirety of his story, but we definitely just want to recommend that the committee support funding prohibitions on the Trump Administration's plan to gut NEPA. So thank you so much.

[The statement of Ms. Forero follows:]

Written Testimony
Laura Forero, Legislative Representative, League of Conservation Voters
Submitted to the House Interior, Environment, and Related Agencies Appropriations Subcommittee
Fiscal Year 2021 Budget
January 29, 2020

Chairwoman McCollum, Ranking Member Joyce, and members of the committee,

On behalf of the League of Conservation Voters, I am pleased to submit this written testimony on our funding priorities and requests for Fiscal Year (FY) 2021 for the Department of Interior (DOI) and Environmental Protection Agency (EPA) budgets. The League of Conservation Voters (LCV) is a national environmental nonprofit working to turn environmental priorities from diverse communities nationwide into sound laws and policies at all levels of government. We are extremely thankful for the members' continued support of federal environmental agencies and programs, and for recognizing the need for increased funding in the FY 2020 budget. We are also very grateful that the Subcommittee's FY 2020 budget bill did not retain longstanding anti-environmental riders. We were disappointed that the final omnibus bill reinstated some of these riders, but we thank the Subcommittee for its strong efforts.

Although the President's Budget Request for the FY 2021 has not been released yet, based on recent rollbacks and the previous year's request, we expect a challenging fiscal environment with drastic program reductions of core environmental programs that have long had an impact in communities across the country. In anticipation of these cuts, we would like to express our support for full funding for the Land and Water Conservation Fund (LWCF), and critical EPA programs. We would also like to address critically needed Congressional oversight, which might include funding prohibitions, on the Trump administration's plans for drilling expansions offshore and in the Arctic National Wildlife Refuge, censoring science used in EPA rulemaking, undermining the Mercury and Air Toxics Standards (MATS) for power plants and fair cost benefit analysis, and gutting implementation of the National Environmental Policy Act (NEPA).

Land and Water Conservation Fund

The persistent loss of our nation's natural areas due to human activity is accelerating at an alarming rate: from 2001 to 2017, roughly a football field worth of natural area disappeared every 30 seconds to development such as roads, energy development, and housing subdivisions. Protecting and enhancing access to public lands and waters is key to address this nature crisis, increase accessibility to green spaces, and strengthen our country's thriving outdoor recreation and tourism economies. In its 50+ years of history, the Land and Water Conservation Fund (LWCF) has been a crucial program for the protection and restoration of our public lands and waters by providing funding to create state and local parks; improve access to public lands; conserve farms and forests; and protect national parks, wildlife refuges, and other public lands. Furthermore, LWCF helps to address a legacy of injustice that has resulted in certain communities – oftentimes underrepresented, low-income communities, and communities of color – lacking access to nearby green spaces and recognition through public landmarks. From iconic landscapes such as the Grand

Canyon to historical landmarks such as the Martin Luther King National Historical Park and the Chaco Culture National Historical Park to supporting neighborhood ball fields across the country, LWCF preserves our natural and cultural heritage, helps tell the stories of the diverse communities in our country, and supports green spaces in every single state and almost every county nationwide.

The FY 2020 omnibus dedicated $495 million in discretionary appropriations to the Land and Water Conservation Fund (LWCF), an increase of $60 million from the FY 2018 budget. We are thankful for the increased funding and for the Subcommittee's recognition of the vitality of this program by requesting an even higher number of discretionary appropriations than the funding enacted for FY2020. Nonetheless, considering the great need to address the nature crisis and the historic underfunding of LWCF, LCV supports full funding for the program at $900 million in discretionary funding for FY2021 and looks forward to working with Congress to find a permanent funding solution for LWCF.

EPA Funding Priorities

The mission of the EPA is to protect human health and the environment, and the agency requires robust funding to do so. We appreciate the Committee's attention to EPA funding levels in FY2020, and would encourage you to continue to reject the Trump administration's attempted evisceration of the EPA's budget. In order to uphold the EPA's mission, we request that the following offices and programs receive your particular attention for adequate funding for FY2021: the Office of Environmental Justice (OEJ), Office of Enforcement and Compliance Assurance (OECA), State Revolving Funds for Water and Drinking Water, Integrated Risk Information System (IRIS), Office of Children's Health Protection (OCHP), External Civil Rights Compliance Office (Title VI), Diesel Emissions Reduction Act (DERA) Grant Programs (and report language to further prioritize or incentivize electrification), Lead Renovation, Repair and Painting Program, and the Energy STAR program.

Offshore drilling

The Trump Administration has announced the development of a radical 5-year plan to expand future oil and gas leasing to the Atlantic, Pacific and Arctic oceans, as well as Florida's Gulf Coast. The draft plan proposes the largest number of potential offshore leases ever offered by any president, including more than 90 percent of the acreage of the Outer Continental Shelf. In addition to this, the administration's Interior Department has also weakened offshore drilling safety standards at the same time as it proposed a plan that would dramatically expand offshore drilling.

It goes without saying that the inherent risks of offshore drilling were vividly manifested during the BP Deepwater Horizon disaster, which tragically killed 11 rig workers and sent an estimated 4.9 million barrels of oil into the Gulf of Mexico. The 87-day uninterrupted flow of oil devastated coastal communities, tourism and fishing businesses, and coastal and marine ecosystems, with lingering effects still being felt to this day. The administration's plan has sparked outrage from coastal residents, businesses, and elected officials from both parties who recognize that expanding offshore drilling puts at risk existing coastal economies and ways of life and is incompatible with our moral obligation to address climate change.

We thank the Subcommittee for addressing this important concern in the FY 2020 Interior and Environment Appropriations Act by including provisions to limit resources for the Bureau of Ocean Energy Management (BOEM) to be used for attempts to expand offshore oil and gas drilling. Although this language was retained in the House, it was regrettably not included in the final omnibus. As the Committee considers priorities for the FY 2021 Interior-Environment Appropriations Act, we encourage Members to once again include provisions to limit resources from BOEM for attempts to expand offshore oil and gas drilling.

Arctic National Wildlife Refuge

The Arctic Refuge is home to the Gwich'in indigenous people who call the Refuge's Coastal Plain "the sacred place where life begins" reflecting the vitality of the area as the cultural and biological heart of the Refuge and the importance of the plain as one of America's wildest ecosystems. After more than a half-century of protection, the Tax Cuts and Jobs Act of 2017 included a clause opening the Arctic Refuge's Coastal Plain to oil and gas leasing for the first time ever under the requirement that Arctic Refuge lease sales generate more than $900 million in revenue for the federal government. Furthermore, this provision was even used to offset some of the 2017 Act's costs. Nonetheless, the Interior Department has abandoned its commitment to taxpayers: the most recent reports estimate the revenue from Coastal Plain lease sales at only $41.6 million.

We thank the Subcommittee for addressing this important concern in the FY2020 Interior and Environment Appropriations Act by simply requiring the Bureau of Land Management (BLM) to set minimum lease sale bids sufficient to meet its promised and statutory revenue obligations. Although this language was retained in the House with strong bipartisan support, it was regrettably not included in the final bill. LCV urges the committee to again include language in the FY 2021 bill that forces the Administration to meet its promises and legal responsibilities.

Exerting Oversight Over Trump Administration Attacks on Science and Public Input

The Trump administration is attempting to undermine the EPA's ability to protect our health and environment in clear disregard for the Congressional intent of our bedrock environmental laws. Some of the recent actions with the most far-reaching consequences are the Administration's attempt to undercut the MATS standards and dismantle defensible cost benefit analysis in rulemaking, block critical science and research in establishing public health protections, and gutting the NEPA process. All of these Trump administration actions attempt to censor or remove science entirely and shut out the American people from federal government decisions that have real impacts on the health of our children, communities, and environment.

A bipartisan coalition of Members of Congress, utilities, health groups, and environmental groups all oppose the Trump administration's proposal to undermine the MATS for power plants. These standards, already in place and fully complied with, are protecting babies and small children from the neurodevelopmental harm wreaked by mercury pollution. Despite the varied and powerful opposition and huge benefits the standards have delivered, the Trump administration is pushing forward to finalize the standards. Perhaps more importantly, this attack is aimed at all cost benefit

analyses EPA conducts for years to come, pushing a faulty, indefensible, and unscientific bias to disregard some benefits associated with the rule being developed. Economists think this is totally without merit, and the general public gets it too; it makes no sense to not consider all the benefits associated with a decision, in addition to the costs.

The recently proposed gutting of NEPA from the Trump administration specifically cuts science, integrity, and public input out of the Congressionally mandated process of environmental review and input in federal project decision making. The public that NEPA was designed to serve rely on this established process as the only way to weigh in on decisions impacting their communities and health. Gutting this process would have dire implications for mitigating climate change and access to clean air, land, and water, especially in low wealth communities and communities of color most impacted by climate change and toxic pollution from pipelines, highways, and other types of projects.

Additionally, the Trump Administration is poised to finalize a rule to censor science that is used by the EPA to protect the air that we breathe, the water we drink, and the land on which we live. And from early in this administration, political appointees have systematically dismantled the agency's scientific advisory committees, particularly the Science Advisory Board, and limited the use of sound scientific research in environmental policy making decisions. Ultimately, we recommend blocking FY2021 spending for implementing these misguided anti-science and anti-public input rules and policies that are so clearly against Congressional intent and the public trust.

Endangered Species

Our planet currently faces a global extinction crisis never witnessed by humankind. Scientists predict that more than 1 million species are on track for extinction in the coming decades and now, more than ever, we need programs to protect biodiversity and fight mass extinction. The U.S. is fortunate to have programs, such as the Endangered Species Act (ESA), that have been specially designed to prevent extinction and recover species. For more than 40 years, the ESA has been highly successful in its mission but despite the ESA's outstanding success and the great need for solutions to address the extinction crisis, ESA programs continue to be underfunded and the Trump administration continues to attack this critical statute.

Considering the global extinction crisis and the continued underfunding of ESA programs, LCV urges the Subcommittee to strengthen the support for this landmark wildlife program by providing robust increases to the U.S. Fish and Wildlife Service (FWS) to properly implement the ESA and prohibiting funds to implement the Trump administration's actions contrary to statute. We were very grateful that the FY 2020 House bill did not retain the longstanding prohibition on protecting the sage-grouse under the Endangered Species Act, but we were disappointed that the final omnibus bill once again reinstated the rider. We urge the Subcommittee to ensure the removal of this rider in the final FY 2021 bill.

local communities and public land users, providing safe access and enjoyment, spurring local economies and helping to avoid user conflict.

Climate Change and Public Lands – As noted already, climate change and our public lands and waters are intimately intertwined. Our natural ecosystems are on the front lines of felt climate impacts, and our public lands play a significant role in carbon emissions, and carbon sequestration. Appropriators should examine activities undertaken by the Department of Interior with taxpayer dollars through a climate lens, as taxpayer money spent to worsen the climate crisis is not a wise use of public funds.

Examples of wise climate-aware investment of public resources to the Department of Interior during FY 2020 include increased funding for the Bureau of Indian Affairs Tribal Cooperative Landscape Conservation Program for tribes to address the impacts of climate change on tribal lands. Likewise were increases in the Tribal Climate Resilience program for climate mitigation activities, and the U.S. Geological Survey's National and Regional Climate Adaptation Science Centers, providing climate research support to states and localities grappling with adaptation. These examples are in addition to the ongoing climate work at the National Parks Service, as well as climate science and mitigation programs within the U.S. Fish and Wildlife Service and Forest Service, which should all receive your continued support.

It is worth noting that a recent analysis of LWCF investments found a 400% economic return on investment for every $1 spent to acquire or improve public lands. For the National Park Service, every tax dollar invested saw a $10 return to the U.S. economy. With recent and surely continued news about the deficit likely reaching $1 Trillion dollars this year, appropriators should be honest about the fact that the deficit we face is the result of the 2017 corporate tax cuts, and not seek to pass that fiscal harm on to taxpayers by cutting or undermining public investments that benefit every American.

In addition to critical funding levels, The Wilderness Society wants to underscore several other priorities we hope you will pay close attention to this year:

Legacy Riders – We remain supportive of efforts to remove damaging anti-environmental legacy riders from this year's appropriations bills. These policy riders are vestiges of past policy issues that were not resolved through a regular authorization process. These stand in direct logical conflict with the recent agreements made to keep new controversial and damaging policy riders out of appropriations bills. Appropriators on both sides of the aisle should recognize that irony and work to not include legacy riders from the outset, and further work to remove these damaging provisions from appropriations bills during all stages of the process.

Oversight and The Power of the Purse – Congress, and particularly congressional appropriators are given constitutionally a central check and balance on the Executive Branch; the power of the purse. The Trump administration has shown time and again its lack of respect for congressional directives in report language, and even in bill text. They have openly violated the Anti Deficiency Act as noted by the Government Accountability Office, have flagrantly impounded taxpayer dollars and twisted existing programs and

funding for political gain, as exemplified by their mismanagement of National Park revenue during the 2018 government shutdown. Yet another example is the continued Department of Interior reorganization, and the highly destructive relocation of the Bureau of Land Management Headquarters. Congressional appropriators should feel confident and emboldened in the use of your legitimate and justified oversight responsibilities, and your power of their purse. This effort should not fall along party lines, as fiscal conservatives should be among the most ardent supporters of ensuring taxpayer dollars are spent responsibly, according to congressional directive, and not wasted or misused.

Within this realm, there are a number of areas where the administration is advancing efforts counter to the public interest and wise use of taxpayer resources. Additionally, several provisions in the FY 2020 appropriations bill are commendable and should be continued, or similar efforts undertaken this fiscal year.

Language regarding Chaco Culture National Historic Park ensures the value of this special place and the priceless cultural and historic resources it houses, held in the public trust, are protected from encroaching oil and gas development for this fiscal year. This provision should be continued.

In Alaska, over the objection of the U.S. Forest Service, and with taxpayer dollars potentially illegally funding timber-industry advocacy, the Trump Administration has moved to broadly exempt the Tongass National Forest, one of the world's largest carbon sinks from protection under the "Roadless Rule". Timber cutting in the Tongass, one of the world's last intact temperate rainforests is already a loosing proposition fiscally, costing taxpayers $30 million per year. With approximately 3 million tons of carbon sequestered annually by the Tongass, a loss of this resource would be significant, roughly equal to taking 600,000 cars off the road each year. Appropriators should avoid throwing good money after bad, and protect taxpayer resources along with protecting the Tongass National Forest. Similarly, the House FY 2020 appropriations bill included important taxpayer protections with respect to the Arctic National Wildlife Refuge. The erroneous valuation associated with the proposed development of oil and gas within "America's Serengeti," was a flagrant misuse of the budget reconciliation process and an attack on the public's resources rightly fought by this committee's oversight responsibilities. We support continued oversight of the effort to develop the Arctic Refuge this fiscal year.

The FY 2020 House appropriations bill included commendable report language regarding efforts by the administration to undermine the study of an public process surrounding a proposal to allow mining that threaten the famed Boundary Waters Canoe Area Wilderness in Minnesota. We greatly appreciate the strong leadership Chair McCollum took on this issue during the last fiscal year, and support the committee's efforts this year to continue to protect the Boundary Waters' public resources as it sees appropriate given additional existing legislation.

Again, thank you for the opportunity to share with you some of The Wilderness Society's Fiscal Year 2021 priorities.

Ms. MCCOLLUM. Thank you. One thing that most people don't realize about our national forests is that they protect water, right? And the Superior National Forest where there is the proposed copper sulfate ore mine, it is 20 percent of the national forest water bank. And I appreciate the President's initiative to plant 1 million trees as we are losing trees to Asian ash borer, what is happening with the pine rust and the pine beetle, and everything. I could go on about gypsy moss. I could list a lot of little bugs that we don't want to have flying around in our forests and embedding themselves in our trees.

But some of the things kind of going on with extraction, whether it be of minerals and national forests are impacted, or putting in roads in some of our public land areas. We need to have a real education understanding about forests are more than trees. They are also about water. And I know when we have our public/private forestry councils, those are the things that, you know, where we are sitting around the table, everybody learned from each other, and it took some of the tension out of the room, and some real opportunities to talk about what are our shared values, what should our goals be, you know. How do we make this work for individuals?

Maybe just tell me a little bit about some of the things that your organizations are doing to kind of hit it home, that this is about protecting drinking water. And the forests also, when you replant, they need water, too, this water. So could you just maybe share a couple of things before we close up this panel on that?

Ms. MURDOCH. We work not only in the national forests, but to help this public/private stewardship between States and national lands. And also working in urban areas to make sure that they have forests for everyone and tree canopy for everyone in urban areas as well. And every single one of those projects and efforts all contribute to and have a nexus with drinking water.

I came to American Forests from the Chesapeake Bay Foundation, and there I was also working on forests because forests and buffers are incredibly important to water quality in the Great Lakes and in the Chesapeake Bay watershed. And this overlap is incredibly strong, and it is something that across USDA, it is very important to help all of those projects work together in order to maximize their ability to contribute to clean water.

And I don't know if that is helpful, but it is a broad perspective from the mosaic of Federal work and across with State foresters and State lands. It is complicated because there are so many, like, with the LWCF, so many actors and ownership lands. But water is absolutely one of the top priorities that we have to focus on to get interest, and buy in, and support for the forest work.

Mr. BAKER. That is a great question. Prior to coming to SAF, I spent almost 20 years with the U.S. Forest Service, so I am very familiar with this particular question, some of the challenges that come with it. I think overall, it is that infamous challenge. It is about balance. It is about all the different parts and pieces that come into play and the players. And so that aspect of how do we look across boundaries, as you mentioned, it is not just about the national forests. It is about the State landowner. It is about the private landowner, and it is also about the industrial landowner.

And so when we look at all those lands married together, you know, where we do we balance out the uses that we have to have? If it is a mine, where is a place where it could be located where it has the least amount of impact? If it is actively managing a forest, where can that happen in a way that, one, there is either rules or regulations to require reforestation to meet those needs to maintain that water quality over time, versus not actively managing could put us in a place where we could have a catastrophic fire that would end up putting us in a much worst situation.

And so it is really this piece of, as you mentioned, those public/private discussions around in a lot of cases, many of these things do have to happen. So how do we, again, allocate those finite resources in a way where they are the least impactful and the most beneficial both in the immediate time frame and long term? And so it really is all the folks around the table having a discussion and having to give a little bit to be successful.

Mr. ASHER. Yeah, and I would say, you know, being an appropriator from a funding perspective, for us it is valuable to look at, you know, what can we be doing to save costs and not just investing, you know, new money, but also ensuring that we are using the public resources in the most responsible way. And so, again, with the Land and Water Conservation Fund, you know, there are great examples of projects where we have conserved areas for water supplies that have actually saved money over the long term. Instead of going out and building really expensive infrastructure, we are going out and conserving natural areas that help to create, you know, clean water opportunities and forests.

You know, I think if we are talking about climate change and things like the Trillion Trees, you know, Initiative, from the Wilderness Society, we are also looking at, well, you know, let's be saving trees now, too, right? So the Tongass National Forest——

Ms. MCCOLLUM. I agree.

Mr. ASHER [continuing]. And, you know, Alaska is a place and the Roadless Rule are things that are very active right now, recognizing that in addition to building out the number of trees that we want to have over the future, there is an important role to play in conserving places now. So that also comes through, you know, not only in the LWCF, but also the Roadless Rule. And, you know, and other kind of, I think, elegant solutions that your committee put forth last year where conservation was in the interest of saving taxpayer resources, like with the Arctic Refuge, I think that was a very, you know, mindful way of addressing that. And we hope that your committee and staff will continue to find those, you know, elegant policy solutions to challenges that we face.

Ms. MCCOLLUM. Thank you. Anything you want to add?

Ms. FORERO. No, I think Jonathan actually articulated so much of what I believe we are here for as well.

Ms. MCCOLLUM. Well, you guys were magnificent. What a great way to close out. Public lands, water, air, climate change, critters that we don't want to have invading our public lands. You did a fabulous job. I can't thank you enough because you are about a half an hour behind from what you thought your day was going to be, but it meant the world to us that you are here testifying.

So with that, you get to help me conclude this afternoon's hearing, and we will stand adjourned until our next hearing, which is going to be public witness tribal programs on February 11th, 2020. Thank you again. Meeting adjourned.

TUESDAY, FEBRUARY 11, 2020.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

WITNESS

CHANTEL GREENE, SECRETARY, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

Ms. MCCOLLUM [presiding]. Good morning, and welcome to the first day of public witness hearings on tribal programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee. And I am pleased to welcome my Native American sisters and brothers to discuss the needs and challenges facing Indian Country.

For the second year in the hopes of having a more in-depth discussion of Native American issues and what you are experiencing on your tribal lands, we have organized witnesses according to the following topics: healthcare, land trust, national resource management, including climate change, public safety, justice, education, tribal government, and human services. Now, today we will begin hearing from witnesses on the healthcare needs and challenges before transitioning to issues related to climate change, land trust, and natural resources today.

The United States government entered into treaties guaranteeing healthcare to Native Americans. A few months ago, I traveled to South Dakota, and I saw firsthand how centuries later, the government, our government, the U.S. government, is still not meeting its responsibilities. The need for investment in healthcare and related facilities is real, and we continue to do the best we can with the allocation we are given. Last year, Congress provided a $241 million increase to Indian Country health services. This is a 4 percent increase. It included additional funds to address 105(l) lease costs. As part of the bill, we directed IHS and BIA and OMB to consider whether these costs should be funded as an indefinite appropriation. I was pleased to see that the President recognized the importance of this issue and included such a proposal in the President's Fiscal Year 2021 budget request.

In addition, last summer I had the opportunity to visit tribes in Minnesota, and Mr. Joyce I traveled to Washington State to visit tribes in Mr. Kilmer's district. We met with tribal leaders and learned more about climate change and impacts on health, safety, and cultural well-being in Native Americans, as well as some issues surrounding land and natural resource management. Future

generations deserve clean air, clean water, drinkable water, but we must give these issues our fullest attention now.

For Fiscal Year 2020, Congress included additional funds for BIA natural resource management programs and included increased funding for climate resilience, endangered species, and water resources. I was disappointed, but not surprised, that the President's budget request released yesterday once again ignores climate change. No one is immune from climate change, especially not Native Americans, who are at the forefront of experiencing the effects of increasing temperature rises and water rising.

Your written testimony describes in very real detail the impacts of climate change is having on Native Americans. Melting permafrost in Alaska, the loss of traditional foods, presence of flooding, and it is happening right now in Washington and Oregon State, and I know that there have been tribal villages that had to be evacuated. Our hearts are with them, but yet, the President, Mr. Trump, looks the other way.

Well, luckily, the President proposes and Congress disposes. So at the beginning of this Congress, I want you to also know that I introduced a bill, H.R. 1128, to authorize advanced appropriations for tribal funds. As we figure out to meet the needs of Native Americans, I will continue to work towards passage of this vital legislation. Most recently, I did write a letter to the Budget Committee requesting that hearings be held on this, and I know you are talking to members about this issue as well. I am eager, along with Mr. Quigley, to learn more about your priorities, and I look forward to our discussion on these issues because I believe it will help to inform us as we begin to develop the 2021 appropriations bill.

Now, I am going to cover a few hearing logistics, and when Mr. Joyce comes in, if he has an opening statement, I will yield to him at that time. Anything you would like to say at this time, Mr. Quigley?

Mr. QUIGLEY. I am anxious to hear what you all have to say.

Ms. MCCOLLUM. Okay. All right. So we have got the timer out here, and we already have our first panel of witnesses at the table. Each witness will have 5 minutes to present their testimony, and we will be using a tracker to track time. Don't worry, it is highlighted in here. I have read all your testimony. I am going to take notes on it. We all have it. If you run out of time, please know it is fully entered into the record. But when you see the light blink yellow, you have 1 minute to close your remarks, and when the light blinks red, I will lightly tap with this gavel, which is made of buckthorn, an invasive species here. [Laughter.]

To let you know that you need to stop your remarks so that the next witness can begin so that we are respectful of everyone's time here. And as I said, everybody's statement will be entered into the record. Don't feel any pressure. After we hear testimony, each witness on the panel and members will have an opportunity to ask questions.

And I would like to remind those of you in the committee hearing room here today of the committee rules. They prohibit the use of cameras and audio equipment during the hearing by individuals

without House-issued press credentials. So when this hearing concludes, we will reconvene at 1:00 for the afternoon hearing.

And so with that, we found out a way to kind of save a little time. Rather than do double introductions, we are just having the panel introduce themselves, and that left more time for questions, which I really love to have. So I will let you start out, Ms. Greene.

Ms. GREENE. So we are introducing ourselves?

Ms. MCCOLLUM. And just make sure that little——

Ms. GREENE. Okay. Good morning, or Ta'c meeywi. My name is Chantel Greene, and I am representing the Nez Perce Tribe, and I serve as the secretary officer currently.

Ms. MCCOLLUM. No, go right into your testimony.

Ms. GREENE. Okay. Again, good morning, honorable chairwoman and members of the subcommittee. Again, my name is Chantel Greene, and I serve as the secretary of the Nez Perce Tribe Executive Committee. Thank you for the opportunity to provide this testimony on behalf of the Nez Perce tribe as the committee evaluates and prioritizes Fiscal Year 2021 appropriations. I would also like to thank Chairwoman McCollum and Congresswoman Pingree for their letter regarding a mining project in the Nez Perce Country.

Today I would like to emphasize the need for sufficient resources in areas such as the Community Health Aide Program, IHS, purchase referred care, contract support costs, special diabetes, mental health, and substance abuse programs. The CHAP was established over 40 years ago to help expand access to care in Indian Country in areas such as behavioral health, dental health, and community health. The tribe believes the CHAP model is an important tool for tribal health programs that should be provided the resources to grow as it increases tribally-based practice and knowledge that a culturally- and evidence-based holistic methodology offers abilities similar to wraparound.

The tribe appreciates the committee's support of broadening the program by providing $5 million Fiscal Year 2020 for expansion. The tribe feels this successful program is needed and ready to be duplicated in the Northwest. As a result, the tribe supports the Northwest Portland Area Indian Health Board's effort to be designated a demonstration site by IHS so that certification of these healthcare assets can move forward. In that regard, the tribe recommends the committee provide $20 million in Fiscal Year 2021 for continued expansion of CHAP.

The Nez Perce Tribe with an enrollment of 3,500 operates the Nimiipuu Health on the Nez Perce Reservation and provides services to almost 5,000 patients each year. Our expenditure total of Federal funds in Fiscal Year 2019 was $18 million, an increase of $1.6 million from that in Fiscal Year 2018. Purchased/referred care costs for outpatient services in Fiscal Year 2019 totaled $5 million, which is an increase of almost $700,000 from Fiscal Year 2018.

The tribe recommends, at a minimum, maintaining the $6.05 million in funding enacted for IHS in Fiscal Year 2020. Please note that this amount does not keep up with medical inflation and population growth or limitation on prescription drugs. The tribe supports an increase of at least $20 million in funding for the PRC spending needs of tribal health facilities since a budget increase was not provided in Fiscal Year 2020. The tribe supports full fund-

ing for contract support costs in Fiscal Year 2021 and the inclusion of bill language to classify this appropriation as indefinite. The tribe appreciates that Congress chose to fully fund contract support costs in Fiscal Year 2020 at $820 million as it should per any agreement.

In addition, the tribe recommends permanent, mandatory funding of the SDPI at no less than $150 million per Fiscal Year. In that regard, similar levels of funding are strongly recommended for mental health and substance abuse treatment and SDPI for these type of services. Although the $10 million annual allocation for mental health and substance is very important, it falls well below the financial needs to provide adequate care and treatment on reservations.

In conclusion, the tribe would like to express our support for the recommendations of the Northwest Preliminary Board, including, but not limited to, the recommendations of 105(l) lease costs, population growth, and medical inflation costs, loan repayment for Indian health professionals, small ambulatory programs, and funds for updating technology and patient files. Thank you for the opportunity to testimony today, and I am happy to answer any questions you may have.

[The statement of Ms. Greene follows:]

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

WRITTEN TESTIMONY OF CHANTEL GREENE OF THE NEZ PERCE TRIBE

February 11, 2020

Honorable Chairwoman and members of the Subcommittee, my name is Chantel Greene and I serve as Secretary of the Nez Perce Tribal Executive Committee. Thank you for the opportunity to provide this testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2021 appropriations in relation to the needs of tribal nations, for the Indian Health Service (IHS), and, in particular, the Community Health Aide Program (CHAP). On behalf of the Nimiipuu people, I want to acknowledge and thank this Subcommittee for your efforts, on a longstanding, bipartisan basis, to understand the needs of Indian Country and advocate for increased appropriations to the many programs in your jurisdiction that benefit our citizens, our tribal governments, and all members of our communities. We are deeply grateful that the many funding increases to tribal programs across the final FY 2020 appropriations will build on increases Congress provided in FY 2017, in FY 2018, and in FY 2019.

Like any government, the Tribe performs a wide array of work and provides a multitude of services to our tribal membership as well as the community at large. The Tribe has a health clinic that provides a wide range of services including medical, behavioral health, optometry, dental, pharmacy and radiology. These programs are vital for the Tribe to properly care for the enrolled members within its service area.

The Tribe has long been a proponent of self-determination for tribes and believes our primary obligation is to protect the Treaty-reserved rights of the Tribe and our members. All of the Tribe's work is guided by this principle. The Tribe's clinic works extensively with many agencies and proper funding for those agencies and their work with, for, and through tribes is of vital importance. Therefore, the Tribe believes the recent report of the U.S. Commission on Civil Rights titled *Broken Promises*, is an important tool to be used in evaluating current programs and funding for those programs.

Community Health Aide Programs (CHAP)

CHAP was established over 40 years ago to help expand access to care in Indian Country in areas such as behavioral health, dental health, and primary and emergency care. The Tribe believes the CHAP model is an important tool for tribal health programs that should be provided the financial resources to allow it to properly expand. CHAP is beneficial to tribes in many ways as it allows for a more efficient use of funds, creates education pathways and professional wage jobs for tribal members, increases tribal based practices and knowledge, and allows for more efficient use of staff.

The Tribe appreciates the Committee's support of broadening the program by providing $5 million in FY2020 for expansion. The Tribe feels this successful program is needed and ready to be duplicated in the Northwest. As a result, the Tribe supports the Northwest Portland Area Indian Health Board's effort to be designated a demonstration site by IHS so that certification of these health care assets can move forward. In that regard, the Tribe recommends the Committee provide $20 million in FY 2021 for continued expansion of CHAP.

Indian Health Service

The Tribe operates Nimiipuu Health, a healthcare clinic on the Nez Perce Reservation in Lapwai, Idaho, and its satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provides services to approximately 4,000 patients each year. Annually, this computes to at least 40,000 medical/dental provider visits which does not include pharmacy or laboratory visits. Our expenditure total of federal funds in FY 2019 was $18,015,415, an increase of $1.6 million from that in FY 2018. Purchased/Referred Care (P/RC) costs for outpatient services in FY 2019 totaled $5,030,527, an increase of $690,000 from FY 2018.

For FY 2021, the Tribe recommends, at a minimum, maintaining the $6.05 billion in funding enacted for IHS in FY 2020. However, it should be noted that this funding amount will not cover the costs the Nez Perce and other tribes have in order to maintain current services because we also have to ensure that programs and facilities keep pace with medical and non-medical inflation and with population growth. Recommendations of substantially increasing this funding to as high as $9 billion has been supported by the Tribe.

The Tribe also supports an increase in funding for P/RC since one was not provided in FY 2020. The Tribe recommends that this $964.8 million allocation be increased by up to $20 to$50 million to continue to meet the P/RC spending needs of tribal health facilities. For example, the Nez Perce Tribe is facing a severe shortfall in P/RC funding in this current fiscal year as a local hospital is no longer accepting the insurance provided by the Tribe for its employees. If the Tribe is unable to bill private insurance for the P/RC services provided by the hospital, our P/RC costs will substantially increase. Unfortunately, the local hospital is the only one in the area that provides certain treatments. As a result, the Tribe will be having to use this facility at an increased cost to P/RC or in the alternative, refer tribal patients to other facilities including ones that are between 45 to 115 miles away from the Nez Perce Reservation.

The Tribe supports full funding for contract support costs in FY 2021 and the inclusion of bill language to classify this appropriation as indefinite so that, if needed, additional funds may be provided as they were in prior years. The Tribe appreciates that Congress chose to fully fund contract support costs in FY 2020 at $820 million – as it should, per any agreement. In addition, the Tribe supports reclassifying contract support costs for IHS, as well as the Bureau of Indian Affairs as mandatory and not discretionary. However, this change in funding should not be accomplished or be offset by reducing other funding for these agencies that would adversely affect services or programs. This funding should not be reduced by excessive set-asides for administration.

The Tribe recommends permanent, mandatory funding of the Special Diabetes Program at no less than $150 million per fiscal year. In that regard, similar levels of funding are recommended for mental health and substance abuse treatment. The $10 million annual allocation for mental health and substance abuse, while very important, falls well below the financial needs to provide adequate care and treatment on reservations.

Finally, the Tribe would like to express our support for the budget recommendations of the Northwest Portland Area Indian Health Board including, but not limited to recommendations on 105(l) lease costs, population growth and medical inflation costs, loan repayments for Indian health professionals, small ambulatory programs, and funds for updating technology and patient files.

As you can see, the Tribe does a tremendous amount of work in a variety of areas. It is important that the U.S. continue to fund this work and uphold and honor its trust obligations to tribes.

Thank you for the opportunity to testify today.

Ms. MCCOLLUM. Thank you. Just maybe as a guide, SDB programs, special diabetic programs, maybe the first time before we use the initials, some of us are familiar with it. We have other people who might be listening in on C–SPAN, and this is our opportunity to share and to share the educational meaning while you are here to inform the Congress. So thank you.

TUESDAY, FEBRUARY 11, 2020.

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

WITNESS

AARON PAYMENT, CHAIRMAN, SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

Mr. PAYMENT. Boozhoo. My name Aaron Payment. I am the chairperson of the Sault Ste. Marie Tribe of Chippewa Indians. My tribe is located in the supper peninsula of Michigan and is the largest tribe east of the Mississippi with nearly 44,000 tribal citizens. Our territory is 2,800 acres of trust, and our ceded territory is one-third of Michigan where we exercise our treaty rights, reserved rights, to fish, hunt, and gather. We administer 23 governmental divisions and departments and manages 75 Federal, State, local, and tribally-funded programs across the seven-county service area.

We provide a full range of services for our citizens, like healthcare, education, elder services, law enforcement, housing, family and social services, and cultural programs. We also offer eight health clinics around our purchased and referred service area. We offer a wide range of services, including medical, dental, behavioral health, special diabetes, nutrition, pharmacy, wellness programs, and traditional medicine. We are proud of the healthcare delivery system, but we believe there is a void, and it is time to fill that void.

The focus of my testimony today is to request that the Appropriations Committee examine how the IHS addresses healthcare facility needs throughout Indian Country. Of concern is the adherence to a facility priority list that was developed in the 1980s. Healthcare delivery has changed, and the illnesses and diseases that we seek to treat have changed, in some cases dramatically.

Healthcare cannot be provided in isolation, but must be provided in a holistic and comprehensive way, grounded in traditional beliefs and practices. A team-based model of care is more adept in being able to combat our emerging top healthcare priority, which is alcohol and drug addiction, including the opiate crisis. Last February, we announced a collaboration with the Hazelden Betty Ford Foundation to expand our substance abuse use treatment and recovery services and enhance our integrated healthcare and wellness center to build a true team-based facility to support those in our surrounding native community.

The Sioux recovery hospital and campus concept is provided in the tribe's tribal action plan, one of the first approved in the Nation. While creating our TAP, our people voiced the need for a recovery campus close to home, with traditional medicine at its core to combat the historical trauma outcomes that have plagued tribal communities as a result of Federal Indian policy. Our holistic plan

is to heal those afflicted, as well as their families and communities. Only with family support and healthy living will we be able to defeat this crisis.

Our new facility, when built, will be a one-stop shop for those struggling with addiction. We intend to start with detox, then inpatient treatment, with half-way, three-quarter way, and longer-term residential recovery environments. Intensive outpatient programming with supports like recovery coaches will follow. We intend to create a never-before comprehensive family reunification process built on our [Speaking native language] healing and healthy living.

One of the biggest factors of staying sober is the person having a place to live or begin to return to life as a sober person. All too often, a person goes into treatment, only to come home to the same social dynamic they left to get well. This leads to relapse. We want our recovery campus to be a pathway, the good red road to success that can be recreated across Indian Country to combat the opiate and heroin crisis.

At our recovery campus, those afflicted will have the access to drug treatment and behavioral healthcare that is informed by our traditional cultural healing. Immediate access to healthcare services will enable us to properly manage any medical health conditions that a patient might face. To effectively treat addiction, we have to treat the whole person and address each condition, be it physical, emotional, mental, or spiritual, that led him to self-medicate.

We have been confronted by many who tell us this kind of facility has not, and will never be, built. But my ancestors overcame too much for me to simply give up because something has never been done before. I believe we can do it, and I am here to ask you to help us to make this a reality. We support Congress providing joint venture funding. We have identified a deficiency in the program, however. We think there should be a geographical diversity with regard to the joint venture selection process.

It is time for Congress to provide $50 million to fund the Indian Healthcare Delivery Demonstration Project, which was intended to build facilities that are different than the clinics that we currently fund. The demonstration project was intended for facilities, like the Sioux tribe recovery hospital and campus, which we deliver in a different model and holistic model. I believe that my tribe's recovery model is exactly what Congress was considering when it created the Indian Healthcare Delivery Demonstration Project. It is beyond time for Congress to provide funding for this initiative, and we are willing to be that demonstration project. Thank you.

[The statement of Mr. Payment follows:]

Dr. Aaron Payment, Chairman of the
Sault Ste. Marie Tribe of Chippewa Indians
To the House Appropriations Committee
Subcommittee on Interior and Related Agencies
Concerning the FY 2021 Indian Health Service's Budget
February 11, 2020

My name is Dr. Aaron Payment. I am the Chairman of the Sault Ste. Marie Tribe of Chippewa Indians. I would like to thank the Subcommittee for the time to testify today on the Indian Health Service's FY 2021 budget. I also want to thank the Subcommittee for its bipartisan support of Tribes and Tribal programs. This Subcommittee represents the very best of what it means to be a member of Congress.

The Sault Ste. Marie Tribe of Chippewa Indians is located in the Upper Peninsula of Michigan. The Tribe administers 23 governmental divisions and manages over 75 federal, State, local and tribally funded programs across our seven-county service area—Alger, Chippewa, Delta, Luce, Mackinac, Marquette and Schoolcraft counties. We have a tribal membership of 43,376. Our territory includes 2,800 acres of trust land and our ceded territories throughout Michigan where we exercise our Treaty reserved rights to fish, hunt and gather. For almost fifty years the Sault Ste. Marie Tribe has built its governmental capacity to provide the full range of services to its members including health care, education, elder services, law enforcement, housing, family and social services, and cultural programs.

The Tribe operates 8 health clinics across our seven county service area. In these clinics we offer a wide range of services including medical, dental, behavioral health, special diabetes, nutrition, pharmacy, wellness programs, and traditional medicine. We are proud of the healthcare our clinics provide, but we believe there is a void and it is time to fill this void.

Thus, the focus of my testimony today is to request that the Appropriations Committee examine how the Indian Health Service is addressing health care facility needs throughout Indian country. Specifically, whether the facilities that the Indian Health Service is supporting are responding to the needs of Indian country in 2020 or is the Agency adhering to a priority list that was developed in the 1980s. The delivery of health care has changed and the illnesses and diseases that we are seeking to treat have changed, in some cases substantially. We have learned that health care cannot be provided in isolation rather it must be provided in a holistic comprehensive way, grounded in traditional beliefs and practices.

We believe the team based model of care is how we will be able to combat our top health care priority and that is drug and alcohol addiction. In February, 2019 we announced a collaboration with the Hazelden Betty Ford Foundation to expand our substance abuse treatment and recovery services and enhance our integrated health and wellness center to build a true team based facility to support those in our community and throughout the Region who are in the throes of addiction.

The Recovery Hospital and Campus is a product of the Tribe's Tribal Action Plan,

approved in 2016 by the Tribe, with the input from the membership. From this process we heard the membership's demand for a Recovery Hospital close to home, with Traditional Medicine at its core. We have learned that incorporating traditional beliefs and culture are critical to combatting the cultural identity crisis that has plagued tribal communities since the 1800's. Our idea is to incorporate culturally traditional and modern treatment modalities, while working not only with the addict but his family as well. Only through family support and healthy living, will be able to effectively combat this plague.

This facility when built will be a "one-stop shop" for those struggling with addiction. It will have a detoxification program. It will have inpatient treatment. It will have an intensive outpatient program. Importantly, it will have recovery housing for those who have received treatment. It will provide family support and education while simultaneously treating the addict – creating a never before family reunification process built on healing and healthy living. It seems so simple, but one of the biggest factors to staying sober is the person having a place to live where he can begin his life as a sober person. All too often, a person goes into treatment only to come home to the same house and the same social dynamic he tried to leave behind as an addict. This has proven time and time again to be a recipe for failure. We want our Recovery Hospital to be a recipe for success that can be recreated throughout the country to combat the opioid and heroin crisis and heal tribal communities.

At our Recovery Hospital, a person will have access to drug treatment and behavioral health care that is informed by our traditional cultural healing. But, he will also have access to health care services to enable us to properly manage any medical condition a patient may need to have addressed. We know that to treat addiction we have to treat the whole person and address each condition whether it is emotional or physical, that led him to self-medicate with drugs or alcohol. This will truly be a medical home for our patients.

As we have started the journey to make this dream a reality, we have been confronted by many who tell us this kind of facility has never been built in Indian country. Therefore, it cannot be done. My ancestors overcame too much for me to give up simply because something has never been done before. I believe we can do it and I am asking for your help to make our dream a reality.

We were excited by the opportunity to submit an application to the Indian Health Service during the latest Joint Venture Program round. While we were initially told our Recovery Hospital would not be eligible, the Region then changed their minds and determined we were eligible. Thus, we timely submitted an application. While we were not selected, what is more troubling to us, is that no facility east of the Mississippi was selected. We think this latest round of the Joint Venture selection process has identified a deficiency in the program. We think there should be geographic diversity with regard to the Joint Venture selection process.

While we support Congress providing Joint Venture Funding, as it is an important mechanism for building and operating health care facilities in Indian country, we think it is time for Congress to provide $50 million to fund the Indian Health Care Delivery Demonstration Project, which was intended to build facilities that are different than the clinics and hospitals the IHS is now building. The Demonstration Project was for facilities like the Sault Ste. Marie

Chippewa Recovery Hospital that would deliver care based on a different model.

We cannot keep building outpatient clinics that treat identified medical conditions of a person, and then expect the person to heal the rest of what is causing their illness on their own. I believe that the Sault Ste. Marie Chippewa Recovery Hospital is exactly what Congress was considering when it created the Indian Health Care Delivery Demonstration Project, in the Indian Health Care Improvement Act Reauthorization. We think it is beyond time for Congress to provide funding for this initiative.

Ms. MCCOLLUM. Thank you.

TUESDAY, FEBRUARY 11, 2020.

CATAWBA INDIAN NATION

WITNESS

HON. WILLIAM HARRIS, CHIEF, CATAWBA INDIAN NATION

Mr. HARRIS. Thank you, Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee, for the opportunity to testify on Indian healthcare needs for the Fiscal Year 2021 budget. My name is William Harris. I am the chief of the Catawba Nation, the only federally-recognized tribe in the State of South Carolina. Let me begin by acknowledging the hard work of this subcommittee in protecting and advancing Indian Country interests in the Federal budget. The appropriations process is vital to fulfilling federal treaty needs and trust obligations, and we encourage you to continue to fight the good fight.

For my testimony today, I would like to focus on the theme of prevention for Indian health. Preventive health saves lives and costs in the long-term, a situation that benefits all Americans. As a direct service tribe, the Catawba Nation depends on the IHS for the delivery of healthcare services. Our local IHS service unit, however, has restricted operating hours and services that impair access to care within the community. An investment in preventative health services is not a substitute for quality, comprehensive healthcare. It is a critical component of overall health that is often overlooked.

Advanced appropriations. A central way for this subcommittee to support Indian health is through advanced appropriations for the IHS. Advanced appropriations would provide the IHS parity with other direct service Federal health agencies, provide funding stability across Fiscal Years, and show that the Federal Government is committed to its trust obligations. Invest in holistic healthcare. In response to shortcomings in IHS services, the Catawba Indian Nation has taken a proactive approach to community health. Our Wellness Warriors Programs uses health education, physical activity, nutrition, and tobacco cessation programs to help our members lay a foundation for lifelong health. Through prevention and education, we aim to reduce incident rates of disease, promote wellness, and alleviate burdens on the Indian Health Service. We urge this subcommittee to increase funding for the preventative health services account in Fiscal Year 2021.

And build the infrastructure for access for healthcare. On an elementary level, no amount of investment in or quantity of preventative health services will benefit a community if the people cannot reach them. Roads in Indian Country are notoriously bad. Unsafe roads obstruct access to appointments and emergency services. They also damage vehicles, causing further strain on IHS and tribal resources. An influx of money into the BIA roads maintenance account is urgently need to build the infrastructure Indian Country needs for public health and safety.

Quality health requires a quality environment. The EPA is a central agency fulfilling the Federal Government's trust and treaty obligations to protect Indian health. If our waters, air, and soil are polluted, our bodies will be as well. Quality human health requires the sustained presence of a quality natural environment. Our tribe and many others have utilized EPA resources to protect and promote tribal health. For example, we partner with the State to generate air quality forecasts for a three-county area, and for water quality, we established a water monitoring program using Clean Water Act funding. We urge you to maintain adequate funding for EPA environmental quality programs as a fundamental component of preventative health.

And I thank you for the consideration of my tribe's testimony. I will be glad to ask any questions you answer.

[The statement of Mr. Harris follows:]

Testimony of William Harris, Chief of the Catawba Indian Nation, South Carolina
"Public Witness Testimony: FY 2021 Appropriations"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
February 11, 2020

Recommendations:

1. IHS – Provide full funding and advance appropriations for the Indian Health Service.
2. IHS – $200 million in permanent funding for SDPI.
3. IHS – Prioritization of Preventive Health services.
4. IHS and BIA – Provide increased funding and a dedicated set-aside for health-care related infrastructure development in Indian Country.
5. IHS – Provide funding to address health challenges associated with inadequate housing.
6. BIA – $50 million for the BIA Road Maintenance Program.
7. EPA – Maintain adequate funding to protect environmental quality in Indian Country.
8. DOI – Maintain Funding for the Tribal Climate Resilience Program and Interior Landscape Conservation Cooperatives

Introduction. Thank you Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee for the opportunity to testify on critical funding needs for American Indian and Alaska Native programs under your jurisdiction. The people of the Catawba Indian Nation thank you for your hard work on behalf of Indian Country and for inviting tribal leaders to submit witness testimony on their communities' behalf. My name is William Harris and I am the Chief of the Catawba Indian Nation in South Carolina. To advance the health and well-being of my people and other tribal nations, I offer the following budget recommendations for fiscal year 2021.

I. Promoting Health and Wellness in Indian Country

Provide Full Funding and Advance Appropriations for the Indian Health Service. The IHS strives to provide tribal citizens with access to high quality and comprehensive medical services. Unlike other federal healthcare agencies, such as the Veterans Health Administration, the IHS must balance the delivery of services with years of underfunding, under-resourcing, and the detrimental, lingering effects of repeated continuing resolutions. The sum of this equation is all too often manifested in negative health outcomes for American Indian and Alaska Natives who depend on the IHS for care. Full advance appropriations for the IHS would promote greater stability in services, medical personnel recruitment and retention, and facilities management. **We strongly urge Congress to fully fund advance IHS appropriations under the FY 2021 budget and beyond to provide consistency and parity in the administration of Indian healthcare.**

Provide $200 million in Permanent Funding for the Special Diabetes Program for Indians. As you are well aware, communities across Indian Country are associated with alarming statistics related to incidences of diabetes and diabetes-related complications among tribal members. The Catawba Indian Nation is no exception. SDPI is a critical program that has demonstrated success in reducing incidences in diabetes and end-stage renal disease in tribal communities, as well as in preventing, treating, and managing symptoms. The program, however, has been flat-funded at $150 million for several fiscal cycles. Additional, permanent, funding is needed to support program expansion for both existing grantees and new tribal nations and organizations seeking to

provide these life-changing services to Native people. **We urge Congress to enact a long-term SDPI reauthorization with an annual appropriation of $200 million in FY 2021.**

Plan for the Future with Dedicated Funding for Preventative Health Services. The Catawba Indian Nation depends on the IHS for the delivery of healthcare services in our community through the local Catawba Service Unit. Access is limited, however, due to the Service Unit's restricted operating hours and lack of emergency and urgent care services. When combined with the disproportionately high rates of chronic illness – including diabetes, heart disease, and behavioral health and substance use disorders – it becomes clear that innovation in healthcare is urgently needed to uproot these negative outcomes. For its part, the Catawba Indian Nation is planting the seeds for healthy generations of tribal members through our Wellness Warriors program. The mission of the Wellness Warriors is to improve overall community health through crosscutting programs, health education, physical activity, nutrition, and tobacco cessation. The program serves as a trellis for life-long community fitness and engagement.

We believe that increased federal funding for preventative care services as an IHS sub-activity would enable our and other tribal nations to cultivate and sustain similar programs. The result would be two-fold benefits: (1) long-term *federal cost savings* through reduced incidence rates of chronic illness and associated medical costs; and (2) long-term *life savings* through increased vitality and wellness among American Indians and Alaska Natives. We were pleased to see the targeted increase in the Preventive Health account for FY 2020. **We urge Congress to continue to invest in America's health through Preventive Health in FY 2021 and beyond.**

Invest in Healthcare Facilities and Related Infrastructure. Like the veins and arteries of a human being that carry life-giving oxygen throughout the body, healthcare facilities and their related municipal infrastructure form the core of a healthy community. Indian Country, however, remains plagued by limited access to quality healthcare facilities and the insidious presence of antiquated waste, water, and infrastructure systems. Tribal governments are consequently – and unavoidably – hampered in our efforts to provide essential services. **We request that Congress provide a specific set-aside and increased funding for Indian Country infrastructure development in the FY 2021 budget to build towards a stronger future.**

Adverse Health Outcomes Associated with Inadequate Housing. Access to affordable, structurally sound housing provides shelter from the proverbial storm and supports the physical and mental health of individuals and families. Reliable affordable housing reduces certain stressors that have been proven to contribute to negative health outcomes for low-income families by freeing up family resources for essential needs like education, food, and healthcare, as well as alleviating stressors associated with overcrowding—an endemic problem throughout Indian Country. Many of these languishing housing-related issues could be addressed by the reauthorization of the Native American Housing and Self-Determination Act (NAHASDA). **We request an increase in IHS funding to address the adverse health outcomes associated with critical housing shortages in Indian Country.**

II. Funding a Holistic Approach to Indian Health

Connect Tribal Communities to Health Services with Increased BIA Roads Construction and Maintenance Funding. Adequate and well-maintained roads are vital to accessing essential

on-reservation programs and services, as well as off-reservation resources. Funding for the BIA Road Maintenance program, however, has been under-resourced for several fiscal year cycles, despite the accumulation of almost $300 million in backlogged needs. The Catawba Indian Nation has 33 miles of roads included on the BIA Roads Inventory. Maintaining these roads costs $215,000 annually, but we receive only $25,000 in federal assistance. The $190,000 difference is taken from our Tribal Transportation Roads Program allocation, which in turn reduces the amount available for new roads construction to support our housing and economic development projects. These unmet needs place our tribal members in harm's way due to the unnecessary risks posed by unstable and unsafe roads that impair access, damage vehicles, and obstruct the timely arrival of emergency assistance. **We urge Congress to provide at least $50 million for the BIA Road Maintenance program to protect the health, safety, and welfare of Indian Country.**

Maintain Adequate EPA Funding to Protect the Environmental Quality of Indian Country. We depend on the EPA's fulfilment of its trust responsibilities and partnership obligations to protect human health and our shared environment. We have used and leveraged EPA resources such as the General Assistance Program and Brownfield 128a Program to advance our environmental programs with benefits at the tribal, local, and state levels. For example, we developed an ambient air monitoring program that measures ozone and particulate matter 2.5 micron and smaller. The data is posted on Air Now South Carolina, providing tribal members and State residents with accurate air quality information. We also partner with the State to generate air quality forecasts for a three county area. Moreover, for water equality, we established a water monitoring program using Clean Water Act funding. This program has enabled us to monitor and conduct analysis of pathogens in the water and inform tribal members and leadership of potential health risks. Through these programs, we work to ensure tribal members have access to clean water, air, land and fish that are safe for consumption. The job is ongoing. **We urge Congress to maintain adequate funding for EPA environmental quality programs so that we can achieve a cleaner, healthier and more prosperous country today and for the future.**

Maintain Funding for the Tribal Climate Resilience Program and Interior Landscape Conservation Cooperatives. Today, across the United States, communities are facing increasing public health, safety, and natural resources management challenges associated with our progressively unstable natural environment. Water availability, catastrophic wildfires and floods, invasive species, disappearing tree lines, and accelerated rates of erosion are only limited examples of the ways in which our country is changing. Tribal nations are often among the first to feel the effects of these developments on our human health and natural resources. The BIA Tribal Climate Resilience Program – along with Department-wide Landscape Conservation Cooperatives run in agencies such as the BLM, FWS, NPS, BIA, and BOR – is intended to provide tribal nations with the tools to manage resource stressors and develop adaptive management plans in coordination with federal, state, and local actors, to mitigate and prevent environmental degradation. Maintaining and furthering this progress is critical for all Americans. **We urge Congress to provide $30 million for the BIA Tribal Climate Resilience Program and $30 million for Interior Cooperative Landscape Conservation programs.**

Thank you for the opportunity to testify. The Catawba Indian Nation looks forward to working with you on addressing these complex, multi-faceted needs going forward.

Ms. MCCOLLUM. Thank you very much.

TUESDAY, FEBRUARY 11, 2020.

SISSETON WAHPETON OYATE OF THE LAKE TRAVERSE INDIAN RESERVATION

WITNESS

HON. DONOVAN WHITE, CHAIRMAN, SISSETON WAHPETON OYATE OF THE LAKE TRAVERSE INDIAN RESERVATION

Mr. WHITE. Good morning, Chairwoman McCollum, Ranking Joyce, and Committee Member Quigley. My name is Donovan White. I am chairman of the Sisseton Wahpeton Sioux Tribe, one of the seven great Sioux nations of the Midwest. For years, we have been working on building our community justice and rehabilitation center. We have been working on this for more than a decade. We need the justice center to combat the serious violent crime, drug crime that is plaguing our reservation. This center will also provide much-needed alcohol and drug treatment, as well as mental health, detox, transitional care, and inpatient/outpatient adult and youth services. We plan to build this center as a unified facility, but the end of earmarks and the IHS general counsel rulings limit our ability to build this unified center.

SWO adult detention center. The urgency of building a community justice center intensified in 2016 when the BIA closed our outdated and deficient condemned jail without a replacement plan. This created many public safety problems on top of an already perilous situation on our reservation. As a result, we work very hard with our congressional representatives and with this committee to restore this detention construction funding in the BIA budget. Thankfully, under the Fiscal Year 2018 Interior Appropriations Act, the BIA awarded us $5.175 million to design and construct a 25-bed medium security adult detention facility. This is a major first step in developing our justice center. [Speaking native language.] A big thanks to this committee and to Congress. After a year of discussion with the BIA, our project is now underway. We signed our 638 contract and issued the RFP for an A&E firm. The BIA is also developing a model to construct an adult detention facility. This will guide our project, subject to modifications, to meet our site location and to reflect our Dakota culture.

Adult high-security detention cell wing. Next, we need a high-security detention block as part of our new detention facility. We will need increased detention staffing. We urgently need to detain the most serious offenders in our highest-security setting, including those sentenced to a low enhanced security sentencing authority. In Fiscal Year 2020, the Senate directed the BIA to work with us to consider a high-security block and develop a cost estimate, and report back in 60 days. We estimate that the $4 million will be needed to build a 20-cell high-security wing. BIA detention has not consulted with us yet, and we need an extra 30 days on the deadline for the report for them to consult with us.

Inpatient drug and alcohol treatment center. We are also in dire need of an inpatient alcohol and drug treatment center. In the past year, we have had six fatal drug overdoses. That is 5 times higher

than the national average. In the past 2 months, six babies have been born under the influence of drugs. We have to stop this trafficking trend. In the mid-2000s, a comprehensive health planning effort identified behavioral health and drug dependency as a leading health problem on our reservation.

We have a treatment center, and it was built in the early 70s, and it is falling apart. We can only treat about 10 people at a time. And as you know, the opiate and the meth and now the fentanyl deaths have taken over. And I am off script here, but I don't need to read all of this, but meth, opiates, fentanyl is killing our people. Not only that, it is destroying our homes, you know. The meth gets made in the homes. So we have been very successful in the last 30 years with our gaming, but the leadership, we have let our people down, and we shouldn't have to come here, you know, to ask for money all the time. But we have been very successful, but now with new leadership, we need to move forward. Drugs are killing our people, and our babies are being born addicted to meth and stuff. And, you know, being a sociology major, you know, we pay now or we pay later, right, you know.

So and we have problems with law enforcement, and it affects everybody. It affects the counties. It affects all of the cities because our people are being locked up, and all of the jails, prisons are full of our people. So we need long-term treatment, and we need help with funding with a long-term treatment center. And not only that, a lot of our people go to prison, right, or they get court ordered to treatment is when they usually go when they are court ordered, but we need long-term aftercare. You have got to support our people when they get out of prison or they get out of treatment. So we need that.

So the drug epidemic is killing our people literally, and we have had six overdoses in the last year, so but it is everybody's problem, not just our problem. It is the counties and the cities. Their jails are full, too. So we have got to look at fixing the problem. And I am over my time, so appreciate you guys seeing me and listening to my testimony, and, you know, begging for assistance. So thank you.

[The statement of Mr. White follows:]

TESTIMONY OF HON. DONOVAN WHITE, CHAIRMAN
SISSETON WAHPETON OYATE

Before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
February 11, 2020

Good morning, Chair McCollum, Ranking Member David Joyce, and Members of the Committee. I am Donovan White, Chairman of the Sisseton Wahpeton Oyate ("SWO") of the Lake Traverse Indian Reservation in North and South Dakota. Thank you for inviting me.

Our Community Justice and Rehabilitation Center is our highest priority. SWO has suffers serious violent crime, drug crime, and juvenile delinquency. Fatal drug overdoses at SWO are staggering: 6 fatal drug overdoses in the past year. With almost 14,000 tribal members nationwide and 8,000 tribal members residing on our Reservation, fatal drug overdoses occur at 5X the national incidence among residents. North and South Dakota Governors recognize the importance of our Community Justice and Rehabilitation Center.

SWO Adult Detention Center. Our Senators and Congressmen understand that with our SWO Community Justice and Rehabilitation Center, the public safety of North and South Dakota will be improved. Governor Burgum said, our Detention Jail "will enhance regional law enforcement, criminal justice and the safety of our citizens." The Sisseton Wahpeton Sioux Tribe worked very hard with Congress and our congressional delegation to restore Funds for the BIA Public Safety and Justice Construction Budget in FY 2018:

> Public Safety and Justice Construction.-The agreement provides $35,309,000 for public safety and justice construction and includes the following: $18,000,000 to restart the facilities replacement and new construction program; $4,494,000 for employee housing; $9,372,000 for facilities improvement and repair; $169,000 for fire safety coordination; and $3,274,000 for fire protection. The Committees include funding for the replacement construction program, which has not received funding from the Bureau since fiscal year 2010, as other agencies have sought to build these facilities. The Committees also understand the Bureau currently has compiled a list of replacement facilities based upon the facilities condition index, inmate populations, and available space. It is the expectation the funding made available for this activity will utilize this list.

From among the FY 2018 Construction Funds, the SWO received a grant of $5.175 Million for planning, design and construction of our 25 Bed Medium Security Adult Detention Center. That's a first step. *Wopida Tanka*, Big Thanks to this Committee and Congress.

SWO has signed our 638 Contract with the Department of the Interior Facilities Management and Construction Division ("FMC"), and issued an RFP for our A-E Firm. SWO is participating in Bi-Weekly Conference Calls with BIA OJS, BIA Great Plains Region, and Indian Affairs Division of Facilities Management and Construction (FMC) to move the project forward and look forward to bringing our A-E Firm on board by the end of the

month. FMC is working to develop a model for construction of Adult Detention Center. FMC and SWO will use the Program of Requirements developed for the 2017 tribe, last month, with modifications to meet our site and reflect our Dakota culture.

Adult High Security Detention Cell Wing. For FY 2021, we urgently need to detain the most serious tribal offenders, including those offenders sentenced to longer terms under TLOA's enhanced sentencing authority, and our drug/alcohol rehabilitation to treat adult and juvenile alcohol and drug offenders. Drug/alcohol offenders are recidivists, so addressing the underlying causes of serious crimes restores community wellness.

In the FY 2020 Appropriations Report, the Congress directed BIA Detention Services to work with us on a report describing the original methodology for the size of our 25 Bed Detention Center, replacing our 1970s Jail and for our High Security Adult Detention Wing:

> *"The Sisseton Wahpeton Oyate Tribe, and the surrounding area, is facing an increase in substance abuse and related violence. The Committee is aware the Tribe received funding to replace an old detention center in fiscal year 2018 that would allow the Tribe to replace its old detention center up to its previous capacity; however, the capacity of the prior facility does not account for the increase in population growth or the need to address rising violent crime issues on the reservation. The Committee recognizes the need for increased detention space is dependent upon supportive data. Therefore,* ***the Committee directs the Bureau to report*** *back to the Committee within 60 days of enactment of this act with factors used to determine the appropriate size the of the detention center including the consideration of* ***a high security adult detention block and a cost estimate.***"

We ask that BIA OJS Detention and FCM consult with our Tribe concerning said report prior to sending to Congress, and a 30 day extension for file the report to allow for consultation with SWO. We estimate that a 20 Cell High Security Wing will cost $4 Million.

For FY 2021, we ask the Committee to increase funding for Interior Public Safety and Justice Construction by $10 Million to provide for construction of Adult High Security Detention Wing because Indian country's need is immediate and pressing:

> $10 Million for construction of high security adult cells at tribal detention centers to hold dangerous offenders convicted under tribal law of violent crime, drug related crime, drug dealing and other serious violence crimes against the peace and safety of tribal communities, offenders sentenced pursuant to TLOA enhanced sentencing; provided that funding shall be afforded to Indian tribes funded for Adult Detention Centers in FY 2017 and 2018 for construction of tribal or BIA detention facilities, and provided further that the BIA may enter into regional detention contracts with said tribes to ensure full utilization of high security detention cells.

Again, we have the support of our Governors, State Attorney Generals, and U.S. Attorney for our Sisseton Wahpeton Community Justice and Rehabilitation Center. SWO and the other

Indian nations building new Detention Centers will need staffing, and we ask Congress for $4 Million for Tribal Adult Detention staff for new facilities.

In Patient Drug and Alcohol Treatment Center

Our Native People need alcohol and drug rehabilitation services at more than twice the rate of the national population. States with increased rehabilitation see reductions in alcohol and drug related crime. The IHS recognizes: "Disparities in health status are affected by access to health services. Health care services are constrained by the limited capacities of existing Indian Health Service and tribal health care facilities. There is a significant need for expansion or replacement of many buildings." Our tribal members face life threatening health conditions because our facilities are lacking.

Mass incarceration and criminalization of alcohol/drug related behavior alone is not the answer, as Congress recently acknowledged with its passage of the First Step Act, Public Law 115-391 (2019). In South Dakota, one (1) in four (4) American Indian adults experience the trauma of having a household member incarcerated by the time they are 18 years of age. Treatment coupled with restorative justice is key to promoting recovery and healing for a community less than seven generations away from historically traumatic events. Drug rehabilitation yields long-lasting results as abusers return to work and family.

SWO operates a 12 Bed Dakota Pride In-Patient Drug and Alcohol Treatment Center now, but the Center is 45 years old and must be replaced. SWO plans a 32 Bed In-Patient Drug and Alcohol Abuse Rehabilitation Center. We estimate that the cost of our 32 Bed In-Patient Drug and Alcohol Treatment and Rehabilitation Center will be $8 Million.

In the mid-2000s, a health planning effort identified behavioral health, and drug dependency, as SWO's leading health problem. The criminal justice paradigm and medical model alone is not effective in our community. These efforts converged in the Community Justice Center: A holistic approach to dealing with individuals and families who exhibit co-occurring substance abuse, mental health, and anti-social/criminal behaviors. The goal of the proposed Community Justice and Rehabilitation Center is to provide for public safety, restorative justice and treatment to address the co-occurring crime and alcohol/substance use and abuse. The facility will incorporate Dakota cultural elements and provide a focus on substance abuse and addiction treatment. Co-occurring crime, drug abuse, and mental health issues are rooted in intergenerational trauma.

Treatment includes behavioral health therapy, counselling, nutrition and health, life skills, talking circle, Daily meditation, grief and loss, trauma groups, emotional regulation, medicine wheel 12-steps, men's and women's groups, dialectical behavior therapy and parenting groups. Dakota values and traditions, medicine wheel concepts, (mind body and spirit), cultural arts, red road to wellbriety, life skills and *Takoja Niwiciyape*-Giving life, and *Inipi* (Sweat Lodge) help our people recover focus and balance.

We need help to resolve these lethal and life-threatening community threats. At Sisseton Wahpeton, we need $8 Million overall: $4 Million in IHS Facility Funding for one

wing of our Rehabilitation Center, and $4 Million in Third Party Private Insurance Collections now available at our Service Unit. The Great Plains Indian nations and tribes in North Dakota, South Dakota, and Nebraska suffer tremendously from Drug Traffic. We ask the Committee to include a Special Pilot Project for the Great Plains Region for In-Patient Alcohol and Substance Abuse Facility Construction, as follows:

> From the IHS Budget for FY 2021, $30 Million shall be provided as a pilot project for the Great Plains Region to construct at least one In-Patient Alcohol and Drug Abuse Rehabilitation facility per state in North Dakota, South Dakota, and Nebraska.

This will assist the SWO in building at least one wing of our Rehabilitation Center.

Indian Health Service: Third Party Revenue

By law, the Third Party Collections, derived from our Indian Health Service Unit, must be expended in our Community. 25 U.S.C. sec. 1621f. The funds may be expended "by the Service, by an Indian tribe, or tribal organization." These funds are available for rehabilitation of existing facilities and modular facilities to ensure that the proper health care is provided to our tribal members relying on the Service Unit for "reducing health resource deficiencies" in our behavioral and physical health care. 25 U.S.C. sec. 1621(a)., the IHS is expressly authorized to fund health care deficiencies in the areas of: "Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.... Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians." At Sisseton Wahpeton IHS Service Unit, Private Health Insurance accounts for about 1/3 of our collections because our Tribe provides health insurance to tribal employees. If we had the Third Party Revenue Collections derived from Private Health Insurance, we understand that would be approximately, $4 Million. The IHS wants to build administrative offices and limited out-patient behavioral health offices with these funds, but our Tribe does not approve its proposal as insufficient for our needs.

We asked IHS to enter a 638 contract with us to build our In Patient Center as an adjunct to our Service Unit. IHS said "No." Please direct IHS as follows:

> Notwithstanding any other provision of law, I.H.S. is authorized and directed to contract with Indian nations and tribes to plan and build necessary adjunct facilities to improve health care (including In-Patient Drug and Alcohol Abuse Treatment and Rehabilitation Centers) at their IHS Service Units using Third Party Revenue collected there and derived from IHS patients using Private Health Insurance.

We appreciate your thoughtful consideration of our requests because they will save lives.

Thank you for the opportunity to testify before this Committee. We look forward to working with you to address Indian Country's epidemic drug and public safety crisis.

TUESDAY, FEBRUARY 11, 2020.

AK-CHIN INDIAN COMMUNITY

WITNESS

ROBERT MIGUEL, CHAIRMAN, AK-CHIN INDIAN COMMUNITY

Mr. MIGUEL. Good morning, Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee. My name is Robert Miguel, and I am honored to serve as chairman of the Ak-Chin Indian Community and to give testimony to you today on our community's priorities.

First, I would like to thank all of the members of this subcommittee for inviting me to testify today. Despite the Trump Administration consistently proposing cuts every year to the many programs that tribes utilize, this subcommittee increased funding for the Bureau of Indian Affairs and the Bureau of Indian Education in Fiscal Year 2020 by $142 million over Fiscal Year 2019. This subcommittee also increased funding to the Indian Health Services by $243 million over the Fiscal Year 2019 enacted level. This increased funding will help tribal governments, including ours, provide quality health services to their citizens. Thank you for your continued dedication to the trust responsibilities of the Federal Government to tribes and for these increases in funding for Fiscal Year 2020. Thank you.

Before I begin on our funding priorities, I would like to tell you a little about the Ak-Chin Indian Community. We are and always have been a farming tribe, and our name is directly derived from an O'odham word that refers to a type of farming traditionally practiced by the Ak-Chin people. Throughout our history, we have relied on subsistence and eventually commercial farming for sustenance. Today we own and operate the Ak-Chin Farms. We cultivate more than 15,000 acres of farmland, and the farms have been a central economic enterprise for the community since the 1960s.

We are a small, but growing, tribe with 1,130 enrolled community members today, and as the area surrounding us continues to grow at one of the fastest rates in the Nation, we are committed to being good neighbors while also working hard to build a stronger future for the next generation of Ak-Chin community members.

This is my fifth appearance before the subcommittee, and today I am here to testify on a number of important issues to the community, including funding for healthcare programs and tribal self-governance. My testimony today will focus on a handful of programs that our tribe utilizes for the benefit of our people. Although it is important for me to be here to speak on these issues today, we are advocating for funding for these and others programs every day that we deal with.

As you know, the Indian Health Service and the Bureau of Indian Affairs are both on the Government Accountability Office's High-Risk List. We hope the subcommittee can address this and join us in supporting a budget that assists tribal communities in advancing sustainable tribal programs.

Self-Governance. The Ak-Chin Indian Community is a compacted self-governance tribe with the BIA. The compact enables the United States to maintain and improve its unique and continuing

trust relationships and responsibilities to the community through tribal self-governance for various programs, services, functions, and activities, such as our public safety, social services, courts, road maintenance, and various other vital programs.

Currently, the community has a self-governance compact with the Indian Health Service for our Emergency Medical Service Ambulance Program and our Health Education Program. We are proud to provide these important services, but they are just a first step towards improving the healthcare options for our entire community. Ultimately, it is our goal to make informed decisions about which PSFAs to assume and the necessary steps to successfully support these programs.

The community applied and received two tribal Self-Governance IHS Cooperative Agreements Grants under Planning and Negotiation. We are truly appreciative as this funding has been an asset while our community upgrades and modernizes our healthcare system. Because of the success of tribal governance, we ask the subcommittee to expand self-governance status to include any programs that tribes are eligible for both in IHS and DOI, Department of Interior, as well as being open to compacting under other Federal agencies. Our self-governance programs have been a model of success. If we have the opportunity to self-govern more of our programs, it will undoubtedly lead to higher quality services to our community.

Advanced appropriations. As you know, advanced appropriations would ensure that funds are available in advance to alleviate the unfortunate circumstances so many tribes faced during the partial government shutdown last year. Currently, critical Federal programs at the Department of Education, Department of Housing and Urban Development, Department of Labor, and Veteran's Affairs are all authorized for advanced appropriations. Funding uncertainty causes tribes to redistribute funds from other tribal programs just to continue to operate programs. Advanced appropriations would prevent future lapses in funding associated with potential funding delays and will help keeping critical services uninterrupted. We ask for your support for advanced appropriations BIA, BIE and IHS funding.

In conclusion, again, there are a lot of other topics that we want to discuss, and you do have our testimony definitely, and we appreciate that. Again, I would like to thank the chairwoman and ranking member for holding this hearing and engaging in government-to-government consultation to hear our community's priorities. We hope the subcommittee will continue its good work and address the challenges we continue to face. I hope my testimony today has given you meaningful insights into these Federal programs and how they are positively impacting our community members. So, again, thank you.

[The statement of Mr. Miguel follows:]

TESTIMONY OF CHAIRMAN ROBERT MIGUEL
ON BEHALF OF THE AK-CHIN INDIAN COMMUNITY

BEFORE THE U.S. HOUSE OF REPRESENTATIVES
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES

February 11, 2020

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee:

My name is Robert Miguel and I am honored to serve as the Chairman of the Ak-Chin Indian Community ("Community" or "Ak-Chin") and to give testimony to you today on our Community's priorities.

First, I would like to thank all of the Members of this Subcommittee for inviting me to testify today. Despite the Trump Administration consistently proposing cuts every year to the many programs that Tribes utilize, this Subcommittee increased funding for the Bureau of Indian Affairs and the Bureau of Indian Education in FY 2020 by $142 million over FY 2019. This Subcommittee also increased funding to the Indian Health Services by $243 million over the FY 2019 enacted level. This increased funding will help tribal governments, including ours, provide quality health services to their citizens. Thank you for your continued dedication to the trust responsibility of the federal government to Tribes and for these increases in funding for FY 2020.

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This is my 5th appearance before the Subcommittee and today I am here to testify on a number of important issues to the Community including funding for health care programs and Tribal Self-Governance. My testimony today will focus on a handful of programs that our Tribe utilizes for the benefit of our people. Although it is important for me to be here to speak on these issues today, we are advocating for funding for these and other programs almost every day. As you know, the Indian Health Service and the Bureau of Indian Affairs, are both on the Government Accountability Office's High-Risk List. We hope the Subcommittee can address this and join us in supporting a budget that assists Tribal communities in advancing sustainable Tribal programs.

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The Ak-Chin Indian Community is a compacted Self-Governance Tribe with the BIA. The Compact enables the United States to maintain and improve its unique and continuing trust relationship and responsibility to the Community through tribal self-governance for various programs, services, functions, and activities (PSFAs) such as our public safety, social services, courts, road maintenance and various other vital programs.

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Because of the success of Tribal Self-Governance, we ask the Subcommittee to expand self-governance status to include any programs that Tribes are eligible for in both IHS and DOI, as well as being open to compacting under other federal agencies. Our self-governance programs have been a model of success. If we have the opportunity to self-govern more of our programs, it will undoubtedly lead to higher quality services to our Community.

Advanced Appropriations

As you know, advanced appropriations would ensure that funds are available in advance to alleviate the unfortunate circumstances so many Tribes faced during the partial government shutdown last year. Currently, critical federal programs at the Department of Education, Department of Housing and Urban Development, Department of Labor, and Veteran's Affairs are all authorized for advance appropriations. Funding uncertainty causes Tribes to redistribute funds from other Tribal programs, just to continue to operate programs. Advanced appropriations would prevent future lapses in funding associated with potential funding delays and will help in keeping critical services uninterrupted. We ask for your support for advanced appropriations BIA, BIE and IHS funding.

Section 105 (l) Leasing
The Ak-Chin Indian Community has an interest in pursuing Section 105 (l) leasing, the ability to lease facilities that are owned or leased by the Tribe or Tribal organizations and utilized for services under the Indian Self-Determination and Education Assistance Act. The ability to reimburse Tribes the costs associated with providing healthcare facilities, where IHS would have to provide otherwise, would be very beneficial to Tribes. As we keep track of how the 105 (l) leasing continues to expand, we have noticed some inconsistencies with funding. IHS did not plan for the funding necessities to properly adhere to 105 (l) leasing requests. Therefore, we respectfully request to create a separate funding line for the 105 (l) leasing to ensure the funding is adequately available for those Tribes and Tribal organizations seeking this option for their Tribal communities.

Special Diabetes Program for Indians
Last year I spoke to you on the importance of health care programs for our Community. One of our Tribe's top priorities and challenges is to provide our Members with high quality health care and health services. This is important for predicting health disparities and prevention going forward. In 2017, the Community conducted a Community Health Assessment to determine areas of emphasis and need for prevention and outreach. Diabetes prevention and metabolic syndrome risk factors will continue to be emphasized on strategies for prevention.

As grantees, the Special Diabetes Program for Indians (SDPI) enables our Community to expand services to tribal citizens who have diabetes.

We thank the Subcommittee for fully funding the SDPI at $150 million last year and including a short-term extension of the Special Diabetes Program for Indians (SDPI) for a 5-month period through May 22, 2020. However, this Congress urgently needs to re-authorize the SDPI program. Congressman Tom O'Halleran of Arizona last year introduced H.R. 2680, the Special Diabetes Programs for Indians Reauthorization Act of 2019. The bill would set the SDPI funding level at $200 million per year through FY 2024. We respectfully request the Subcommittee support swift passage of H.R. 2680 and fund the SDPI at $200 million for FY 2021.

We also wanted to inform you that our Tribal government is implementing a plan to have more control over health care benefits going to our Community. We look forward to working with the Subcommittee and Indian Health Services to help determine areas of emphasis for need and identify areas of strength when it comes to the health and wellness of our Community Members.

Johnson O'Malley Grant Program (JOM)
Ak-Chin, like many other Tribes, has utilized this funding to meet the unique educational needs of our youth. This continues to be a highly successful program and the demand is growing in our Community. We have used this funding in the Community by enabling JOM students to have a successful school year by providing vital school essentials for preschool, elementary, middle, and high school students. 71% of our Community is low to moderate income families and many parents cannot afford quality backpacks that will

last the duration of the school year and the school supplies needed for the classroom. The Ak-Chin JOM program distributes backpacks and school supplies every July before the onset of the school year during our annual Back to School Bash.

We thank the Subcommittee for being responsive to our request last year and increasing funding in FY 2020 to $20.3 million, an increase of over $5 million from FY 2019. Because of the continued need and high demand at Ak-Chin, we ask the Subcommittee to increase this funding to $25 million in FY 2021.

EPA Tribal General Assistance Grant Program

This program under the Environmental Protection Agency's General Assistance Program (GAP) is important for Tribes like ours who are dealing with numerous environmental issues. In the past our Community has used funding from this program to complete a Tribal Environmental Plan, draft an Integrated Solid Waste Management Plan, and conduct solid waste outreach activities under the Community-Based Social Marketing pilot program developed by the Region 9 Tribal Solid Waste team.

We thank Congress for appropriating $65.47 million for this program in FY 2020, over $20 million more than the Administration's requested level of funding. However, due to global climate change and the increased need by Tribes to address environmental issues, we ask for increased funding of this program to $75 million.

Environmental Protection Agency - Nonpoint Source - Section 319 Grants

The Section 319 grants developed under the Clean Water Act are used to address pollutants from water run-off that move to water sources such as lakes and rivers. Ak-Chin has implemented the Clean Water Act section 319 since March 2000. The Community has completed several restoration projects to restore impacted areas to our prior cultural conditions, such as harvesting and planting native vegetation (cottonwood trees) within the watersheds with assistance from this program.

We thank the Subcommittee for increasing funding to this program by $1.433 million from FY 2019 to $172.3 million total in FY 2020. With the increased use of fertilizers, herbicides and insecticides throughout the west, the demand to manage these pollutants is increasing. We ask the Subcommittee to increase funding to this program to $190 million in FY 2020.

Conclusion

Again, I would like to thank the Chairwoman and Ranking Member for holding this hearing and engaging in the government-to-government consultation to hear our Community's priorities. We hope this Subcommittee will continue its good work and address the challenges we continue to face. I hope my testimony today has given you meaningful insights into these federal programs and how they are positively impacting our Community Members.

Ms. MCCOLLUM. Thank you, sir, and thank you for—I do have your full testimony—for mentioning Johnson O'Malley and the well-being that that plays for children, for healthcare, and for our communities. Mr. Joyce, would you like to make any opening remarks at this time?

Mr. JOYCE. Well, I would pass on an opening since I was late. I want to apologize for that. Our mutual friend, Mr. Bradley, who said to say hello to you, was making his case, and I told him that I was going to be held in contempt by you if he didn't stop and I did not make it here. I have one quick question for Ms. Greene.

Ms. MCCOLLUM. Oh, please.

Mr. JOYCE. In your testimony, you mentioned that the local hospital has stopped taking the tribal insurance. What does that do to your budget?

Ms. GREENE. So, yes, I am told our current situation, which has just been recently resolved with both our insurances, the main insurance that we go through, which is Regents, and the local hospital, which is the state hospital with new leadership. And with their new leadership, they decided to not go into agreements with Regents Insurance, which includes our third party billing, so that hits our purchased/referred care very hard. So as of January 16th, we are going to be accepting under continuity of care a fuel level of care, such and cancer and those type of [Audio malfunction in hearing room]. As for the members, I would still need to get back to the members because they did just recently come under agreement, and they backdated that to January 15. So I am hoping that we won't see, I am sure, in our billing, in our purchased/referred care referral service, we are going to see some interruption, but they did backdate that to January 15. So as of right now, we won't be seeing too many issues there. So that was resolved.

Having to look down the future, in our billing process so that we don't end up in this situation again, we are having to readjust our own systems and kind of start looking at some funding because, at the end of the day, we have to look out for overall health and well-being. And we can't be at the mercy of two other organizations and then be taking hits to our purchase/referred care budget. Thank you.

Ms. MCCOLLUM. Before I go to Mr. Quigley, I have a follow up on that.

Mr. JOYCE. Okay.

Ms. MCCOLLUM. Do you know if that insurance company takes Medicare, Medicaid, and VA, now that we have some of the VA that people can do outside? Do you know if they take that? Can you find out?

Ms. GREENE. Yes, yes, we can, and we can follow up on that.

Ms. MCCOLLUM. It would be interesting that they would take every Federal program, but one that has gone through the Bureau of Indian Affairs.

Mr. JOYCE.——

Ms. MCCOLLUM. Yeah. Mr. Quigley.

Mr. QUIGLEY. Thank you, Mr. Chairman. Thank you for all your service to your communities and for being here. Let me ask a related question because it impacts everything else. We hear of the national economic outlook on unemployment rates, how the econ-

omy is going. We don't have a lot of time in each of our segments, but could a couple of you give me a snapshot as how the picture looks in your own communities?

Mr. WHITE. I haven't seen a whole lot of change at all in our economics on the reservation within our boundaries. If you go to some of the bigger cities, like Watertown, there are some companies that have come in. But to the smaller communities, if you would ask the people, I would say it is probably going backwards. We think some of the help is the bigger factors into bigger towns, but on the reservation, I don't see that improvement at all.

Ms. MCCOLLUM. Just identify yourself for the record.

Ms. GREENE. I am Chantel Greene of the Nez Perce Tribe again. Within economics, we are actually having to look at our own natural resources. I know I am on the healthcare panel. I am speaking specifically to that because there are aspects for the shortage of providers. That has been a major impact on healthcare as well. In Idaho, we just passed the Digital Health Aide Therapy through the Medicaid, Medicare, to get that program standing up.

However, we are still seeing issues within the rulemaking, so making sure that we can provide adequate care when we don't have providers who want to actually be rural, so that has been our issue. So it is one thing to actually get the providers there, but because of the cost of living and the market values, and it is an area that they don't want to be in versus, in Idaho, it would be the Boise location, area.

And so us looking at our holistic models for actually looking at our natural resources, and the climate change, and energy development. So we are trying to readjust to the circular economy, and utilizing our natural resources and developments in solar and small modular reactors. Those are new developments because we are pretty much maxing out our gaming, which also in the State of Idaho is a major impact. We are the third largest employer in the State, so our economic impacts to these States specifically is incredible. [Audio malfunction in the hearing room] tribes in Idaho, there would be a recession in Idaho.

Mr. HARRIS. I am quite envious of the two statements prior to mine. My name is William Harris. I am the chief of the Catawba Nation. We do not have economic development on our small reservation. South Carolina has not yielded from the growth that has happened throughout the Nation, and I think we are one of the restricted settlement tribes as well.

Mr. QUIGLEY. Could you assess the unemployment rate within your tribe?

Mr. HARRIS. It is double what is in South Carolina. So we are in double digits on the reservation, even though South Carolina itself is not. So grants are what sustain our community.

Mr. QUIGLEY. Thank you.

Ms. MCCOLLUM. Go ahead.

Mr. MIGUEL. Robert Miguel, chairman of the Ak-Chin Community. First, fortunately for us, we are a small tribe, again, and we are about 40 miles south of Phoenix, Arizona. And so in our area, in Pinal County in Arizona, we are one of the fastest-growing counties in the United States. So we have been able to be fortunate enough to capitalize in that sense. Currently, our economic develop-

ment in the enterprises we do have in the community, we have been fortunate enough to employ a little over 1,500 people at our casino, which is, I think, still number one as far as employment for Pinal County. And we have a little over 500 in our government operations for our community, and 400 overall for other areas.

So, again, the employment that we have been able to offer for the area has been tremendous. It has been great. And we continue to grow, so we are looking forward to that. But, again, have overall we have helped Arizona, I believe, financially in being able to accommodate in different areas through our 12 percent, our compact negotiations that we give back to the State. And then we do other things that are unknown, so we have been able to provide a number of services in and just the opportunities for Arizona overall.

Mr. PAYMENT. So we are the largest non-government——

Ms. MCCOLLUM. You want to be——

Mr. PAYMENT. Oh, I am sorry.

Ms. MCCOLLUM. You want to be "Dr.," "Vice Chair," "the Honorable"——

Mr. PAYMENT. Dr. Chair.

Ms. MCCOLLUM. Dr. Chair. [Laughter.]

Dr. Chair Payment.

Mr. PAYMENT. The honorable, of the Sault Ste. Marie Tribe of Chippewa Indians. So we are the largest non-government employer in the upper peninsula of Michigan, next to prisons, sadly. We haven't really seen any change. In fact, we are the resiliency factor in rural communities that provide jobs when the economy is bad because people come to casinos whether the economy is good or bad, and we haven't seen any increase in people coming to casinos because of the expected trickle-down economic impact that is happening right now.

But the bigger threat is the work requirement to the Affordable Care Act expansion because we increased our revenue by $10 million. Our AFAR IHS funding is $30 million. We increased by $10 million, so we increased it by one-quarter of our health delivery system because of the Affordable Care Act. That is at threat right now.

CMS, and we have fought CMS and HHS because they were saying it was discriminatory, it is a violation of civil rights laws. All that was made up. There was no substance to that. They capitulated. Arizona pushed it, and they played a game of chicken, and Arizona won, and so now we can add it, but the damage is done because legislators put the work requirement in. Indians should be exempted from the work requirement. We are already the engine, and so at risk is $10 million dollars to our economy. That will be drastic, so.

Ms. MCCOLLUM. Thank you. Mr. Simpson.

Mr. SIMPSON. No questions. I just apologize for being late, but I like hearing your testimony.

Ms. MCCOLLUM. Well, thank you all. And I know it is a very busy 2 days for you, so thank you for making time and coming and sharing.

VOICES. Thank you.

Ms. MCCOLLUM. We will have the next panel come up, please. We will be hearing from the National Indian Health Board,

Southcentral Foundation, Riverside-San Bernardino County Indian Health, Inc.

The other panel finished right on time, and so we are going to check outside if a few other colleagues who are going to join the panel are here. And if not, we will start right away with you, Ms. Sanchez. I think everybody is saying good morning to each other, which is good. You come to a conference, and you get to see people you haven't seen for a while.

Good morning. I am going to have you introduce yourselves. We will go down, and we will start with the other end of the table, and you can go right into your testimony from that. The timer is set for 5 minutes. At 1 minute, you will see a yellow light, and then if you get into that yellow light a little bit, I will lightly tap the gavel. And when it is red, we ask you to please conclude your remarks. We have all your testimony in the record. Thank you. Do you need another second, or are you ready to?

VOICE. I am ready to go.

Ms. MCCOLLUM. Thank you. And you need to push the red button down there, and they like it if the microphone is close so it can be recorded. Thank you. Good morning.

TUESDAY, FEBRUARY 11, 2020.

WINNEBAGO TRIBE OF NEBRASKA AND INDIAN HEALTH BOARD

WITNESS

VICTORIA KITCHEYAN, CHAIRPERSON AND GREAT PLAINS AREA REPRESENTATIVE, WINNEBAGO TRIBE OF NEBRASKA, NATIONAL INDIAN HEALTH BOARD

Ms. KITCHEYAN. Good morning. Good morning, Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee. On behalf of the National Indian Health Board, I am thankful to testify on the Fiscal Year 2021 Indian Health Service budget. My name is Victoria Kitcheyan. I am the chair and Great Plains area representative to the National Indian Health Board. I am a member of the Winnebago Tribal Council.

And as we work together on the first IHS budget of the decade, let's reflect on some of the great successes over the past 10 years. We began the previous decade with a tremendous victory with permanent reauthorization of the Indian Healthcare Improvement Act. This was an incredible victory that ensured the foundation of the Indian health system will persevere. Because of this congressional action, we were also able to secure rightful and full funding of the contract support costs.

Thanks to you, the 2010 enacted IHS budget was $4.02 billion, and we ended in 2020 with $6.04 billion. During this same time span, we saw third party reimbursements from public and private payers reach over $1 billion for federally-operated healthcare facilities alone. Our people made dramatic gains in healthcare coverage, improving access to care, and revenue streams for our services and facilities overall.

Overall, we continue to applaud the leadership and the partnership of this committee to help secure those successful legislations,

but they have been achieved alongside great challenges, and the road in front of us remains long. Our members continue to live 5.5 years longer less than general population, and in the Great Plains where I am from, 20 years earlier. Our people continue to have the lowest health outcomes and the highest health disparities. For example, infant mortality continues to rise in our communities, while it is decreasing through the rest of the country.

The fate of the Indian Health Care Improvement Act remains imbalanced due to legal challenges to the Affordable Care Act. Our public health infrastructure remains decades behind State and local entities. Our communities continue to be overlooked when new block grants or opportunities are introduced. Our hospitals remain 4 times older than the rest of America's hospitals. If one was built today, it would not be rebuilt for 400 years. Provider shortages remain severe with chronic vacancies from physicians to behavioral health professionals, pharmacists.

So in every year of the previous decade, there were delays in passage of the IHS budget leading to one continuing resolution after another. On four occasions, IHS was shut down because lawmakers couldn't agree on a final budget. The budget disagreements had nothing to do with Indian Country or the IHS, and our people suffered, nonetheless. Those shutdowns lasted from one day to the longest in history at 35 days. In each of those instances, are healthcare was shut down. Our people were endangered. Each of those such shutdowns violated the solemn responsibility of the United States to our tribes and people.

Every year tribal leaders from across the country convene in Washington, D.C. to formulate the national tribal budget formulation recommendations for needs-based and fully-funded IHS budget. The recommendations reflect the national voice of tribal people. Every year we face limitations on this discretionary budget that only allows for marginal increases to the IHS budget. For example, we were thankful last year that the committee fought really hard for a 9 percent increase totaling over $530 million, and when that final agreement was reached, it was cut by half. So when you compound chronic underfunding and continuing resolutions, the inevitable result are pervasive disparities for our people.

So where does that leave us? We ask you as we start this decade to just reimagine how we fund the Indian Health Service. We begin this decade with a monumental victory, and we can do that by passing advanced appropriations. We are very thankful to Chairwoman McCollum and Representative Young for introducing the latest legislation that would authorize advanced appropriations for our programs, and Ranking Member Joyce and others who strongly support that. We remain fully committed to working in a bipartisan way to pass the advanced appropriations. We have the momentum. We can get it done this year.

We can begin this decade by passing an IHS budget that reflects the recommendations of the Tribal Budget Formulation Work Group calling for $9.1 billion for IHS in 2021. This decade must be where Congress fully lives up to its obligations to tribal nations, and this decade is where we receive a full and permanent needs-based budget for IHS and all of our health programs. This must be the decade where we look back and say this was a time when our

treaties and obligations by the Federal Government were finally honored.

So our dedication to this remains everlasting. We thank you for your commitment as well and look forward to working alongside you on this. And I thank you for the invitation to testify and happy to answer questions.

[The statement of Ms. Kitcheyan follows:]

National Indian Health Board

TESTIMONY OF THE NATIONAL INDIAN HEALTH BOARD – VICTORIA KITCHEYAN, CHAIRMAN
AMERICAN INDIAN & ALASKA NATIVE PUBLIC AND OUTSIDE WITNESS HEARING
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR
FEBRUARY 11, 2020, 9:40AM

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee, thank you for holding this important hearing. On behalf of the National Indian Health Board and the 574 federally-recognized Tribes we serve, I submit this testimony on the Indian Health Service (IHS) Fiscal Year (FY) 2021 budget.

Congress established the IHS in 1955 as a step toward fulfilling the federal government's treaty and trust obligations for health services for all American Indians and Alaska Natives (AI/AN). But since its inception, IHS has suffered chronic and pervasive funding shortages that continue to adversely impact the quality and consistency of health services delivered to AI/AN Peoples. In FY 2017, per capita medical expenditures within the Indian health system amounted to just $4,078 compared to $9,726 in national per capita health spending that same year. Compared to all federal health care programs, IHS remains the most neglected and insufficiently funded. Yet, it is the only federal health program that exists because of federal treaty and trust obligations to Tribal Nations.

The repercussions of continued underfunding of IHS are measurable and quantifiable. Let's look at life expectancy. An American Indian born today has a life expectancy that is 5.5 years less than the national average, while in certain states our people are dying as much as two decades earlier than Caucasians. Health outcomes among AI/ANs have either remained stagnant or become worse as Tribal communities endure higher rates of poverty, lower rates of healthcare coverage, and less socioeconomic mobility than the general population. Overall, AI/ANs face significantly higher death rates than the general population for chronic diseases such as cancer, diabetes mellitus, liver disease and cirrhosis, addiction and overdose, and chronic respiratory disease.

For instance, from 1999 to 2015 our people encountered a 519 percent increase in drug overdose deaths, the highest rate increase of any demographic nationwide. Approximately 75 percent of AI/AN adults are overweight or obese, thus increasing risk of heart disease, stroke, some cancers and hypertension. Rates of chronic liver disease and cirrhosis deaths among AI/ANs are 2.3 times the rate for Caucasians. Most if not all of these health conditions are preventable; however, chronic underfunding of the Indian health system forces limited resources to be allocated towards treatment as opposed to prevention. Investments in public health systems in Indian Country remain nonexistent. This state of affairs means higher expenditures for direct health care for preventable disease, in a grossly underfunded health system.

While Tribes are grateful for the recent increases to the IHS budget, note that those increases have not been enough to expand health services or improvements in equipment, facilities or staffing. In fact, while the IHS annual appropriated budget has increased by roughly 2-3% each year since FY 2008, much of those increases are only enough to cover needs associated with population growth, medical inflation, the rightful full funding of Contract Support Costs, and maintenance of current services. As a result, dollars are scarce for making marked improvements in the quality and accessibility of health services, or to build Tribal public health infrastructure.

Full Funding of IHS at Level of Need

The only long term solution to challenges with the Indian health system is for Congress to fulfill its constitutional obligations by first, fully funding IHS, and then transitioning the agency to mandatory funding. Each year, Tribes, Tribal organizations, and urban Indian organizations from across Indian Country come together to put forth national recommendations towards establishing a needs-based and fully funded IHS budget. Known as the IHS National Tribal Budget Formulation Workgroup, it is comprised of Tribal leaders, policy and budget analysts, technicians, and researchers from all twelve IHS Areas. Their recommendations reflect the collective national voice and policy priorities of all Tribal Nations. The Workgroup provides a roadmap towards fulfillment of the federal trust responsibility for the health of all American Indian and Alaska Native people.

In 2018, the Workgroup first recommended transitioning to a new methodology for calculating a full needs-based IHS budget. Starting with the FY 2021 recommendations, the Workgroup replaced the Federal Employee Health Plans (FEHP) per user cost benchmark with a benchmark based on national health expenditures (NHE). The NHE classification presents a more accurate and complete picture of need, and allows for better comparison among categories over time. It is also more useful in analyzing a changing mix of medical services and products. To that end, the Workgroup recommends a needs-based and fully funded budget of **$37.61 billion** for IHS, phased in over twelve years.[1] This total includes recommended amounts for all IHS accounts and line item expenditures, including for binding obligations such as Contract Support Costs, funding for newly recognized Tribes, and 105(l) lease expenditures, among others.

Advance Appropriations

Tribes and NIHB are grateful for the bipartisan support for advance appropriations for the IHS. In particular, Tribes and NIHB wish to recognize Chairwoman McCollum's leadership in introducing H.R. 1128, the Indian Programs Advance Appropriations Act. This bill seeks to authorize advance appropriations for IHS Services and Contract Support Costs, in addition to the Bureau of Indian Affairs. The Indian health system faces many chronic challenges that are made worse by endless use of continuing resolutions (CRs) and the persistent threat of government shutdowns. In fact, of the four federal healthcare programs, IHS is the only one not protected from government shutdowns and CRs. This is because Medicare and Medicaid receive mandatory appropriations, and the Veterans Health Administration (VHA) has received advance appropriations for nearly a decade. In September 2018, the Government Accountability Office (GAO) issued a report (GAO-18-652) that noted that "uncertainty resulting from recurring CRs and from government shutdowns has led to adverse financial effects on tribes and their health care programs."

While Tribes and NIHB are pleased that the Bipartisan Budget Act of 2019 put an end to sequestration, the protection only lasts through the end of FY 2021. Once again, during last year's 35-day government shutdown, IHS was the only federal healthcare program directly harmed. The impact was devastating, yet entirely avoidable. Tribal facilities lost physicians because they couldn't keep working without pay. Doctor visits couldn't be scheduled because administrative staff were furloughed. Tribal members took out *private loans* to be able to help pay to keep the lights on at their clinic. Contracts with private entities for sanitation services and facilities upgrades went weeks without payments, threatening Tribe's credit and putting patient's health at risk. Some

[1] The full FY 2021 IHS Tribal Budget Formulation Workgroup Recommendations are available at https://www.nihb.org/docs/04242019/307871_NIHB%20IHS%20Budget%20Book_WEB.PDF

Tribal leaders even shared how administrative staff volunteered to go unpaid so that the Tribe had resources to keep physicians on the payroll. These are just a few examples of the everyday sacrifices that widen the chasm between the health services afforded to AI/ANs and to the nation at large.

Access to healthcare is a matter of life and death – our people should not have to face the risk of their local hospital shutting its doors if lawmakers fail to pass a budget on time each year. Only our people's healthcare is directly threatened during government shutdowns and CRs – no other population has to live under that painful and constant threat. That is outrageous and unacceptable. Over the past two decades, only once has Congress passed the Interior budget on time – in FY 2006. Every other year, IHS has been subject to either short-term or full-year CRs or faced a government shutdown. When you compound the impact of chronic underfunding and endless use of CRs, the inevitable result are the chronic and pervasive health disparities across Indian Country. Advance appropriations for IHS is a necessity to ensure patient health isn't comprised in the event of Congress's failure to enact a budget each year. It is long past due.

FY 2021 Funding Recommendations

To begin the twelve-year phase in of the full needs-based IHS budget, Tribes recommend increasing FY 2021 IHS appropriations to **$9.1 billion**. All areas of the IHS budget are critically important, and we hope to see strong increases across the board for FY 2021. However, Tribes have identified several top priorities including *Hospitals & Clinics*; *Purchased/Referred Care (PRC)*; *Mental Health*; *Alcohol and Substance Abuse*; and *Dental Services*.

Hospitals and Clinics – For FY 2021, Tribes request **$2.87 billion** for Hospitals and Clinics (H&C), which is roughly $552 million above the FY 2020 enacted level. The H&C line item provides the base funding for the 605 hospitals, clinics, and health stations operating on Tribal lands and reservations, predominantly in rural settings. H&C funding supports primary medical care services, including inpatient care; routine ambulatory care; medical support services; support for Tribal Epidemiology Centers; and other significant medical needs. However, the H&C line item faces reoccurring challenges such as a lack of sufficient funding increases matched to population growth and medical inflation; chronic and pervasive provider shortages across the Indian health system; and higher disease burdens among AI/ANs overall that create added strains on an already underfunded budget.

Purchased/Referred Care (PRC) – For FY 2021, Tribes recommend **$1.5 billion** for the PRC program, which is $485.7 million above the FY 2020 enacted level. PRC was established to allow for IHS and Tribally operated facilities to secure essential health care services from private sector providers when such services, especially emergent and specialty care services, are not available within the Indian Healthcare Delivery System. In FY 2018 alone, PRC denied over $676 million in services for an estimated 163,058 AI/AN health care service requests. Inadequate funding for the Indian Healthcare Delivery System and PRC forces IHS and Tribal Nations to ration health care based on an antiquated ranked medical priority system.

Health Information Technology (IT) – For FY 2021, Tribes request **$25 million** for the newly created Electronic Health Records (EHR) line item. Tribes were very pleased to see a new $8 million line item for modernization of EHRs created under the final FY 2020 spending package,

and would like to see this line item increased in FY 2021. IHS uses the Resource and Patient Management System (RPMS), which is a comprehensive suite of applications that supports virtually all clinical and business operations at IHS and most Tribal facilities, from patient registration to billing. The RPMS system is partly reliant on the health IT system used by the Veterans Health Administration (VHA), known as the Veterans Information Systems and Technology Architecture (VistA). With the VHA transitioning to a commercial off the shelf system, and more and more Tribes electing to do the same, it creates serious interoperability concerns that directly impact patient care. Congress must ensure parity between IHS and the VHA in modernization of their health IT systems so as to not compromise patient care and health.

105(l) lease expenditures – Section 105(l) of the Indian Self-Determination and Education Assistance Act mandates payment of leasing costs to Tribal facilities when used to operate IHS programs through contracting and compacting agreements. With more and more Tribes electing to apply for 105(l) lease contracts, IHS has indicated that costs are anticipated to increase exponentially over time. Currently, IHS has no other mechanism but to pay for 105(l) leases through the Services Account. In 2019, IHS reported a roughly $72 million shortfall in funds available for existing lease agreements, forcing the agency to reprogram dollars from other critical needs. While Tribes are grateful for the $89 million increase to 105(l) leases included in the FY 2020 enacted budget, it remains clear that growing 105(l) expenses place IHS in a similar quagmire as existed with Contract Support Costs several years ago. As such, Tribes strongly request that Congress **enact an indefinite appropriation and separate line item for 105(l) leases.**

Mental Health and Alcohol/Substance Abuse – For FY 2021, Tribes request **$398.4 million for Mental Health**, which is $289.4 million above the FY 2020 enacted level; and **$503.9 million for Alcohol and Substance Abuse**, which is $258.2 million above the FY 2020 enacted level. AI/AN people continue to experience alarming rates of mental health issues including higher rates of suicide, post-traumatic stress disorder, and depression. However, inadequate funding resources limit Tribes ability to implement asset-based approaches to address these issues. Similarly, Tribal communities are disproportionately impacted by substance use issues including higher rates of youth substance use, overdose, and addiction. The significant increases for both line items are needed to assist Tribal communities in further developing innovative and culturally appropriate prevention and treatment programs that build upon the resiliency factors and inherent strengths that already exist in Tribal communities.

Facilities – For FY 2021, Tribes request roughly **$1.25 billion** for the Facilities Account. This includes marked increases for Maintenance and Improvement, Sanitation Facilities Construction, Health Care Facilities Construction, Equipment, and Facilities and Environmental Health Support. The Indian health system operates 45 hospitals and 531 outpatient facilities including health centers, Alaskan Village clinics, and health stations. In 2018 alone, these facilities had an estimated 39,367 inpatient admissions and 13.8 million outpatient visits. On average, IHS hospitals are 40 years of age, which is almost four times more than other U.S. hospitals with an average age of 10.6 years. A 40 year old facility is about 26 percent more expensive to maintain than a 10-year facility. The facilities are grossly undersized – about 52% – for the identified user populations, which has created crowded, even unsafe, conditions among staff, patients, and visitors. Significantly increased funding is needed to update and modernize health facilities in Indian Country in order to improve patient care and attract highly qualified providers.

Ms. MCCOLLUM. Thank you.
Ms. KITCHEYAN. Thank you.

TUESDAY, FEBRUARY 11, 2020.

SOUTHCENTRAL FOUNDATION

WITNESS

APRIL KYLE, VICE PRESIDENT, SOUTHCENTRAL FOUNDATION

Ms. KYLE. Good morning. My name is April Kyle, and I am from Southcentral Foundation. My tribe is Ninilchik. We are a tribal healthcare organization in the southcentral region of Alaska serving 65,000 Alaska Native and American Indian people in an area the size of Wyoming, so a really big service area.

I want to share with you six things in 5 minutes. I will do them quickly. First, I want to talk about funding in general, and I want to say that we appreciate the increases to funding, until we see that health disparities between Alaska Native and American Indian people and other Americans are extinguished, the funding solution hasn't come yet. So we ask you to think about that as you are looking at the IHS budget. The second topic is 105 lease funding. We want to thank you for increasing funding levels to $125 million. We know that the IHS estimates the need as $150 million. We think that the need for that funding is great and hard to predict, and all we ask is for the IHS to consult with tribes, Congress, and the OMB to figure out the right appropriation level. We also think these funds should be reclassified as appropriated entitlement.

Third, I want to talk about advanced appropriations. It is a topic you have heard about before, but certainly with government shutdowns it became very clear what the impact is for communities, and it puts people and families at risk. And I just want to remind you that the IHS is the only Federal healthcare system that does not have advanced appropriation. And at Southcentral Foundation, we appreciate that there is good movement on legislation to resolve this issue. We thank the co-sponsors, and we ask for your support.

The fourth is behavioral health. So I serve as the vice president of behavioral services. I have been with SCF for 17 years, so this is my actual topic of expertise. And at Southcentral Foundation, we are doing really good work in addiction treatment, working with kids, working with adults, working with folks in behavioral health crisis. I attend graduations, and I see people's lives change because treatment works and recovery is possible. But there is a big problem. The problem is the volume of services that we can deliver, the supply is so much smaller than the demand in our communities. And so we ask you to think about behavioral health, and we are looking for at least a 15 percent increase in behavioral health funding for the next budget cycle.

Fifth topic is joint venture construction, a highly successful program. It benefits tribes. It benefits the IHS. And we would like to see an increase in joint venture projects to expand and grow more services across the Nation. My last topic, number six, is the VA Mission Act, and I know that is a little bit outside the scope of this

hearing. We appreciate that $11 billion was appropriated to the VA to implement the Mission Act, and there is a piece of that which creates an opportunity for a medical residency pilot program in the VA where medical residents could be placed with tribal or IHS facilities for their medical residency. This is a win-win-win opportunity for tribes, for the VA, and for IHS.

Our ability to deliver healthcare is often limited by our workforce. And so any opportunity we have to bring more doctors into our systems—that includes IHS, the VA, and tribal healthcare—the better that we will be able to deliver the services that are needed by our community. We know that is not exactly in the scope of this hearing, but any influence and support you have for funding for that residency program would be greatly appreciated.

So in conclusion, in the time that I have had, I have spoken about the importance of funding, 105(l) leases, advanced appropriations, behavioral health, which is probably my favorite topic and the importance of truly meeting the needs of our community with behavioral health funding, joint venture and the VA Mission Act Residency Program. I thank you very much for your time.

[The statement of Mr. Kyle follows:]

TESTIMONY OF APRIL KYLE ON BEHALF OF SOUTHCENTRAL FOUNDATION BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES REGARDING FY 2021 APPROPRIATIONS FOR THE INDIAN HEALTH SERVICE

February 11, 2020

My name is April Kyle and I am the Vice President for Behavioral Services for the Southcentral Foundation (SCF). SCF is the Alaska Native tribal health organization designated by Cook Inlet Region, Inc. and eleven Federally-recognized Tribes – the Aleut Community of St. Paul Island, Igiugig, Iliamna, Kokhanok, McGrath, Newhalen, Nikolai, Nondalton, Pedro Bay, Telida, and Takotna – to provide healthcare services to beneficiaries of the Indian Health Service (IHS) pursuant to a government-to-government contract with the United States under authority of the Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93-638. SCF is a two-time recipient of the Malcolm Baldrige National Quality Award for health (2011 and 2017).

SCF, through our 2,300 employees, provides critical health services, including pediatrics, obstetrics and gynecology, Native men's wellness, dental, behavioral health and substance abuse treatment to over 65,000 Alaska Native and American Indian patients. This includes 52,000 people living in the Municipality of Anchorage, the Matanuska-Susitna Borough to the north, and 13,000 residents of 55 rural Alaska Native villages. Our service area encompasses over 100,000 square miles, an area the size of Wyoming. More so than any other affiliation of tribes, Alaska Native people have assumed the broadest responsibilities under the ISDEAA to own and manage healthcare systems which, together with the Alaska Public Health System, serve 150,000 Alaska Native and American Indian people and thousands of non-Native residents in rural Alaska.

I want to thank this Subcommittee for its continued leadership in securing significant increases in federal appropriations for the Indian Health Service. The FY 2020 omnibus funding measure's increase of total appropriations for IHS to $6.04 billion, a $242.8 million increase over the FY 2019 enacted level, represents continued movement in the right direction. My remarks today are simple: continue to increase federal appropriations for IHS programs and services until health disparities between Alaska Native and American Indian people and other Americans are extinguished. At present, IHS per capita spending on healthcare for Alaska Native and American Indian people is about one-third of the average national per capita healthcare spending level. These increases should include not only additional funds for general IHS services and facilities through advance appropriations, but additional support (and indefinite appropriations) for 105(*l*) leases, and increased funding for behavioral health services and long term/elder care. In addition, we ask that the Committee direct IHS to approve more Joint Venture Construction program projects and fund the VA Mission Act Residency Program.

1. Reduce the Disparity in Federal Healthcare Expenditures for Alaska Native and American Indian People

We recommend that the Subcommittee prioritize general program increases which are shared equally by all tribal programs. We are pleased to see that in FY 2020 appropriations for the IHS, Congress included significant increases such as a $177.2 million increase for Hospitals and Health

Clinics, a $16 million increase for Indian health professions, an $8.3 million increase for Urban Indian Health, and a $2.8 million increase for Public Health Nursing. We are concerned, however, that Congress did not increase the appropriations for Purchased/Referred Care or the amounts available for Facilities Maintenance and Improvement, which are critical budget items in need of increased resources. By the estimate of the National Indian Health Board (NIHB), IHS funding is only about 1/5 of the total tribal needs budget of $30 billion. So long as appropriations for the Indian Health Service reside within the Interior, Environment and Related Agencies, this Subcommittee will always be challenged to appropriate sufficient funds to address the healthcare disparities between Alaska Native and American Indian people and the rest of the population. We appreciate your efforts in tackling that challenge.

2. Continue to Support Increases for Section 105(*l*) Lease Payments and Reclassify 105(*l*) Appropriations

We appreciate the Committee's careful attention to the issue of 105(*l*) leases in the FY 2020 funding measure, including the inclusion of $125 million for 105(*l*) leases, an increase of $89 million over the FY 2019 enacted level. We especially appreciate Congress' rejection of the Administration's request for statutory text, included in the Administrative Provisions concerning the IHS, to legislatively override Section 105(*l*) and the courts, and insert a "notwithstanding" clause which would make all lease payments by the Secretary entirely discretionary on the part of the IHS. We thank the Committee for the Report language directing IHS to comply with federal court decisions clarifying that the IHS' obligation to pay 105(*l*) lease costs is mandatory and not discretionary. We agree that 105(*l*) lease costs are both likely to rise in the near future and will remain difficult to anticipate or accurately budget for. Therefore, we agree that the IHS should consult with Tribes, Congress, and the OMB to work toward a long-term solution regarding appropriations for 105(*l*) lease costs. We think that, in light of the *Maniilaq* decisions, these funds should be reclassified as an appropriated entitlement.

3. Provide Advance Appropriations for the Indian Health Service

Calls from Tribes and Tribal organizations for advance appropriations for Indian programs – including the Indian Health Service – are not new. But last year's government shutdown underscored the need for this change. The delays in funding had deeply-felt impacts in Alaska Native and American Indian communities across the country. As Chairwoman McCollum has said, "[d]uring the government shutdown, basic everyday needs like health clinics, tribal justice services, and social services for children, families, and seniors went unfunded, putting Native American communities at risk." We completely agree that "[t]hese programs are critical to life, health, and safety in these communities, and the federal government has a legal and moral responsibility to ensure funding for our trust and treaty responsibilities is not interrupted. Advance appropriations for Indian Country is a promising avenue for making good on our commitments to our Native American brothers and sisters."

Much has been said in this Subcommittee, year after year, about how the programs and departments subject to this appropriations process are reflections of the trust relationship the Federal Government has with American Indian and Alaska Native people. The problems that arise

from shutdowns and other delays in the context of a *lack* of advance appropriations exacerbate the problems caused by the funding shortfalls and disparities discussed above.

We therefore applaud Chairwoman McCollum and Ranking Member Joyce, as well as Representatives Young, Cole, Haaland, Grijalva, Luján, Mullin, Ruiz, Watson Coleman, and Titus for their sponsorship of measures in the current Congress to provide advance appropriations for IHS. Each of these measures also has support from a long and bipartisan list of cosponsors.

4. Continue to Provide Increases for Behavioral Health Programs

We cannot note strenuously enough how important it is to increase available funds for behavioral health. Alaska Native and American Indian people are disproportionately represented in substance abuse, especially opioid addiction, and suicide statistics. According to the Centers for Disease Control (CDC), and confirmed by IHS Chief Medical Officer, Rear Admiral Michael E. Toedt, Alaska Native and American Indian people "had the highest drug overdose death rates in 2015 and the largest percentage increase in the number of deaths over time from 1999-2015 compared to other racial and ethnic groups." During that time, deaths rose more than 500% among Alaska Native and American Indian people. The CDC also found that the suicide rate among Alaska Native people is almost four times the U.S. general population rate and at least six times the national average in some parts of the State.

The FY 2020 appropriations measure provided a modest increase of $3.6 million for mental health, but did not increase funding for the behavioral health integration initiative or for suicide prevention, or the amount available for alcohol and substance abuse programs. Congress did continue providing $10 million to combat the opioid epidemic with direction to continue to use the additional funds for the Special Behavioral Health Pilot.

We urge the Subcommittee to build on these programs and increase funding by at least 15% above the FY 2020 enacted level. Behavioral health funds are critical to our most vulnerable population – our youth. SCF runs several programs that provide mental health care for Alaska Native youth which focus on building academic, vocational and leadership skills through culturally-appropriate methods. It is our firm conviction that only by addressing the root causes that drive individuals to drug misuse and addiction – domestic and child abuse, poverty and unemployment – can we help them heal.

We also support specific appropriations for an Opioid Prevention, Treatment and Recovery program for Alaska Native and American Indian people. We recommend that these funds be distributed among tribes and tribal organizations as additions to our self-governance compacts and contracts. Alaska Native healthcare providers, like SCF, recognize that the size of the opioid and substance abuse problem in Alaska demands resources. However, with insufficient funds to address behavioral health challenges, we cannot reach those who suffer from substance abuse, those struggling with PTSD, our military veterans, or victims of violent crime. Prevention, education, and timely medication-assisted treatment (MAT) programs remain our most potent tools to raise a new generation of Alaska Native people who practice positive, life-affirming behavioral traits and who will, in turn, pass on these life skills to their children and grandchildren.

With our available funds, we established The Pathway Home, a voluntary, comprehensive, and individualized mental health program for adolescents aged 13 to 18 years. The Pathway Home teaches life skills to these Alaska Native youths so that they discontinue harmful behavior. Many of these youths have already experienced childhood trauma or have seen family members struggle with drug and alcohol dependency, which puts them at greater risk of turning to drugs and alcohol. The Pathway Home creates a loving and supportive community environment and it is heartwarming to see how proud the graduates of this program are to go back out into the world with these new skills and new hope.

5. Approve More Joint Venture Projects

The Joint Venture Construction program is highly successful, and we appreciate the Committee's instruction to IHS to establish a more consistent and clear application cycle and process. This program provides enormous benefits to both the IHS and the Tribal healthcare providers. We urge the Subcommittee to direct the IHS to expand this program by approving more projects so that more Tribes and Tribal organizations may take advantage of this opportunity.

6. Fund the VA Mission Act Residency Program

We appreciate the FY 2020 appropriations measure's provision of $11.29 billion to the VA to implement the VA Mission Act in FY 2021. We urge the Subcommittee to direct the VA to use a portion of this increased funding to encourage more Alaska Native and American Indian people to enter into healthcare professions. This push should include funding as many medical residency positions in Alaska as is feasible.

7. Contract Support Costs

With regards to Contract Support Costs, we appreciate Congress' use of an indefinite appropriation.

In recent years, we have witnessed the IHS making unilateral policy changes concerning its CSC policy, already an overly complicated process. It requires tribes to submit additional documentation to IHS and engage in two separate CSC negotiations each year. We urge the Subcommittee to direct the agency to simplify its CSC policy and not attempt to reduce the award of CSC funds to tribes through an unnecessarily complex methodology.

Thank you again for the opportunity to provide testimony on behalf of Southcentral Foundation and the people we serve.

Ms. MCCOLLUM. Thank you.

TUESDAY, FEBRUARY 11, 2020.

RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

WITNESS

TERESA SANCHEZ, BOARD VICE PRESIDENT, RIVERSIDE–SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

Ms. SANCHEZ. Good morning. I am Teresa Sanchez. I am a member of the Morongo Band of Mission Indians. I am also on tribal council. I am the vice president of the board of directors for Riverside-San Bernardino County Indian Health. Thank you for the opportunity to testify today.

I want to start by saying that the Indian Health Service's 105 lease program has been very beneficial in our Fiscal Year 2019–2020 budget years. Our consortium puts the funding provided through this program to good use every day. Therefore, we strongly urge this committee to continue to support the tribes across the country on this critical funding issue by providing sufficient appropriations to fully fund IHS' 105 lease obligations, and by reclassifying 105 appropriations as an appropriated entitlement.

This is especially important for tribes in California because there is a general lack of funding for our California health facilities, and these 105 lease monies help offset the present inequities stemming from the lack of funding. Simply put, California tribes have not historically been funded to build clinics and hospitals in the ways that tribes outside of our State have. Needless to say, this lack of facility and staffing funds has been a thorn in our side for many years.

The joint venture program, which provides money to help tribes build new clinics, still continues to disappoint California tribes. California has only had one joint venture program funded in the State since the inception of the program. In the recent 2019 application process, seven tribal systems from California applied for this funding. However, we have been notified that none of these tribal programs were asked to continue with the application process for consideration of the joint venture opportunity. This highlights another inequity issue for California. Although the current capital projects of all the Indian Health Services are projected to be funded over the next 25 years, California does not have any projects on the current capital project plan. This will challenge us to use other sources of funding to improve our health clinics.

The joint venture program should be a strong tool for California tribes to address current and future needs, but IHS does not appear to be seriously considering any California joint venture proposals. We urge the committee to direct IHS toward addressing this problem.

Four of the 12 IHS areas are designated PRC dependent, meaning they have little or no access to any IHS or tribally-operated hospitals and, therefore, must purchase all or a large portion of inpatient and specialty care from nontribal providers at a significantly higher cost. Our region, the California area, has no tribal hospitals. However, the current PRC formula disproportionately af-

fects California because it allocates PRC and hospital funding to those other eight IHS areas. This funding inequity tends to then treat our clinics the same as those in the remaining eight IHS areas who receive both PRC dollars as well as hospital funding. This impacts our specialty care access.

IHS does not have access to a care fairness factor meant to remedy the funding inequities to the four PRC-dependent areas. According to their own methodology, there are three levels of priority. Our access to care factor is at the lowest priority level of 3. Unfortunately, the PRC money has run out before the access to care fairness factor can be calculated and distributed to benefit our area. The result is our area rarely receives any access to care fairness to PRC monies and, therefore, falls further and further behind. We ask the committee to instruct IHS to move this access to care factor from the lowest priority level 3 to level 2 priority. We thank you for your time and consideration.

[The statement of Ms. Sanchez follows:]

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INDIAN HEALTH, INC.
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House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies
Testimony of Teresa Sanchez,
Board Vice-President Riverside-San Bernardino County Indian Health, Inc.
Concerning the FY 2021 Budget for the Indian Health Service
February 11, 2020

I am Teresa Sanchez and I am Vice-President of the Board of Directors for Riverside-San Bernardino County Indian Health, Inc. (RSBCIHI), located in Southern California. I am also a member of the California Area Tribal Advisory Council and a Council member of the Morongo Band of Mission Indians. Also here today is Mr. Joseph Mirelez and Mr. Runningbear Ramirez. Mr. Mirelez is the Treasurer of the RSBCIHI Board of Directors and Vice-Chair of the Torres Martinez Band of Desert Cahuilla Indians. Mr. Ramirez is the Secretary of the RSBCIHI Board of Directors and a member of the San Manuel Band of Mission Indians. Our respective tribes are members of our Consortium. Thank you for the opportunity to testify.

105 (*l*) Lease Funding

I want to start by saying that the Indian Health Service's (IHS) 105(*l*) lease program has been very beneficial in our FY2019 and FY2020 budget years. Our Consortium puts the funding provided through this program to good use every day. Therefore, we strongly urge this Committee to continue to support the Tribes across the country on this critical funding issue by providing sufficient appropriations to fully-fund IHS' 105(*l*) lease obligations and by reclassifying 105(*l*) appropriations as an appropriated entitlement. This is especially important for Tribes in California because there is a general lack of funding for our California health facilities and these 105(*l*) lease monies help offset the present inequities stemming from that lack of funding. Simply put, California Tribes have not historically been funded to build Clinics and Hospitals in the ways that Tribes outside our state have been. Needless to say, this lack of facility and staffing funds has been a thorn in our sides for many decades.

Joint Venture Program

The Joint Venture Program, which provides monies to help Tribes build new Clinics, still continues to disappoint California Tribes. California has only had one Joint Venture Program funded in the state since the inception of the program. In the recent 2019 application process, seven tribal systems from California applied for this funding. However, we have been notified that none of those tribal health programs were asked to continue with the application process for consideration of the Joint Venture opportunity. This highlights another inequity issue for California; although the current Capital Projects for all of Indian Health Services are projected to be funded over the next 25 years, California does not have any projects on the current Capital Project Plan. This will

challenge us to use other sources of funding to improve our health clinics. The Joint Venture Program should be a strong tool for California Tribes to address current and future needs, but IHS does not appear to be seriously considering any California Joint Venture proposals. We urge the Committee to direct IHS toward addressing this problem.

Increased Purchased/Referred Care (PRC) Funding for "PRC Dependent" Areas

Four of the twelve IHS Areas are designated "PRC dependent," meaning they have little or no access to an IHS or tribally-operated hospital and therefore must purchase all or a large portion of inpatient and specialty care from non-tribal providers at a significantly higher cost. Our region, the California Area, has no tribal hospitals. However, the current PRC formula disproportionately affects California because it allocates PRC and hospital funding to those other 8 IHS Areas. This funding inequity tends to then treat our clinics the same as those in the remaining eight IHS areas who receive both PRC dollars as well as hospital funding. This impacts our specialty care access.

IHS does have an Access to Care "fairness factor" meant to remedy the funding inequities to the 4 PRC dependent areas. According to their own methodology, there are 3 levels of Priority. Our access to care factor is at the lowest priority level of 3. Unfortunately, the PRC monies run out before the access to care fairness factor can be calculated and distributed to benefit our area. The result is our Area rarely receive any access to care fairness PRC monies and therefore, falls further and further behind.

We ask this Committee to instruct IHS to move this Access to Care Factor from the lowest priority, Level 3, to Level 2 priority.

We thank you for your time and consideration.

Ms. MCCOLLUM. Thank you. I am going to step up to the Agriculture Committee for a minute, which also deals, as you pointed out, other committees have jurisdiction over some of the programs that are important. And I leave you in the capable hands of the gentleman from the western part of the United States on the coast, Mr. Kilmer.

Mr. KILMER [presiding]. I will do my best not to mess it up, you guys, but no problems. Mr. Simpson, do you have any questions?

Mr. SIMPSON. No, not right now.

Mr. KILMER. All right. Thank you for your testimony. All right. Let me invite up Maureen Rosette, president of the National Council of Urban Indian Health; Greg Abrahamson from the Northwest Portland Area Indian Health Board; Esther Lucero from the Seattle Indian Health Board; and Shaquita Bell from the American Academy of Pediatrics. Hey.

VOICE. Good morning. How are you doing?

Mr. KILMER. Welcome. I am glad you are here. Welcome. Do you want to kick us of?

Ms. ROSETTE. Yes.

TUESDAY, FEBRUARY 11, 2020.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH

WITNESS

MAUREEN ROSETTE, PRESIDENT, NATIONAL COUNCIL OF URBAN INDIAN HEALTH

Ms. ROSETTE. Yes. Good morning. Hello, my name is Maureen Rosette, and I am a citizen of Chippewa Cree Nation, and I serve as the president of the National Council of Urban Indian Health, NCUIH. We represent 41 Indian healthcare organizations across the across the Nation who provide high-quality, culturally-competent care to urban Indians constituting over 70 percent of all American Indians/Alaskan Natives. Thank you, Chairwoman McCollum, who just left, Ranking Member Joyce, and the rest of the committee for holding this meeting.

NCUIH is appreciative for the subcommittee's strong leadership and continued bipartisan support for urban Indian health. We were encouraged to see Congress come together to pass a roughly $1 trillion Fiscal Year 2020 spending deal giving the IHS approximately $6 billion, an increase of 4 percent above the Fiscal Year 2019 enacted level, and $138 million above the President's budget request. Most noteworthy for us was the House bill that included $81 million to the Urban Health line item. We are confident that this was instrumental in getting an increase in the final budget to $57 million, which allowed for a long overdue and increased urbanism health line of approximately $6 million. This provided over $115,000 to 39 urban Indian health organizations. We know that the lawmakers on this subcommittee have fought for more IHS guess funding, and NCUIH expresses our sincere appreciation.

This subcommittee's recommendation last year set a high standard for the future of this line item, and we hope you will continue to push for the still-needed increases in Fiscal Year 2021. For Fiscal Year 2021, NCUIH requests that the subcommittee meet the

Tribal Budget Formulation Work Group recommendation of $106 million for the urban Indian line item. Additionally, we are asking for the IHS system to receive advances appropriations—I have heard a lot of that today—and encourage the subcommittee to sign on to Chair McCollum's bipartisan bill, H.R. 1128, Indian Programs Advanced Appropriation Act, which has 48 co-sponsors presently.

We cannot express how dire the effects of a government shutdown are for this program. When funding is delayed or cut off during events such as government shutdown, there are devastating effects upon UIO's ability to provide healthcare. We also urge that the 100 percent Federal medical assistance percentage, FMAP, include UIOs through the Urban Indian Health Parity Act. Recently, CMS announced a plan to let States convert a portion of Medicaid funding into block grants. This will have devastating impacts on health reimbursement and Indian Country. It also violates the trust responsibility of the U.S. government to provide healthcare to our people.

The amount of Medicaid service costs paid by the Federal Government is set by a law at 100 percent for IHS and tribes, but not for UIOs because UIOs did not exist in law when the law was written. Therefore, we ask that you correct this problem in Fiscal Year 2021 as the new block grant funding requirement has made 100 percent FMAP a more urgent need. We are thankful that the recent budget measure included a substantial boost of funds to cover the costs of the 105(l) lease obligations in the amount of $125 million, which is $89 million above the Fiscal Year 2019 enacted level. And we are hopeful that this funding continues to grow with need. UIOs are not eligible for IHS for these leases, yet IHS has taken $1.5 million from our funding for these leases. We respectfully request language that would restrict IHS to take you UIO-designated funds for their purpose that cannot benefit UIOs. Every dollar counts for UIOs, and their money must be reserved for them.

We also urge the committee to support the reauthorization of this Special Diabetes Program for Indians, SDPI. SDPI is critical to urban native communities who experience a higher prevalence of diabetes, and a greater diabetes mortality rate than the general U.S. population in those areas. It is imperative that the SDPI be reauthorized before its expiration and May 2020.

We, again, thank Chair McCollum, Ranking Member Joyce, and the entire subcommittee for your efforts towards prioritizing funding in Indian Country and for holding this hearing. NCUIH staff is available for any questions or other needs for this committee. Thank you.

[The statement of Ms. Rosette follows:]

Testimony of the National Council of Urban Indian Health
Maureen Rosette, President
House Interior Appropriations Subcommittee
February 11, 2020

My name is Maureen Rosette, I am a citizen of the Chippewa Cree Nation, and I serve as the President of the National Council of Urban Indian Health (NCUIH), which represents the 41 urban Indian health care organizations (UIOs) across the nation who provide high-quality, culturally-competent care to urban Indians, constituting approximately 70% of all American Indians/Alaska Natives (AI/AN). Thank you Chairwoman McCollum and Ranking Member Joyce for holding this public witness hearing.

I would like to begin by stating it is the opinion of NCUIH that among the most sacred of the duties encompassed within the federal trust responsibility is the duty to provide for Indian health care. The federal trust responsibility extends not only to tribal governments but also to individual Indians to include those individuals who live in urban settings. Urban Indian refers to any American Indian/Alaska Native (AI/AN) person who is not living on a reservation, either permanently or temporarily—often because of the federal government's forced relocation policy or in search of economic or educational opportunity. Congress has long recognized the federal government's obligation to provide health care for AI/AN people follows them off reservations and in 1976 affirmed this obligation by formally recognizing urban Indian organizations in the Indian Health Care Improvement Act (IHCIA) declaring: *"The responsibility for the provision of health care, arising from treaties and laws that recognize this responsibility as an exchange for the cession of millions of acres of Indian land does not end at the borders of an Indian reservation. Rather, government relocation policies which designated certain urban areas as relocation centers for Indians, have in many instances forced Indian people who did not [want] to leave their reservations to relocate in urban areas, and the responsibility for the provision of health care services follows them there".* Yet, the legacy of the disastrous termination-era policies continue to shape life for urban Indians. Chronic underfunding from the federal government, impacts the fulfillment of the federal obligation to AI/AN people – an obligation at which the government is failing.

The life expectancy for AI/ANs is more than four years below the national rate and data has proven urban Indians have greater rates of mortality from chronic disease compared to all other ethnic groups living in urban areas nationally. This includes a diabetes death rate 1.2 times greater, a chronic liver disease death rate 2.1 times greater, and a tuberculosis death rate 3 times greater. Infant mortality is also higher among urban Indians than non-Indian urban population, with 7.8 deaths per 1,000 live births to urban Indians compared with 6.4 deaths per 1,000 live births of non-Indian urbans. Urban Indians also have greater suicide rates, at 13 per 100,000 compared with their non-Indian counterparts 9.2 per 100,000. Urban Indians are less likely to receive preventive care compared with the non-Indian urban population and less likely to have health insurance.

NCUIH is appreciative for the Subcommittee's strong leadership and continued support for Indian health care. We were encouraged to see Congress come together in December of last year to pass a roughly $1.3 trillion spending deal that gave the IHS $6.047 billion, an increase of 4% above the FY 2019 enacted level and $138 million above the President's budget request. Most noteworthy for NCUIH was the long overdue increase to the urban line item within the IHS budget of approximately $6 million, however more work is needed.

Currently, UIOs receive ***less than*** 1% of the IHS budget through **only one line item** – the urban Indian healthcare line item, and the IHS budget is currently underfunded at much less than 50% of need. IHS has repeatedly testified before Congress acknowledging the significant growth of the urban Indian population and recognizing there are "real issues" in meeting the health needs of urban AI/AN people. The federal trust responsibility to provide health care has never been appropriately funded, and inflation or population growth in urban Indian communities has never been addressed. NCUIH requests that IHS be fully funded to ensure our people have access to quality healthcare for the whole I/T/U system, and not redistributing tribal funds.

Funding for the overall IHS budget must be significantly increased. We know IHS is underfunded at around $3,000 per patient, we know for urban Indian health patients that number is less than $400 per patient. We know for a fact that urban Indian health patients receive even less funding per patient because not only do they receive less than 1% of the total IHS budget but they don't have access to the other line items in the funding budget. To fill gaps in IHS funding, many UIOs must rely on supplemental sources of funding, including grants, to provide vital services to their AI/AN patients. NCUIH advocates and supports an increase in funding to a minimum of $81 to $106 million for the Indian Health Services (IHS) urban Indian healthcare line item, constituting 2% of the total IHS budget. $106 million is what the IHS Tribal Budget Formulation Workgroup requested minimum is for this year.

In addition, IHS has considered restructuring its behavioral health initiatives, including the Domestic Violence Prevention Program and Suicide and Substance Abuse Prevention Program, from grants to direct distribution through Indian Self Determination Education and Assistance Act (ISDEAA) contracts and compacts, for which UIOs are not eligible. It is widely known that behavioral health is a major issue in the AI/AN community. If IHS is allowed to transfer distribution of its behavioral health initiatives to ISDEAA contracts and compacts, there must be a UIO set-aside of approximately $12.2 million for Title V UIOs. This amount would enable all Title V UIOs to receive the current average level of behavioral health grant funding available to urban organizations, as if rightfully available only to IHS-certified Title V UIOs. Despite Congress urging IHS to make a quick decision regarding the distribution mechanism, there was a lack of direction to ensure that UIOs remain eligible for grant funding, and there remains uncertainty for UIOs ability to provide critical behavioral health services.

We know that the lawmakers on this Subcommittee have fought for more IHS funding, and NCUIH expresses our thanks for those efforts.

Provide Protections from Shutdown Impacts with Funding Uncertainties. When limited UIO funding is delayed or cut off during events such as a government shutdown, there are devastating effects upon a UIOs ability to provide health care. IHS and funded programs must receive advance appropriations. To illustrate, UIOs are so chronically underfunded that during the 2018-2019 shutdown, several UIOs had to reduce services, lose staff or close their doors entirely, forcing them to leave their patients without adequate care. In a UIO shutdown survey, 5 out of 13 UIOs indicated that they could only maintain normal operations for 30 days. For instance, Native American Lifelines of Baltimore is a small clinic that received **three overdose patients** during the last shutdown, two of which were fatal. IHS gives them just **less than $1,000 total** for mental health services for both facilities. To say the funding is inadequate is an understatement.

Similarly, my program, the NATIVE Project in Spokane Washington, found that inconsistent funding makes it difficult to administer substance use intensive outpatient services, which requires patients to come in for treatments, group therapy, and other services. When forced cut backs on hours and staff occur, patients are less likely to show up, increasing risk of relapse and overdose.

For these reasons, we urge you to ensure that the IHS is treated similarly to other agencies that provide healthcare to American citizens, such as the Department of Veterans Affairs (VA), in receiving adequate and advance appropriations.

At present, UIOs and their staff are forced to deal with an incredibly tight budget. According to a NCUIH survey, many UIOs report that small numbers of staff are expected work long hours and they experience high levels of employee burnout and turnover. Also, due to constrained funds, some UIOs aren't able to pay their already small staffs an appropriate and competitive living wage for their area. Furthermore, UIOs were more susceptible to closing during times of funding uncertainties than the rest of the IHS system due to being omitted to expansions Congress made to the IHS system. UIHPs do not have 100% FMAP, Federal Torts Claims Act coverage, and the VA will not reimburse UIHPs despite Congress' desire for that to happen.

Protect Medicaid and Provide UIOs with 100% Federal Medical Assistance Percentage (FMAP). Medicaid is crucial to Indian health and for UIOs. Just recently, the Administration along with the CMS Administrator announced a plan to let states convert a portion of Medicaid funding into block grants. Moving Medicaid to a block grant system, will have major fiscal impacts on health reimbursements, and would devastate Indian health. If the program is to be reformed in order to impose greater financial burdens on states, there should be a carve-out in order to preserve the existing Medicaid benefit for AI/AN, consistent with the federal government's responsibility for their health care

The amount of Medicaid service costs paid by the federal government is set by law at 100% for IHS and Tribes, but not for UIOs, because UIOs did not exist when that law was written. Although Congress intended 100% FMAP to support the Indian Health system, the same consideration is not provided for the high-quality, culturally-competent care provided by UIOs. Consequently, the failure to provide UIOs with 100% FMAP harms facilities that already do not have access to many resources, and it severely limits services for patients. Unfortunately, CMS needs Congress to add UIOs to 1905(b) of the Social Security Act to create parity. Therefore, we ask that you correct this problem in FY21. Receiving 100% FMAP would have a huge impact on the financial stability of UIOs and would protect them from block granting.

Include UIOs in the coverage of the Federal Tort Claims Act (FTCA). Under FTCA, a facility's employees and eligible contractors are considered federal employees and are immune from lawsuits for medical malpractice. IHS and Tribal providers, as well as other comparable federal health care centers, are covered by the FTCA. However, UIOs must buy their own expensive malpractice insurance. Two large, highly-regarded UIOs in Oklahoma each pay $250,000 per year for malpractice insurance. Any help your Subcommittee can provide would maximize the value of your appropriations to IHS and we would profoundly appreciate any assistance, including prompting relevant committees.

Include Urban Indian Organizations in language for ALL health programs. UIOs are a critical part of the IHS I/T/U system. However, often times UIOs do not receive parity because they are not specifically mentioned in programmatic language and then are most often excluded

from participating in programs intended for the entire I/T/U system. Urban Indian Organizations are not considered Tribal organizations, which is a common misconception. All too often, Urban Indian Health programs are excluded from laws intended to benefit American Indians and improve their quality of health, because of a lack of the understanding of the history of urban Indian communities and complexity of the Indian health delivery system. Until such time as Congress acts to include UIOs in their definitions of the IHS system, Congress must expressly mention UIOs to ensure the whole I/T/U system is included.

Implement the VA and Indian Health Services' Memorandum of Understanding (VA-IHS MOU) and Reimbursement Agreement for Direct Health Care Services. Despite an embattled history between tribal people and the United States government, and as an inherited responsibility to safeguard the lands of their ancestors, AI/ANs serve this country at a higher rate than any other group in the nation. Many of these Veterans who live in urban areas will seek out and often prefer to use Indian health care providers for reasons related to performance, cultural competency, or availability of non-health care-related but Indian-specific services. The VA sometimes experiences surges in demand, which can often be satisfactorily offset through the use of UIOs. An Office of the Inspector General report found that 215 deceased veteran patients at the Phoenix VA Health Care System were awaiting specialist consultations on the date of their deaths. Native Health, a UIO that provides comprehensive services, is **within walking distance** of the Phoenix, AZ VA facility, and could have provided these services to AI/AN veterans, enabling the VA to focus on specialty services and reduce some of these wait times, in turn reducing the number of patient deaths that occur. Given their sacrifices, it is grievously wrong to oppose access to health care to any veteran. Please consider language that would include UIOs in the VA-IHS MOU.

Hold UIOs Harmless from Unrelated Cost Assessments. UIOs are faced with chronic and severe underfunding and depend on every federal dollar they receive to provide urban AI/AN patients. Funds for Medical inflation and pay costs are necessary to cover the intended purpose; these costs often increase at high rates in urban areas where UIOs are located, thereby straining UIOs' already constrained budgets. In 2018, IHS utilized a portion of the inflation funding increases from the FY 2019 appropriations for a purpose distinct from inflation – to cover costs of Indian Self-Determination and Education Assistance Act (ISDEAA) Section 105(l) leases. As a result, UIOs only received a small portion of the amount of inflation funding designated to be dispersed to UIOs. We are thankful that the recent budget measure included a substantial boost to funds for 105(l) lease obligations, in the amount of $125 million, which is $89 million above the FY 2019 enacted level.

Despite this new allocation IHS has once again indicated plans to reprogram inflation funding to cover costs for 105(l) leasing. ***Inflation funding for UIOs should not be the solution to cover an unrelated budgetary constraint.*** UIOs are not eligible for, nor are they otherwise beneficiaries of, Section 105(l) leases and thus derive no benefit from this program. UIOs are not eligible for IHS to cover their leases, yet IHS has taken over $1.5 million dollars from UIOs to cover those leases. We respectfully request language that would restrict IHS to take UIO designated funds for their own purpose that cannot benefit UIOs. We do not receive facilities funding or many of the other IHS line items, and receive much less than the $4,000 per patient that IHS receive per patient. Every dollar counts for UIOs and their money must be reserved for them. All UIO funds should not be impacted by this budget shortfall.

Reauthorization of the Special Diabetes Program for Indians. The Special Diabetes Program for Indians (SDPI) is critical to urban American Indian and Alaska Native communities who experience a higher prevalence of diabetes and a greater diabetes mortality rate than the general U.S. population living in those areas. Since the SDPI program began in 1997, UIOs have seen improvements in key diabetes care outcome for AI/ANs at their urban facilities over a 10 year period, from 2001-2011. It is imperative that SDPI be reauthorized before its expiration in May 2020.

We thank the committee for its efforts towards prioritizing funding to Indian Country and for holding this hearing. The staff at NCUIH is available to follow up on any future inquires related to the submitted testimony or other urban Indian health care issues of policy or service.

TUESDAY, FEBRUARY 11, 2020.

SPOKANE TRIBE AND NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

WITNESS

GREG ABRAHAMSON, NPAIHB SECRETARY/VICE CHAIR SPOKANE TRIBE, NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

Mr. ABRAHAMSON. I will start off. I have got a little bit of a hoarse throat there, but I will give it the good old Northwest best we can there.

Well, good morning, Chairwoman McCollum and Ranking Member Joyce, and thank you Subcommittee Kilmer, Simpson, and then Mrs. Watson. My name is Greg Abrahamson. I serve as vice chair for Spokane Tribe, and I am on a national tribal budget formulation work group, vice chair, direct service drives, and I serve a secretary for the Northwest Portland Area Indian Health Board. The Northwest Portland Area Indian Health Board works with 43 federally-recognized tribes in Idaho, Oregon, and Washington to advocate on specific healthcare issues. I thank the subcommittee for the opportunity to provide testimony.

Within the past 40 years, Portland area tribes have made progress to improve the health status of our people, but there is not enough funding to address all the health disparities our communities are experiencing. We are grateful for the increase of the IHS budget. We request $37.6 billion for full funding to meet the trust and treaty obligations. We know this subcommittee has been supportive of increases every year, so we thank you for that, and especially funding for IHCIA and health education in Fiscal Year 2020.

For Fiscal Year 2021, the IHS budget must be brought up $9.1 billion per the recommendation of the Budget Formulation Work Group. There must also be an annual increase to population growth and inflation estimated at $200 million. The increased cost of Section 105(l) leases will continue to cut into program increases for direct service tribes and tribal facilities, and we will not be able to maintain current services. Section 105(l) lease costs must be made an indefinite discretionary appropriation.

Other funding priorities for our area include mental, health substance use, purchased and referred care, HIV, HCV, Indian health professionals, CHAP expansion, and ITHR modernization for our youth, who are precious to our communities, and the carriers of our northwest traditions and culture. We want to ensure that they will have the services that they need to grow and develop into future leaders for our tribes. With the high rates of native suicide, substance use in our tribes has prioritized the need of youth residential treatment centers that provide aftercare, transitional living for both substance use and mental health. While there are two facilities in the Portland area, more are needed with expanded services.

For Fiscal Year 2021, we request increases of $40 million to both substance use and mental health, and $150 million for a special behavior health program for Indians. This program was promised to the tailored and tribal specific programs that meet behavior health needs in our communities. As the program is in the pilot stage, it must be expanded beyond opioids and allow for the service of other

substance use and mental health issues, and provide for an option for tribes to receive funding through compacts and contracts. Portland Area does not have an IHS hospital, so IHS and tribal facilities in our area must purchase all specialty and inpatient care. There no increase to PRC in Fiscal Year 2020, which is a loss in funding when medical inflation is not included. For Fiscal Year 2021, we request a $50 million for increase for PRC above the 2020 budget.

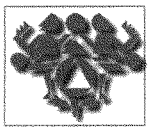
HIV and hepatitis C funding must also be included in Fiscal Year 2021 funding. For Fiscal Year 2021, Portland Area requests $25 million for the ending of HIV epidemic and $25 million for hepatitis C treatment so that IHS can begin providing lifesaving treatment for American Indians/Alaska Natives within the IHS system. Provider shortages is another concern. The Indian Health Professionals Program is critical to support the workforce development needs through loan repayment and scholarships. For Fiscal Year 2021, Portland Area Health requests a program increase of $10 million for Indian professions.

We thank the committee for funding the Community Health Aid Program, CHAP, at $5 million in Fiscal Year 2020. RAA has made great progress in setting the framework for CHAP expansion. We have 12 dental health aide therapists that have finished an Alaska training program, one more will graduate from the DI program this year. We have two in the health aide training program with six more ready to start. Our area has already launched a DHAT education program in Fiscal Year 2021, and is developing a behavioral health aide program with two of our tribes.

In Fiscal Year 2021, I request $290 million for continuation of the national CHAP expansion, with $5 million in the Portland Area, to continue work to establish a demonstration project. Our area has also been advocating for a regional referral specialty center. A study was in 2009. This would address our area needs related to the specialty care since we have no IHS hospitals. This program can be funded through ICEA Section 143 demonstration authority. We also support funding under the Small Ambulatory and Joint Venture Programs. Lastly, IHS implements the first phases in the IT modernization project. It must continue to conduct travel consultation to ensure all areas are represented. Portland Area recommends funding at $25 million for Fiscal Year 2021.

Thank you for this opportunity to provide recommendations on the 2021 IHS budget. I look forward to working with the subcommittee on the requests, and we thank you for holding this hearing.

[The statement of Mr. Abrahamson follows:]



Northwest Portland Area Indian Health Board

www.npaihb.org

Testimony of Greg Abrahamson
The Northwest Portland Area Indian Health Board
Before
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing – FY 2021
February 11, 2020

Good morning Chairwoman McCollum and Ranking Member Joyce, and Members of the Subcommittee. My name is Greg Abrahamson, and I serve as Vice Chair on the Spokane Tribal Council, as Portland Area Representative on the IHS National Tribal Budget Formulation Workgroup, Portland Area Representative and Vice Chair on the Direct Service Tribal Advisory Committee, and as Secretary of the Northwest Portland Area Indian Health Board. (NPAIHB or Board). I thank the Subcommittee for the opportunity to provide testimony on the FY 2021 Indian Health Service (IHS) budget to the Subcommittee.

The Northwest Portland Area Indian Health Board is a tribal organization, established in 1972, under the Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93-638, that advocates on behalf of the 43 federally-recognized Indian Tribes in Idaho, Oregon, and Washington on specific health care issues. The Board's mission is to eliminate health disparities and improve the quality of life of American Indians and Alaska Natives by supporting Northwest Tribes in the delivery of culturally appropriate, high quality health care. "Wellness for the seventh generation" is the Board's vision. This Subcommittee is critical to making this a reality. We thank the Subcommittee for continuing to support increased funding for IHS every year.

Within the past 40 years Portland Area Tribes have made progress to improve the health status of Indian people through the development of preventative, primary care, and public health services. However, funding has been inadequate to fully address health disparities in our area. From 2014 to 2016, the leading causes of death for American Indians and Alaska Natives in the Northwest were cardiovascular disease, cancer, unintentional injury, chronic lower respiratory disease, chronic liver disease and cirrhosis, diabetes, suicide, Alzheimer's disease, influenza and pneumonia, and nephritis.[1] Tribes have never received enough funding to address all of these disparities.

FY 2020 Funding. For FY 2020, I thank the Subcommittee for its continued support of funding for the Health Education and the Community Health Representative (CHR) programs. The CHR program is important to the direct service tribes in our area. The overall increase to the IHS budget of $243 million or 4% above FY 2019 is just a drop in the bucket to what is needed especially when the increase includes $89 million for Self-Determination Education Assistant Act Section 105(l) lease costs.

Provide Indefinite Discretionary Appropriation for ISDEAA Section 105(l) Leases. Portland Area Tribes are concerned about the rising costs of Section 105(l) leases and the long-term impact on services. Our area supports tribes receiving funding for the Section 105(l) leases; however, IHS's reprogramming of services funding to cover the cost of the leases reduces much needed program increases for tribes in our area to maintain current services. For this reason, we request that Section 105(l) leases be made an indefinite discretionary appropriation.

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[1] IDEA-NW, Northwest Tribal Epidemiology Center, Portland, OR (November 2019).

Fund IHS to Maintain Current Services. The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by Congress. Preserving the IHS base program by funding the current level of health services should be a basic budget principle by Congress. Otherwise, unmet needs will never be addressed. As it is, following the final FY 2013 sequestration, the IHS appropriation lost $175.7 million and tribes were never made whole from this loss. There must be continued growth of funding for the base programs for tribes to maintain current services. For FY 2021, I request this Subcommittee fund $200 million above FY 2020 to cover population growth and medical inflation.

Full Funding for IHS. I serve as the Portland Area representative on the National Tribal Budget Formulation Workgroup. The Workgroup recommended, and our area supports, the request of $9.1 billion for IHS in FY 2021 to get IHS up to full funding of $37.6 billion.[2] Funding IHS in FY 2021 at $9.1 billion, a $3 billion increase over FY 2020, will move us towards ending the growing health disparities and urgent health care needs at IHS, tribal and urban Indian facilities.

Provide Advance Appropriations for IHS. The 2019 partial government shutdown caused undue hardship to Northwest Tribes – from federal employees not receiving a paycheck to clinics cutting down their hours. Some Northwest Tribes were even considering closing their clinics due to lack of funding. Our people's lives are impacted by the shut downs. This is unforgivable treatment and must be prevented in the future. For this reason, NPAIHB requests support for Advance Appropriations in recognition of trust and treaty obligations to tribes.

Increase Purchased and Referred Care (PRC) by $50 million. In FY 2020, PRC received no increase. Portland Area does not have an IHS hospital so IHS/Tribal facilities in our area must purchase all specialty and inpatient care. The PRC program makes up over one-third of the Portland Area budget so when there is no increase and no consideration of population growth, Northwest Tribes are forced to cut health services. Areas with IHS hospitals can absorb these costs more easily because of their infrastructure and large staffing packages. For FY 2021, I request a $50 million increase for PRC above FY 2020.

Increase Funding for Mental Health by $40 million and Substance Use by $40 million. Our youth are precious to our communities and the carriers of our Northwest traditions and culture. I want to ensure that they have all the services that they need to grow and develop into future leaders for our tribes. In our area, suicide is the second leading cause of death for our Native youth. Our tribes have prioritized the need for Youth Residential Treatment Centers that provide aftercare and transitional living for both substance use and mental health. While there are two facilities in the Portland Area, the Healing Lodge of the Seven Nations in Spokane and NARA Northwest in Portland, more are needed with expanded services.

In addition, the Indian Health Care Improvement Act (IHCIA) allows for expanded behavioral health services that have not been fully funded since enacted. Increased funding would allow for implementation of IHCIA Section 702 to expand behavioral health care for prevention and treatment and Section 704 to provide more comprehensive care through detox, psychiatric hospitalization and community-based education and rehabilitation programs. The Portland Area tribes would also like IHCIA Section 705 funded to expand the usage and dissemination of a Mental Health Technician Program to better serve patients in their communities, as well as Section 715 to expand Behavioral Health research grants to allow tribes to find more innovative

[2] National Tribal Budget Formulation Workgroup Recommendation, *FY 2021 Summary Recommendations*, https://www.nihb.org/legislative/budget_formulation.php (last visited Jan. 15, 2020).

and effective approaches to address issues like Indian youth suicide. NPAIHB recommends a $40 million increase for mental health and $40 million increase for substance use.

Fund Special Behavioral Health Pilot Program for Indians at $150 million. I thank the Subcommittee for the $10 million in FY 2020 for the Special Behavioral Health Pilot Program for Indians to address the opioid epidemic. Besides the high rates of opioid related deaths among American Indians and Alaska Natives in our area, alcohol and methamphetamine use also still an issue for many of our people. The Special Behavioral Health Program for Indians is a promising program that may be able to comprehensively address all substance use issues as well as co-occurring mental health issues and should not be restricted to opioids only. FY 2021, NPAIHB recommends that the Special Behavioral Health Pilot Program for Indians be funded at $150 million to address all substance use and mental health issues with an option for tribes to receive funds in ISDEAA Title I and Title V compacts and contracts. In addition, we recommend that $5 million be made available to Area Health Boards/Tribal Epidemiology Centers for the provision of technical assistance to Tribes and to collect and evaluate performance of the pilot program.

Increase Indian Health Professions Funding by $10 million. Given the recruitment and retention issues of health care providers in many of our Northwest Tribal communities, NPAIHB supports an increase for Indian Health Professions to fully fund scholarships for all qualified applicants to the IHS Scholarship Program and to support the Loan Repayment Program to fund all physicians, nurse practitioners, physician's assistants, nurses and other direct care practitioners.[3] For FY 2021, NPAIHB requests a program increase of $10 million for Indian Health Professions.

No Increase to New Healthcare Facilities Construction; Increase Small Ambulatory Program (SAP) by $25 million and Increase Joint Venture Construction Program (JVCP). Portland Area Tribes do not support funding for facilities construction and related staffing packages because IHS Healthcare Facilities Construction Priority System does not benefit Northwest Tribes. Additionally, the funding does not equitably benefit Areas nationally. This Committee must request that the Government Accountability Office (GAO) be instructed to review and issue a report on the IHS Facilities Construction Priority System, including historical and current funding distribution inequities. In addition, for FY 2021, NPAIHB recommends a program increase of $25 million for the Small Ambulatory Program (SAP) with funding for staffing packages; and increased funding for the Joint Venture Construction Program (JVCP).

Fund Demonstration Projects at $25 million. The Portland Area Facilities Advisory Committee (PAFAC) completed a pilot study over 10 years ago to evaluate the feasibility of regional referral centers in the IHS system. The PAFAC recommended that the first specialty referral center be constructed as a demonstration project under IHCIA Section 143. This innovative facility would provide services such as medical and surgical specialty care, specialty dental care, audiology, physical and occupational therapy as well as advanced imaging, and outpatient surgery. It is anticipated that this facility could provide services for approximately 50,000 users within the regional service area as well as an additional 20,000 in telemedicine consults. We request demonstration projects under ICHIA Section 143 be funded at $25 million for FY 2021.

Fund Information Technology Modernization at $25 million.
IHS was funded at $8 million for IHS IT Modernization. RPMS is now a legacy system and is inconsistent with emerging architectural electronic health record standards. RPMS cannot meet

[3] NPAIHB Resolution18-03-07.

evolving needs. Portland Area recognizes that the Veterans Administration's (VA) decision to move to a new Health Information Technology solution will create a gap for the parts of RPMS that are dependent on core coding from the VA. Substantial investment in IT infrastructure and software is needed to maintain RPMS. For FY 2021, NPAIHB recommends funding at $25 million for planning and phased-in maintenance of RPMS with ongoing tribal consultation and funding for support and technical assistance, with consideration of tribes that have purchased commercial off the shelf systems.

Fund Expansion of Community Health Aide Program at $25 million. NPAIHB has made great progress on establishing the framework in the Portland Area for Community Health Aide Program Expansion. We have 12 Dental Health Aide Therapists working within our tribes and one more to graduate from the Alaska program in June. We have two Behavioral Health Aide students in the Alaska education program and we expect to send six more Behavioral Health Aide students in August. We are working on a Dental Health Aide Therapist education program in Washington state with the first cohort in students in FY 2021. We are also developing a Behavioral Health Aide education program with our tribes in both Oregon and Washington. We thank the Subcommittee for the $5 million for the national Community Health Aide Program Expansion in FY 2020. In FY 2021, we request $20 million for continuation of the national expansion with $5 million for Portland Area to continue work to establish certification boards and to sustain the training program.

Fund HIV at $25 million. From 2013 through 2017 rates of new diagnosis of HIV for American Indian and Alaska Native people increased to 7.8 per 100,000 – although rates of new HIV diagnosis decreased or stayed stable for all other racial and ethnic groups. Without intervention many more American Indian/Alaska Native people will be newly diagnosed over the next 10 years – despite the available tools to prevent infections. On February 5, 2019, President Trump in his State of the Union announced his Administration's goal to end the HIV epidemic in the United States within 10 years. No funding was appropriated to IHS for FY 2020 for HIV. We are deeply concerned that lack of funding for Ending the HIV in Indian Country will likely lead to continued HIV health disparities and poor health outcomes for American Indiana and Alaska Native people. For FY 2021, NPAIHB requests $25 million for the Ending the HIV Epidemic.

Fund HCV at $25 million. Chronic Hepatitis C Virus (HCV) is the leading cause of cirrhosis, liver cancer, and liver transplants in the United States. American Indians and Alaska Natives have more than double the national rate of HCV-related mortality, and the highest rate of acute HCV infection. According to the IHS National Data Warehouse, it is estimated that there are at least 40,000 American Indian and Alaska Native people with a current HCV infection being served by IHS, tribal and urban Indian facilities, that do not have access to life-saving medications. We estimate that $600 million is needed for IHS to provide the life-saving HCV drugs to the 40,000 American Indians and Alaska Natives with HCV. NPAIHB requests $25 million in FY 2021 to begin to provide life-saving medications to our people with HCV being served at I/T/Us.

Thank you for this opportunity to provide recommendations on the FY 2021 IHS budget. I invite you to visit Portland Area Tribes to learn more about the utilization of IHS funding and health care needs in our Area. I look forward to working with the Subcommittee on our requests.[4]

[4] For more information, please contact Laura Platero, NPAIHB, at lplatero@npaihb.org or (503) 416-3277.

Mr. KILMER. Thank you. You stuck the landing. Ms. Lucero, welcome. Sorry. We are ahead of schedule.

Ms. LUCERO. I know. [Laughter.]

And that doesn't happen often.

Mr. KILMER. I know. I am going to ask really slow questions when we get to questions.

Ms. LUCERO. And it is raining outside. People are behaving like they are driving in Seattle, so.

TUESDAY, FEBRUARY 11, 2020.

SEATTLE INDIAN HEALTH BOARD

WITNESS

ESTHER LUCERO, CHIEF EXECUTIVE OFFICER, SEATTLE INDIAN HEALTH BOARD

Ms. LUCERO. Ya'at eeh abini, everyone. I am Esther Lucero. I am Dine and Latina, third generation in my tribe to be raised in an urban environment, which is why urban Indian health is super important to me. I am always privileged to sit at the table with these folks, you know. These are our partners, especially our tribal partners out in Washington, and so it is really amazing to see all of you again. This is now my fourth year, so it is exciting. I feel like we are building relations at this point.

So I really want to start off with just thanking you all. I think that last year's budget recommendation at $87 million is the highest we have seen come out of this committee. And I just want to say I am incredibly grateful for that, for the urban Indian line item. Along with our tribal partners, we have established a funding mechanism to get IHS to full funding within 10 years, and so we really align with our tribal partners, and so this year's ask is aligned with $106 million. And I want to be clear: this isn't about taking dollars from our tribal partners. This is about increasing the whole pie. It is very important that we don't focus on percentages, but that we are focused on dollar amount.

The other thing I would like to thank you for is that we saw $1 million increase going into the tribal epicenters, right, and so if you will recall, the Urban Indian Health Institute is the research arm for the Seattle Indian Health Board and produced the "Missing and Murdered Indigenous Women Report." Now, I will tell you, with a little investment into the tribal epicenters, those are the kind of results you will see, right, actually initiating a national response to this crisis. And so having in $1 million increase is really beneficial. And I will have to tell you, if our 12 tribal epicenters were able to get to a $2 million operating budget per year, we would see significant changes within our community. So our ask is a $24 million ask to go specifically to the tribal epicenters. Let's make sure that we make that investment there so that we can fill the data gaps that you all need to make really important financial decisions. So that that is where I am on that.

I think the other thing that we have to understand is that as an urban Indian health program, we kind of rose from the social justice movements of the late 1960s, early 70s, and that means our buildings are getting pretty old at this point. Urban Indian health

programs have never had access to facilities dollars, and, again, we don't want to take anything from the tribal partners. Many of our tribal partners are still waiting on, you know, facilities dollars to address their infrastructure needs. But I will tell you that we actually had an assessment done, and it was my second year, so that would be about 3 years ago. And IHS actually came out to our facility and they said they were doing an assessment on the needs of urban health programs from an infrastructure perspective. We actually haven't seen the results of that report. My ask to this committee, for the subcommittee, is to ensure that we get the results of that report, and that we get to understand what the cost is of making a true infrastructure investment in urban Indian health programs.

Now, I will tell you, HRSA actually did something for the past couple of years where, as part of their mental health expansion grants, they actually added facilities and infrastructure dollars to that. That is something I would like to see IHS do is really invest in what it takes to increase our capacity both from an infrastructure perspective as we move towards integration, but also capacity in regards to our providers, you know, so that we can meet those needs.

And I will give you a specific example on this. So our Thunderbird Treatment Center, we are actually having to relocate that site because our building is so old that our infrastructure needs became so significant, and they are very challenging dollars to acquire. And we want to expand our services to provide services to the women, pregnant women, women with children. And so we are actually selling that building to be able to use those resources to move, but this is a testament to the fact that we have not invested in infrastructure. And now our organizations, our urban Indian health programs, are going to have to address those needs in whatever way we can. So I want you to know that we are doing our part in creating community partnerships, right, leveraging our local and State resources, and still it is necessary for IHS to invest in infrastructure.

And then lastly, I would ask you to continue to support the work on missing emergent indigenous women. You will hear from my colleague, I believe, tomorrow a little bit more on that work. And to me, this is where that synergy between both, you know, resources, research, and also policy work go hand in hand to support the program needs, because our communities are struggling with the trauma that these experiences have caused. And so now, programs like ours from health and human services perspective are really in need of providing resources and support. And so I would ask that we think about that when we are investing in this year's funding.

And with that, it is always an honor to see all of you. It is really a privilege, and I am sorry that I got a little bit rained out and was a little bit late. No disrespect, I promise. So thank you.

[The statement of Ms. Lucero follows:]

Seattle Indian Health Board | SIHB 50 | Celebrating Fifty Years For the Love of Native People

TESTIMONY OF ESTHER LUCERO
CHIEF EXECUTIVE OFFICER
SEATTLE INDIAN HEALTH BOARD

FOR

HOUSE COMMITTEE ON APPROPRIATIONS- SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

TUESDAY, FEBRUARY 11, 2020

Chair McCollum, Ranking Member Joyce, members of the House Committee on Appropriations - Subcommittee on Interior, Environment, and Related Agencies, my name is Esther Lucero. I am of Diné and Latina descent. As the third generation in my family to live outside of our reservation, I strongly identify as an urban Indian. I am honored to have the opportunity to present testimony today.

This year the Seattle Indian Health Board (SIHB) will celebrate our 50th consecutive year in operation! This is a testament to the strength and resilience of our American Indian and Alaska Native people. I have had the privilege of serving as the Chief Executive Officer for the SIHB for the last 4 years. In that time, SIHB has gone through an incredible transformation. We have increased our operating budget by 80%, while staying true to our social justice spirit, building upon our strengths, and expanding our scope to better serve the needs of our people.

SIHB is best known for our health and human services which we provide through our status as an Urban Indian Health Program, as defined by the Indian Health Service (IHS) under authority of the Indian Health Care Improvement Act. We recognize the value of our role in the IHS continuum of care, which is comprised of IHS Direct Service, Tribal 638, and Urban Indian Health Programs (I/T/U system of care). We honor our responsibilities to work with our Tribal partners and to serve all tribal people, regardless of where they reside. Our role is to address the community and health needs of American Indians and Alaska Natives, who have moved off their tribal lands, and are living in urban area. Currently, more than 70% of all American Indian and Alaska Native people live in urban environments.



We are also a HRSA 330 funded Federally Qualified Health Center, which allows us to see all people who come through our doors, regardless of their ability to pay. Currently, our patient population stays consistently between 67%-70% American Indian and Alaska Native. We offer an array of services including medical, dental, mental health, substance misuse, nutrition, pharmacy, and traditional health services. We provide in-patient substance use treatment through our Thunderbird Treatment Center (TTC), a 65-bed residential recovery program and one of the largest in-patient treatment facilities in Washington State. We have added a low-barrier, out-patient, Medically Assisted Treatment (MAT) program to do our part in addressing the Opioid crisis.

This year through Washington State's Medicaid 1115 waiver and Medicaid Transformation projects, we made a significant investment in our Traditional Indian Health services. We have established a Traditional Health Department with contracted Traditional Indian Medicine Practitioners and a Traditional Indian Medicine Apprentice Program, which increased our Traditional Indian Medicine encounters from 156 per month to an average of 1,302 per month. Traditional Indian Medicine is the foundation for our Indigenous Knowledge Informed Systems of Care model. With a slight monetary investment from the State, our community was able to increase access to culturally attuned services that meet their needs.

Through HRSA expansion funds, SIHB opened three new satellite sites. We now provide clinical services at the Chief Seattle Club- a homeless day shelter serving American Indians and Alaska Native in Seattle, Washington- and at Thunderbird Treatment Center. We also received funds to purchase a mobile dental van to ensure we can assist our rural tribal and urban Indian partners in meeting their dental health needs. We are dedicated to bringing services to our people while they are suffering the impacts of rapid gentrification, which has produced an incredible economic imbalance.

Homelessness is a crisis in the Seattle area and is a precursor to poor health conditions. If you are American Indian or Alaska Native, living in Seattle, you are seven times more likely to experience homelessness. For this reason, SIHB partnered with three Seattle-based and Native-led organizations to address this issue. Through city investments, our organizations were able to increase the number of American Indian and Alaska Native people getting into permanent supportive housing by 10% within a year. It is my hope that the IHS offer expansion opportunities, model on those offered by HRSA. The combination of funding will ensure that our expansion efforts do not compromise our cultural integrity and allow us to stay true to needs of the communities we serve.



I am continuously grateful for the Subcommittee's demonstrated commitment to improving the health and wellness of American Indian and Alaska Native people. The FY20 appropriations included $1 million (now $5.4 million) increase to Tribal Epidemiology Centers. Thank you! As you know, the Tribal Epidemiology Centers have been flat lined in the IHS budget for many years. Despite the flat line in funding, each of the 12 Tribal Epidemiology Centers continues to produce incredible work with limited budgets.

The Urban Indian Health Institute (UIHI) is the research, epidemiology, data and evaluation arm of the SIHB. UIHI one of the 12 Tribal Epidemiology Centers, and the only one with a national scope, serving over 60 urban Indian organizations. UIHI's report on Missing and Murdered Women and Girls (MMIWG) catalyzed a 30-year grassroots movement into the political spotlight. Sadly, although the report focused on the data gaps for American Indian and Alaska Native living in urban areas, few pieces of legislation have included this population in their policy responses.

Additional funding to Tribal Epidemiology Centers will address some of the longstanding funding disparities and we will see more groundbreaking work as a result. Imagine what the Tribal Epidemiology Centers could do with a $24 million budget. It would give each of them a $2 million annual operating budget, which is not an unreasonable ask. It would allow Urban Indian Health Programs and Tribal organizations to tell our stories through data, research, and evaluation.

Additionally, I want to thank the Subcommittee for your $81 million recommendation for Urban Indian Health Programs. The final appropriation of $57.6 million still constitutes a $6 million increase for Urban Indian Health Programs. I am hopeful that we will move toward addressing the incredible disparity between the growing demand for Urban Indian Health Program services and the underfunded line item that often equates to only 1% of the IHS budget.

We are not asking to increase the percentage in the Urban Indian Health Program line item, but to align with the Northwest Portland Area Indian Health Board and the National Tribal Budget Formulation Workgroup's recommendation to implement a 10-year strategy to get the I/T/U system to full funding as a whole. For the Urban Indian Health Program line item, that would take $106 million in the FY21 appropriation.

Finally, the constant looming threats to cap Medicaid spending undermines the strategy to supplement IHS funding through Medicaid. This coupled with the recent experience of government shutdowns brings me to two important asks. Please implement advanced



appropriations for IHS by supporting S. 2541/H.R. 1135- IHS Advanced Appropriations Act and please support S. 1180/H.R. 2316- Urban Indian Health Parity Act to allow 100% FMAP for Urban Indian Health Programs.

Thank you for your support and consideration.

Best,

Esther Lucero, Chief Executive Officer

Cc: Representative David Joyce, Ranking Member
Representative Chellie Pingree
Representative Derek Kilmer
Representative José Serrano
Representative Bonnie Watson Coleman
Representative Brenda Lawrence
Representative Mike Simpson
Representative Chris Stewart
Representative Mark Amodei

TUESDAY, FEBRUARY 11, 2020.

AAP COMMITTEE ON NATIVE AMERICAN CHILD HEALTH

WITNESS

SHAQUITA BELL, M.D., FAAP, CHAIR, AAP COMMITTEE ON NATIVE AMERICAN CHILD HEALTH

Dr. BELL. A tough act to follow. No notes. That is impressive. [Laughter.]

Greetings, Representative Kilmer, Coleman, and Simpson. So honored to be here. My name is Dr. Shaquita Bell. And I am Cherokee and black. I am a pediatrician in Seattle where it wasn't raining when I left, and I heard it was raining here before we left. We didn't bring the rain.

I am so honored to be up here with the urban Indian programs. I was a child in Minneapolis who received my care through an urban Indian program, the Minneapolis Health Board, and so it is such a pleasure to be here. I am the pediatrician in the room, so a lot of my testimony will be pretty kids focused, but I could not agree more with what everyone has said today. I am here on behalf of the American Academy of Pediatrics. I am the chair for the Committee on Native American Child Heath, and I am also very grateful for our Federal Affairs Office, who helped me with this testimony.

We at AAP support the IHS full funding that we can get. We recommend the largest possible funding increase. And we are also really interested in strong funding, and we really feel like advanced appropriations would be the most helpful thing for IHS. So we also agree with that and strongly recommend it, and we appreciate the efforts of this subcommittee to get to that.

I like to use stories to tell my desires for funding, and so I am going to use a story, but I am going to call this patient "Robert." Robert is a young adolescent who would rather play videogames than listen to me talk about veggies and eating healthy. He struggles with his weight, and my clinic was able to partner with a local pool. And after exploring his interests, he signed up for swimming lessons and met a group of friends, joined a hip hop dance club, which apparently is cool as long as I don't talk about it, and has found a really unique way to become physically fit and gain a better sense of identity, which really helps protect his mental health. It is one of the strongest protective factors is a sense of identity.

And when we think about mental health and behavioral health in Indian Country, we know that we have really vast unmet needs. We continue to have waits as long as 4 to 6 months for acutely anxious patients and depressed patients. I have a young girl who hides under the table at school and cries herself to sleep every night because she is so scared of school, and I can't get her in any sooner than that. So I really urge us to think about how we can address this unmet need in our communities.

Once those kids of mine grow up and become students, I love to have them shadow at clinic and mentor them into their careers. And one of the things that really makes a difference in choosing your future career is loan debt. And so we really strongly appreciate the value of the IHS Health Professions Scholarship Program

and the Health Professions Loan Repayment Program, but we really wish it could be tax exempt. That would really help us meet a lot more of the need and recruitment and retention of health providers in our communities, and would take a burden off of students when they are considering this job.

So once they become pediatricians—hopefully they all do—then we encourage them to come and work in IHS, or in urban health programs, or in tribal clinics. And then they get to meet the Federal government. It is a real barrier to hiring talented physicians. I have a friend right now who accepted a job in IHS about a year ago and is still working on the paperwork, and has sold a house and is trying to move to that community, but can't qualify for a loan because they don't have proof of employment. It is just a vicious cycle. And if we can't recruit talented professionals, we are going to continue to have issues with the type of care that we are able to deliver.

Kind of thinking about that quality care that we want to deliver, I am very thankful to this committee for helping IHS to hire, encourage IHS to hire, the maternal child health coordinator, Dr. McKernan. We are thrilled to be partnering with her. She has attended some of our meetings and is already getting on the ground with emergency services. So really thank you for that.

Just in closing, every year as part of our committee, we get to visit an IHS site, one of the regions, and then we pick four sites in that region, and I was fortunate enough to visit the Indian Health Center of Santa Clara Valley. And they told us about a really exciting job skills program where they take youth and teach them skills that they can use for the rest of their life. And it makes me think of Robert. It makes me think of all of the stories that I have told so far of how we can engage youth with really simple interventions that tie them to their identity, tie them to their roots, and lead to a very successful happy and healthy life.

So with that, I will close and just thank you all. And I would be happy to take any questions.

[The statement of Dr. Bell follows:]

Comments of Shaquita Bell, MD, FAAP
Chair, AAP Committee on Native American Child Health
Submitted to the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Good Morning Chair McCollum, Ranking Member Joyce, and Subcommittee Members:
My name is Dr. Shaquita Bell, and I am here today on behalf of the American Academy of Pediatrics, which represents 67,000 pediatricians around the country. I am the Chair of the AAP Committee on Native American Child Health, a group of leading national experts on this issue. In addition to my role within the AAP, I am a practicing pediatrician at Seattle Children's Hospital, and a Clinical Associate Professor in the University of Washington School of Medicine's Department of Pediatrics. Through my work at the Odessa Brown Children's Clinic, a community health clinic, I work closely with the Seattle Indian Health Board in helping care for their child patient population. I am extremely grateful for the opportunity to testify today on behalf of the AAP to discuss the critical importance of robust federal investment in American Indian and Alaska Native (AI/AN) child health. I thank the committee for its ongoing commitment to funding this work, and to respectfully request increased funding for the Indian Health Service (IHS).

For over 50 years, the AAP has formally conducted work on AI/AN child health. Our commitment to these issues is embodied in the work that we do through a contract with IHS. Each year, our Committee conducts annual site visits to review all aspects of child health services and public health programs at four sites in a different IHS Area. Our experts provide immediate technical assistance to sites to support improved care, working closely with Tribal and IHS facility leadership and child health staff. In addition, we provide guidance to IHS on service units' model programs that the Agency can promote and disseminate, as well as the key challenges they face.

Most recently, I led a team to visit Indian Health Center of Santa Clara Valley in San Jose, with other teams in locations throughout California. While in Santa Clara we met with the amazing team providing excellent care to the patients and families in this region. We learned about a unique and powerful youth program that gave young people job skills and prepared them for their next stages in life. During this and other visits our experts conduct, we also regularly encounter serious challenges, including significant prenatal drug exposure, challenges in accessing needed health services, especially for behavioral health, and difficulty recruiting and retaining talented health providers. When a service unit lacks a pediatric champion, children's needs can quickly lose the priority attention they need. That can lead to a reactive approach; responding to emergencies rather that providing needed preventive care. Wherever we travel across the country, these complexities constitute the story in Native communities; serious challenges, but also inexhaustible and committed people who are making a major difference in the lives of those for whom they care.

Challenges to the Provision of Care to AI/AN Children: We know that Native children face substantial health disparities, many of which are rooted in social determinants of health that stem from the historical trauma Native communities have faced throughout our history. Poverty, alcoholism, substance abuse, chronic illness, child abuse, and other poor health and social conditions are symptoms of these underlying health crises in Native communities, not their cause. In medical terms these are preventable diseases. We know that children thrive when they have safe, stable, and nurturing relationships with adults in their lives. It is essential that public policy support Native

children by providing access to services to meet their health and developmental needs. We must also endeavor to lift children and their families out of poverty to support their lifelong health.

I see the health crises that arise from these social conditions firsthand. I have several patients who are on long wait lists for mental health services. In our community these waits can last up to 4-6 months. Meanwhile many families feel that they are in crisis nearly every day. I have one patient whose anxiety is so bad she hides under the table at school, and cries herself to sleep at night. In caring for Native children, we face these challenges in an environment of extreme resource scarcity and uncertainty. Medical and public health professionals are doing amazing work to improve the health of Native children and their families, but need funding to support that work.

We appreciate that through a constrained fiscal environment this Subcommittee has continued to recognize the importance of investing in the IHS and other programs serving the needs of AI/AN children. However, at current funding levels there is still significant unmet need, and the health disparities Native children face represent a crisis we must address. Even with the increases IHS received for Fiscal Year 2020, the Agency will still fall significantly short of meeting the health needs of its patient population. The AAP urges the Subcommittee to maintain its commitment to AI/AN child health needs in FY 2020 with strong investments in the IHS.

FY 2020 Appropriations: IHS provides essential health services and public health programs serving AI/AN children. Nearly one-third of the AI/AN population is under the age of 18, compared to 24 percent of the total U.S. population. This means that high-quality child health care is foundational to the success of IHS. The AAP appreciates that Congress was able to recently provide IHS with $6.04 billion for FY 2020, an increase from the $5.8 billion in FY 2019. While this represents a continuation of increased funding for IHS, we unfortunately know all too well that it still leaves substantial unmet need in the Agency's ability to meet the health needs of those for whom it cares, particularly children. A recent U.S. Government Accountability Office (GAO) report found that in FY 2017, IHS per capita spending was $4,078. That is significantly lower than per capita spending within the Veterans Health Administration, Medicare, and Medicaid, which were $10,692, $13,185, and $8,109 that same year, respectively.

This significant funding disparity directly impacts children's health. This is especially true for subspecialty care, including mental health, substance use disorder (SUD) treatment, and developmental-behavioral services. Currently, there is a lack of sufficient funding for Purchase/Referred Care services provided away from an IHS or tribal health facility, and the limited funds available often run out before they can provide children access to specialty care. Congress should consider opportunities to support IHS efforts to enroll AI/AN children in Medicaid so that they have access to the Early and Periodic Screening, Diagnostic and Treatment benefit and IHS/Tribal clinics have access to crucial reimbursements. In addition, Congress should significantly increase appropriations for IHS. We urge the Subcommittee to provide the largest possible funding increase for IHS in Fiscal Year 2021 to ameliorate this disparity and support the health needs of Native children.

Advance Appropriations for IHS: AAP supports the provision of advance appropriations for IHS, which would provide the agency with two years of appropriations authority at a time rather than one. This would enable IHS to augment the value of its funding through longer term planning, improved budgeting, and better contracting options. These improvements would benefit children through better health service delivery and more cost-effective public health programming. We continue to hear about the challenges in continuing the provision of pediatric health services funded

through IHS during the most recent government shutdown. Funding uncertainty can threaten access to needed pediatric supplies, patients and elders expressing concerns about running out of medication, and personal stress of financial uncertainty for IHS providers.

The AAP would like to thank Chair McCollum for championing the Indian Programs Advanced Appropriations Act (H.R. 1128), and urges Congress to pass this policy into law without delay. Advance appropriations would also enable IHS to better recruit and retain pediatric health care providers through better planning for appropriate hiring. This would increase the proportion of AI/AN children receiving quality care from a dedicated medical home. Public health interventions that generate child health improvements would also benefit from budget continuity and the improved planning it would facilitate. All of this would be possible without additional cost to the federal government, as demonstrated by the successful implementation of this policy at the Veterans Health Administration in 2009. Ultimately, mandatory funding for IHS would provide the greatest stability to live up to U.S. treaty obligations. As an immediate step, advance appropriations would make significant progress in protecting Native children and the professionals who care for them from this instability.

IHS Workforce Recruitment and Retention: Effective recruitment and retention programming is central to ensuring IHS has the workforce necessary to meet the health needs of Native children. I teach and mentor Native students at the University of Washington interested in practicing pediatrics. The burden of student loan debt is a clear and compelling factor in the decisions they make.

We strongly appreciate the value of the Indian Health Service Health Professions Scholarship Program and Health Professions Loan Repayment Program, which are key tools for recruiting and retaining health providers. We appreciate that Congress has continued to prioritize funding for these programs, and increased funding under the Health Professions account by $7,951,000 in Fiscal Year 2020. Unfortunately, unlike similar programs at the National Health Service Corps, these IHS programs are also taxed. This reduces the impact of loan repayment and scholarships at IHS by over $9.1 million, diluting the reach of these important Congressional investments. We urge you to continue investing in these crucial programs and to support their tax exemption.

The federal government has done a tremendous job making education available to Native students. To build upon this success, we suggest further efforts to work with educational institutions to ensure that their student bodies accurately reflect the patient populations they serve. Federal funding to educational institutions offers important opportunities to ensure that our medical schools are intentional in building a diverse next generation of health care providers. It is particularly important to improve the training, recruitment, and retention of specialty care providers such as pediatric behavioral specialists, to address significant unmet needs throughout IHS.

Maternal Child Health Coordinator: Given Native children's unique health needs, we are grateful for the Subcommittee's role in ensuring IHS hired a Maternal Child Health Coordinator last year. That position went unfilled for years, leaving a significant aspect of IHS care without the dedicated senior staffing necessary to oversee this critical work. This role is essential in identifying and replicating successes and model programs in maternal-child health programs, and in ensuring the implementation of our recommendations after our pediatric experts conduct site visits for IHS. We would like to thank the Subcommittee for monitoring this process and ensuring that IHS hired a talented professional for this important position.

Parental Substance Use: Across the country, attention to the ongoing opioid crisis has brought into stark relief the significant child health impact of parental SUDs. This is particularly pronounced in Native communities, where we see significant challenges with prenatal exposure to drugs and

alcohol. In addition, we also are seeing large numbers of older children who face the deleterious health effects of the trauma that results from having a parent with an SUD. I care for a toddler whose mother was using heroin and cocaine early in her pregnancy. Thankfully, she was able to access medication-assisted treatment, and continues to do so today. Her son is now one year old and healthy. We spend our well-child visits discussing her wellbeing, which has significant implications for her son's health. While this has made a difference for my patient, many of my patients cannot access MAT and mental health services, and face long wait times to do so. It breaks my heart to hear of parents attempting suicide or losing custody of their children while they wait to access the treatment that could enable them to stay safely together. We urge you to provide IHS needed resources to address the child health impacts of parental SUDs. The AAP-supported Family First Prevention Services Act offers significant opportunities to support this access to treatment, and we urge the Subcommittee to encourage IHS to ensure the coordination of its services with those available through Family First.

ICWA: The AAP is concerned by ongoing attempts to undermine the Indian Child Welfare Act (ICWA), which was enacted in 1978 in response to the longstanding crisis of AI/AN children being removed from their families and communities. ICWA remains a critical federal child welfare law that promotes the maintenance of familial and cultural ties to promote children's health, safety, permanency, and wellbeing. Appropriate ICWA implementation is important for minimizing child trauma and promoting optimal parent-child attachment and facilitation of maintained connection to extended family and culture. The AAP supports effective implementation of ICWA and opposes efforts to undermine this gold standard policy for protecting AI/AN children.

Missing and Murdered Indigenous Women and Girls: Violence against AI/AN women and girls is a public health crisis that inflicts wide-ranging harms on AI/AN children and families. Children and adolescents are uniquely vulnerable to violence, including dating violence, interpersonal violence, trafficking, and other harmful forms of exploitation. Congress should consider opportunities to support IHS engagement in this public health threat to AI/AN women, girls, and communities. Health professionals and health systems have a crucial role to play in the prevention, identification, and treatment of violence against women and children and a collaborative response can best leverage resources from law enforcement, tribes, health professionals, and local communities to protect AI/AN women and girls.

Conclusion: Thank you again for the opportunity to provide public comment today on the important issue of AI/AN child health needs. Native children need the important health services and public health programs funded through IHS. We thank you again for your ongoing commitment to Native communities and families like my own and urge you to provide the funding necessary to meet the health needs of AI/AN children. I would be happy to answer any questions that you may have for me.

Mr. KILMER. Thank you all for your testimony. Mr. Simpson.

Mr. SIMPSON. Always more thoughts than questions. Always a complex problem. Ms. Rosetta, in addition to an increased budget line item for urban health, your testimony mentions a number of authorizing issues outside of this subcommittee's jurisdiction. So are you making any progress with the authorizing committees, because at some point in time, it always comes down to us to do authorizations, and people hate that, so.

Ms. ROSETTE. Not that I am aware of, no.

Mr. ABRAHAMSON. No.

Ms. LUCERO. No.

Mr. SIMPSON. We need to be working with those authorizing committees, so I appreciate that. And, Ms. Lucero, you mentioned that in your testimony, the Seattle Indian Health Board's budget has increased by 80 percent in the last 4 years?

Ms. LUCERO. That is correct.

Mr. SIMPSON. Which is kind of surprising. At a time when urban Indian organizations are struggling, what is happening in the Seattle area that has enabled your budget to grow so strongly?

Ms. LUCERO. Yeah, thank you for that question. We are actually very proud of that. So I have been in my position for 4 years now, and for us, we were able to see kind of the low-hanging fruit in places that we hadn't invested. And, quite frankly, an investment has been largely in behavioral health. So we were able to access other grant funding sources to be able to supplement that work, coupled with the fact that we have done a significant investment in our infrastructure to support increased revenue through third party billing. That, of course, is threatened constantly when we hear things like block grants that come into the States that would actually capitate Medicaid dollars.

So thank you for that. Yes, we are proud of that. Yes, it has taken a year where we have had revamp our entire IT system. We have had to improve our electronic health record system. We have had to access grants and increase staff to be able to support that work. So we are looking at our IHS dollars to maintain our cultural integrity. You know, we can work with these other systems, absolutely, but this is what allows us to serve in a culturally-relevant way. And, quite frankly, our success is grounded in our indigenous knowledge informed systems of care, so centered on traditional medicine. Thank you.

Mr. SIMPSON. Thank you. Congratulations on that also. Dr. Bell, just out of curiosity, and it wasn't part of anybody's testimony. But I was curious, are we making progress in diabetes with the Native American population? As you know, they have the highest rate of diabetes of anybody.

Dr. BELL. So I am a pediatrician.

Mr. SIMPSON. The doctor. [Laughter.]

Dr. BELL. I would say that we have definitely seen impacts from SDIP. I think the specialty diabetes project, what it really does or what the funding does is allow us to build culturally-relevant programs, like exercise, diet, nutrition, things that meet people where they are. The other thing that is really cool about SDIP is that it allows people to be creative. So you don't have this, you know, just, okay, everybody with diabetes gets X, Y, and Z. You get to tailor

it to the community you are serving, and that is why it is so important that each of those communities can take that money and build a program that is specific to their needs, to their people, and to their rates of diabetes specifically.

I would have to say across the board, native or non-native, we have a problem with diabetes, and that is not native specific. I think that is a reality for all of America.

Mr. SIMPSON. I noticed when we have traveled out to some of the reservations and so forth, one of the programs has always been to try to get people back on traditional foods.

Dr. BELL. Yes, absolutely.

Mr. SIMPSON. And the thought was that that would help with reducing the rate of diabetes and so forth. And I was just wondering if we have any positive successes in that that we can relate to.

Ms. ROSETTE. If I can answer.

Mr. SIMPSON. Sure.

Ms. ROSETTE. From what we have learned in the last year is that the mortality rate for natives obviously is lower. But actually with the SDPI Program, we have increased by 1 year, so we have gained 1 year, so that is one success for us. And that has taken over 20 years to achieve, so that is why we need the continued funding for the SDPI Program.

Mr. SIMPSON. Thank you all.

Mr. KILMER. Mrs. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you. I don't really have a question. I just wanted to thank you for your testimony, and to let you know that this discussion about the access to healthcare, about access to mental healthcare, about cultural competence and services and programs, is something that I hear in other specific communities, and it is something that in general we need to pay better attention to. I thank you for the information you have shared with me. Maternal health issues and all of those issues are things that I have encountered in other meetings, so I was very interested in hearing it. Thank you. Thank you. I yield back.

Mr. KILMER. First of all, thank you for your testimony, and thank you for the important work you do. I wanted to touch on, several of you in both your testimony and your written testimony, referenced the impacts of shutdowns and referenced the potential value, as our chair has led the way on doing advanced appropriations. I think it would be helpful if you could just paint the picture, though, of when there is a lapse in funding. What does that mean in terms of access to care, quality of care? Help us tell the story to our colleagues. What do you see when that happens? You know, and I will say up front I think there is agreement certainly by the members on this committee that trust responsibilities and treaty obligations should not be treated as discretionary. They are not discretionary. But when you see this lapse in funding, paint the picture for us.

Ms. ROSETTE. Well, last year, I know that in the Boston area, they had to shut down, and, in that process, they had a couple of people who overdosed, and so that is just there. And then particularly for us, for the native project, we were looking at the potential of having to reduce hours, which means you have to have less services and less access to the care. So obviously we were more pre-

pared for it, I would say, but not all of our urbans were prepared for it. I know Boston was one of the ones most affected by it, and they saw deaths because of it.

Mr. ABRAHAMSON. So within our area there, we didn't shut down, but some of them were contemplating on shutting down there. And, I believe, we did lose one provider in the area there, and, as you guys know, the lack of recruit/retention that we have in the systems there on direct service tribes. So on the average, we are 33 percent of lack of professions in the field there and stuff there. So losing professionals is really critical for us, because just being able to recruit them and get them there. And as we heard on testimony here, too, that it takes so long to go through the process of getting them there, but it has made an impact on bringing professionals there and stuff there, so.

Mr. KILMER. Yeah, thank you.

Ms. LUCERO. For us, we actually had to develop a furlough strategy. And, you know, we always have looming threats both on the community health center side and the IHS side. But for us, we actually had to shut down our Saturday clinic, and we also had to cut back for our Elders Program, which is largely dependent on our Indian Health Service funding. Additionally, all of our traditional Indian medicine services are funding through Indian Health Service. Those are all the pieces that go away when we have to respond to a shutdown.

And so, yes, I have always been a proponent of advanced appropriations. From my perspective, we have already paid this debt, right? We have already paid this debt, and it is up to us to make sure that we help heal the communities that we serve.

Dr. BELL. Can I share a story that will be very poignant for you to pass on to your colleagues? So one of the privileges of being chair of the CONACH is I get to connect with pediatricians and pediatric providers all over the country. And so when the shutdown happened last year, I sent out an email and just asked how people are doing, and I heard from a pediatrician in the southwest who were lacking basic medical care for children. So when a baby is born, we check their oxygen level to see if they have a cardiac defect. They could not afford the probe to check the oxygen entry, right, because all funding stopped.

Ms. MCCOLLUM [presiding]. Explain what the probe is.

Dr. BELL. The probe is literally, it looks like a piece of tape that goes to a machine that tells you what your oxygen level is. Like, if you have ever been to the doctor, they check it when you check in. So they couldn't get any more of those, so they couldn't screen babies for congenital heart disease, which means until they are seen in their pediatrician or family medicine clinic, we don't know if that child has a heart condition. And that happened, how long were we closed, a month? I mean, a month of babies who were impacted by this, and they were desperate. There were people who were buying supplies for their clinic out of their own pocket.

So it was a very, I don't like to use the word "devastating," but there was a very real impact. As far as I know, no babies passed away, but if you can imagine as a parent, you would want to know if your baby's heart was okay.

Mr. KILMER. Thank you. I yield back.

Ms. MCCOLLUM. Okay. Well, thank you very much, and we will have our next panel come up, and thank you for your testimony. I have read it and highlighted it through the book. So thank you.

Dr. BELL. Sorry I didn't get to tell my Minnesota joke. [Laughter.]

Ms. MCCOLLUM. We are running about 10 minutes ahead of schedule, so we want to make sure that we don't miss anybody coming in. So we will just take a few minutes and take our time. Thank you.

Would anyone like any water or anything? You are all good?

So good morning. Before we start the panel on climate change, I am going just going to repeat myself about something that I said earlier this morning in the opening statement. For Fiscal Year 2020 Congress, we included additional funding to BIA, natural resources management programs, including increased funding for tribal climate resilience, endangered species, and water resources. And I was disappointed, but not surprised, that the President's budget request yesterday once ignored climate change.

No one is immune from climate change, especially not Native Americans, who are at the forefront of this experience with the effects on increasing temperatures and rising waters. Your written testimony and other tribal members' who spoke on other issues also alluded to what was happening with climate change, described melting permafrost in Alaska, the loss of traditional foods, concern about traditional and cultural practices. And then we know about the unprecedented flooding that is happening in Washington and Oregon. And yet, unfortunately, the President looks the other way.

But as I said, the President proposes, and Congress disposes. So this testimony that you are about to give on climate change is something that we will be looking at very seriously on how we can work with you for resilience and other issues that are being affected by climate change.

So I am going to have you introduce yourself and then go right into your testimony. Just a little reminder, 5 minutes. Your testimony is fully entered into the record now, so don't feel rushed. Don't feel you have to cover everything if something comes to mind when you are testifying. The light will go yellow at one 1 minute. When you go a little beyond that 1 minute, I will kind of tap with the gavel, and then at 5 minutes, it will go red, and we would ask you to conclude your remarks.

So with that, I would very much like Ms. Nelson to lead us off. Thank you.

TUESDAY, FEBRUARY 11, 2020.

SHOALWATER BAY INDIAN TRIBE

WITNESS

CHARLENE NELSON, CHAIRWOMAN, SHOALWATER BAY TRIBE

Ms. NELSON. Madam Chairman and all the subcommittee here, I thank you for being here to listen to us. I thank you as a chairwoman. I am chairwoman of the Shoalwater Bay Tribe. I am also a steward, and that is a steward of the ocean and what is hap-

pening to it now. I speak for tribal members all along the Salish Sea. We are in danger, and also the whales, the salmon, all the things that live in the sea are affected by what is happening. There is climate change. I am 80 years old, and I have seen climate change. And at first, it is just part of life, and then all of a sudden, you realize something is happening.

Our reservation, Shoalwater Bay Reservation, is right on the edge of the sea. We are 6 feet above high level of the tide. If there is a storm, generally comes up. We work to protect our land. We work to protect the land of the people around us. There are no fences. If somebody needs help, we do help because that is what you do. I look at what we face, and we are working at trying to go uphill. It is expensive to go uphill. We have bought the land, but to get there is going to be a challenge because the road that is strong enough to carry the equipment goes over a wetland, and you have to mitigate for a wetland. So we are doing that. We are working on doing this.

This December, 5 days before Christmas, we were protected by a berm, a sand berm out in front of us, and that berm breached, or very close to a breach. I can't call it a state of emergency, 5 days before Christmas. And the next morning, the Army Corps of Engineers was out there, and there are boots on the ground day and night to save. They are great. I mean, they have just helped us so very, very much, and giving us advice and good things like that. Coming to meetings because we hold meetings not only for our tribe, but we include the county, the State, and all the people around us so that we are working together because you can't just fix a piece and stop a piece. You have to stop our work on it all, seeing it as a whole, because that is what it was made as, as a whole. Right now, we actually had another storm Friday night. We have drones or one drone that flies over it so that after a storm, as soon as it calms down enough that we can use it, we send that drone out. So we are keeping all the time what is happening.

Anyway, as far as reservation lands we are working on, well, what we did is we purchased from someone else wetland, more wetland, and we are working on doing a wetland bank. Part of this, to begin with, is the ghost dike, which we will, once we are able to, and we have been working on this from 2017—I call it government to government—sat down with everybody, and that is what you do. You sit down because you are pulling together if you are sitting down, and you are listening. We showed them, actually took them out in the rain and wind to show them just exactly what we were talking about. It made a difference. We have been moved up in the queue, and actually we were notified about 1 week ago we will be able to apply and start work on the first one, which is a ghost dike.

When we reach this, the saltwater will come back in. The saltwater was there before, before the owners that, you know, in the 30s possibly, maybe the 40s, is built a dike right on the ocean side. So that will bring an estuary, which is important for salmon. Again, we are stewards. We need to look after what we have been given as a tribe. And all the tribes around us talk about traditional food. Traditional food is salmon in our area.

I in my life have been a commercial fisherman, a teacher, and now I am tribal chairwoman. It is challenge all the time. You keep moving. You keep doing what you like to do no matter if you get to be 80, which is a gift. But we look at if a tsunami hits, that can happen any time. People say, oh no, it won't happen. We know what happened in Japan. We set up a command center, and we were ready to go uphill if we had to go uphill. We are working on a tsunami tower. The tower is where the middle of the peninsula is. The only place that people there can get in time is to that tower. It is open to everybody. It is our tribal members. It is anybody who is down there. Get there as fast as you can. Well, we are working on that because we found out there is some wetland under that. We are working with FEMA with this, and it is important. We want to get that built.

We need wetland credits in order to do that, so we are getting that wetland credits we hope with our bank or the ghost dike bank, and we can move up, start to move uphill. We have got the plan for the road. We just can't get the money yet or the road. And we have put our own money into doing what we have been doing. And by the way, I am blind in my right eye, and I am using my left eye to try to look at people, and I see I am red.

So anyway that is where we are. We are working, and I always think we go in and we say we are going to look at this, we are going to make a plan. When is it too late? When is too late? And I want to get there and do something before it is too late. Masi. "Masi," by the way, means thank you.

[The statement of Ms. Nelson follows:]

Shoalwater Bay Indian Tribe
Charlene Nelson, Tribal Chairwoman
[redacted]

Testimony submitted to the House Appropriations Subcommittees on Interior, Environment and Related Agencies

February 3, 2020

The requests of the Shoalwater Bay Indian Tribe (Tribe) for the FY 2021 Interior, Environment, and Related Agencies budget are as follows:

- Support appropriation of funds through the Tribe's self-government agreement with the Bureau of Indian Affairs to address additional planning and implementation efforts for a needed wetland mitigation bank to protect against coastal erosion and tsunami effect. We appreciate your FY 2020 report language requiring the BIA to assist tribal coastal tribes such as ours to assist with mitigation and relocation efforts.

- Fully fund Section 105(l) Clinic Leases as authorized through the Indian Self-Determination Act through "such sums as necessary" bill language as is done with Contract Support Costs

- Fund IHS via advance appropriations in parity with the Veterans health programs

- Support long-term mandatory funding of the Special Diabetes Program for Indians (SDPI)

Background

Thank you for inviting the Shoalwater Bay Indian Tribe to provide testimony today. My name is Charlene Nelson, and I am the Chairwoman of the Shoalwater Bay Indian Tribe which is located 2,800 miles west by northwest of where we are meeting today and we are on the beautiful north shore of Willapa Bay, facing out to the Pacific Ocean. As are most Coastal tribes we are stewards of the great ocean. .As the Chairwoman of the Tribe, and in my former career as an educator and commercial fisherman, I have learned firsthand that vibrant and successful Indian communities are not possible without first attending to human health of the community members and also ensuring the health of the environment. I appreciate that this Committee is also responsible for those same priorities, and it is in that shared spirit of community responsibility that I speak to you today.

Wetland Mitigation – Climate change

Thank you for having a panel dealing with climate change and for including me on this panel. Our first priority today is to ask you to ensure that BIA planning and implementation funds are available for our critical and ongoing need to develop a wetland mitigation bank to facilitate needed construction to protect our Tribe against the imminent danger of coastal erosion and tsunami inundation. With limited exception, our entire reservation and adjacent tribally owned property is within a mapped tsunami zone where the shoreline is actively eroding. Contractors worked 24 hours a day over the 2019 Christmas holiday to repair an eroding shoreline, performing dangerous work in order to protect the reservation from additional ocean erosion and inundation. The Tribe concludes that new facilities must be developed further inland to ensure Tribal member safety and the Tribe's continued economic viability and cultural survival. The lands where the development will occur are heavily encumbered by wetlands. With this significant new development, substantial wetland mitigation will be required to permit the roads and new facilities.

To address the need for mitigation, the Tribe acquired a large, privately-diked property adjacent to its reservation. This property has been historically used by tribal members for thousands of years. The Tribe evaluated restoration feasibility and examined multiple alternative design approaches before ultimately proposing the Shoalwater Bay Mitgation Bank to state and federal permitting agencies in December 2017. The Bank will breach the dike and restore the estuary, and associated wetlands.

There is a significant backlog for agencies approving mitigation bank projects. As a result, the wetland permitting agencies have yet to review the Tribe's proposal, since it was submitted two years ago. In the interim, the Tribe has maintained contact with permitting staff, while working on infrastructure protection project components in coordination with the Department of Transportation and county planning officials. After waiting for two years from the proposal submittal in 2017, the Tribe needs action on this vital public safety issue. In December 2019, the Tribe hosted the Corps of Engineers and Washington State Department of Ecology leadership on a site visit and meeting to express our urgent need for the mitigation Bank to proceed.

In 2019, the Tribe carved out a portion of the mitigation bank project area to advance as a separate mitigation project. This separate bank will address the immediate wetland mitigation need for the development of a tsunami evacuation tower and other tribal projects. Advancing this mitigation project separately from the larger Bank adds costs to the Tribe and it will not meet the full mitigation need necessary to relocate all of its facilities outside the tsunami zone and away from the eroding shoreline. While our request today is for planning and implementation funds for the Tribe from the BIA for the interim and larger mitigation Bank, which will facilitate the construction of critical life-saving projects such as the evacuation road, tsunami tower and other immediate emergency and hazard mitigation efforts the Tribe is undertaking.

We appreciate the FY 2020 the House Committee Report language
(H. Rept. 116- 100) as did the House FY 2019 report focusing on coastal communities:

The Committee supports Indian Affairs' efforts to address the resiliency needs of tribal communities by working to address threats to public safety, natural resources, and sacred sites. The Committee is particularly concerned about

coastal tribal communities, Alaska Native Villages, and Alaska Native Corporations that face severe challenges to their long-term resilience due to the impacts of climate change. Consistent with the Federal Government's treaty and trust obligations, the Committee directs Indian Affairs to work with at-risk tribes and Alaska Native Villages to identify and expedite the necessary resources to support mitigation and relocation efforts. The Committee also directs Indian Affairs to develop a report outlining the unmet infrastructure needs of tribal communities and Alaska Native Villages in the process of relocating to higher ground as a direct result of the impacts of climate change on their existing lands and to transmit this report to the Committee within 180 days of enactment of this Act.

Section 105(l) Clinic Leases

We are gratified that IHS has recently been fully funding Section 105(l) leases for tribal health clinics, its responsibility as confirmed by the 2016 federal court decision in *Maniilaq v. Burwell* which held that section 105(l) of the Indian Self-Determination and Education Act (ISDEAA) provides an entitlement to full compensation for leases of tribal facilities used to carry out ISDEAA agreements. The IHS has had to reprogram approximately $70 million in FY 2019 funding to meet these required costs and likely the same will be true for FY 2020. Reprogramming for these legally required costs is on not sustainable. We support treating 105(l) lease financial obligations as being mandatory funding or being funded by an indefinite appropriation as "such sums as may be necessary" as are Contract Support Costs.

We thank Congress for providing $125 million for 105(l) leases in FY 2020. As a long-term solution, we suggest as did the FY 2020 appropriations committee reports, that consideration be given to whether the funding for these leases be funded as a separate line item in the same manner as Contract Support Costs at "such sums as may be necessary"

IHS Advance Appropriations

We thank Chairman McCollum for introducing, and Ranking Member David Joyce co-sponsoring, legislation to provide advance appropriations for IHS and programs in the BIA and BIE. And thank you also for the FY 2020 Committee report language directing the IHS to determine what changes in existing processes would be needed to change IHS to an advance appropriations process and report to the Committee regarding the same.

Under advance appropriations we would know a year in advance what the budget would be and importantly, would not be continue to be constrained by the start and stop level funding of Continuing Resolutions, each of which requires the same processing and manpower for each partial payment as one full apportionment. When IHS funding is subject to a Continuing Resolution, we receive only a portion of annual funding at a time, making it particularly difficult to implement long-range planning and staffing. Even if CRs had not become the norm, having advance notice of funding levels would aid greatly in our health programs planning, recruitment, retention, and leveraging of funds. Finally, we note again that the Veterans Administration health accounts have been receiving advance appropriations since FY 2010. Both the VA and the IHS provide direct medical care and both are the result of federal policies. The IHS budget should be afforded the same status as the VA.

Special Diabetes Program for Indians (SDPI)

As of this date the Special Diabetes Program for Indians (SDPI), along with several other mandatory funded health programs, are authorized only through May 22, 2020. The mandatory funding for SDPI is not part of the IHS budget but the funding is distributed through that agency. SDPI has resulted in documented good results throughout Indian Country as the National Indian Health Board and others have testified. We ask that this Committee support an increase to $200 million annually and that the authorization be made permanent or at least for five years. The tribal SDPI programs need the security of funding to allow us to recruit and retain personnel to deliver badly-needed services to more of our members.

Conclusion

Thank you for your consideration of the concerns and requests of the Shoalwater Bay Indian Tribe. I am happy to provide any other additional information as requested by the Subcommittee.

Ms. MCCOLLUM. Mr. Greene.

TUESDAY, FEBRUARY 11, 2020.

MAKAH INDIAN TRIBE

WITNESS

TIMOTHY GREENE, SR., MAKAH TRIBAL COUNCIL CHAIRMAN, MAKAH INDIAN TRIBE

Mr. GREENE. Thank you. Chair Nelson. Mr. Chair, members of the committee, it is an honor to be here today. For the record, I would like to apologize to Congressman Kilmer. I missed the 10 most enlightening minutes of my life this morning apparently. He gave a speech over at the NCAI, is my understanding. Sorry I couldn't be there.

Mr. KILMER. You really missed out. [Laughter.]

Ms. NELSON. Yeah.

Ms. MCCOLLUM. We will get you a copy.

Ms. NELSON. All right. Well, I am T.J. Greene. I am chairman for the Makah Tribe, and I will be testifying on changing ocean conditions and the severe water shortage that we have on our lands, and tsunami relocation efforts, oil spill response and prevention, as well as coastal erosion, some of the things that that was already discussed here today.

And the Makah Indian Tribe, we are located at the northwestern tip of Washington State, right where the Pacific Ocean meets the Strait of Juan de Fuca. Real beautiful area, and the ocean means everything to us. It is what our treaty is built around, and it is what defines us as a people. Tribal fisheries or vital for Makah culture, subsistence, and our economy. The impacts of changing ocean conditions on our fishery is a priority for the Makah Tribal Council. We are already experiencing warm ocean waters, increased hypoxia, harmful algal blooms. Ocean acidification along our coast is putting our treaty resources and our community at risk. Continued funding for Federal programs like BIA's Travel Resilience Program and EPA's National Estuary Program is crucial to addressing climate change and protecting our community and livelihoods.

In this past decade, Makah has experienced three fisheries disasters due to changes in the marine environment. Fisheries disaster hit our community particularly hard, and delays in disaster relief funds compound these effects. We appreciate that they do eventually come, but the delays in the process are critical to our fishermen. You know, I think we can do that a little bit better.

We urge Congress to continue to designate funding to the national fisheries disaster account as it has done in Fiscal Years 2018 and 2019, and to expedite fisheries disaster relief in this process. Over the past 2-and-a-half years, we have trapped over 2,200 invasive European green crabs on the Makah reservation. My backyard, which you have been to, Congressman, is one of the sites that is being infested by these green crabs. We are the only entity monitoring the outer coast of Washington. Limited available resources are targeted in the Puget Sound. We need increased Federal funding to address this infestation through monitoring programs on the outer coast, possibly under the U.S. Fish and Wildlife Service, and

Aquatic Invasive Species Program. These crabs compete with some of the habitat that is critical to the Dungeness juvenile crabs that are very important to Washington State, and we think that is important.

We have severe water shortages on the reservation due to limited groundwater storage capacity. The Makah Tribe experiences chronic and severe water shortages every summer, which are exasperated by climate change. Water shortages restrict our tribe's ability to provide sufficient housing for our community and limit economic development and relocation efforts. We request Federal funding increases for programs, like IHS and BIA, to address water shortage issues on tribal reservations. We also would like tsunami relocation efforts to be funded, the Makah Village, including 60 percent of our population, our schools, clinic, and all of our critical infrastructure, including water treatment and sewage treatment facilities, are in the tsunami inundation zone. We are developing a comprehensive relocation plan for our community, but planning and implementation is restricted and limited by water supply and lack of funding. We want to work with programs like IHS, HUD, BIA, and others, to identify solutions and funding opportunities to address this imminent threat and move our community to safety.

Oil spill preparedness prevention infrastructure is something we have been involved in heavily for years. Since the 1970s, over 1-and-a-half million gallons of oil have been spilled within the Makah treaty area, which is vital to our fishing resources, the staple of our economy. The Strait of Juan de Fuca is a high-risk area for vessel traffic where ocean and weather conditions are often severe. Vessel traffic is increasing, and climate change further complicates spill response on the remote outer coast. Because of these risks, the Makah Tribe is highly engaged in oil pollution, vessel traffic safety, and climate policy forums supported by EPA's Natural Estuary and Brownfield Programs. It is essential that these programs continue to fund and prioritize tribal engagement in this area.

The Port of Neah Bay is home to an emergency response towing vessel, ERTB, which has made over 70 saves since its stationing, preventing oil spills across the outer coast of Washington and British Columbia. The tribe has already invested $13 million of its own funding for infrastructure in the Port of Neah Bay. And coastal erosion is threatening two primary areas in our territory: Hobuck Resort, which is an economic employer to the community, and the Ozette coastline, which is vital to our cultural resources. Th4ere is a significant amount of erosion that is going on in those areas that are at risk, and we are looking for programs to help mitigate those risks.

Thank you for the opportunity to testify today.

[The statement of Mr. Greene follows:]

Testimony of Timothy J. Greene
Chairman, Makah Tribal Council
Neah Bay, Washington
February 11, 2020
House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Good afternoon Madam Chair and Members of the Subcommittee, I am Timothy J. Greene, Chairman of the Makah Tribal Council. Thank you for this opportunity to present testimony on behalf of the Makah Indian Tribe.

I would take this time to testify on some of our tribal priorities related to climate change:
1.) Our concerns regarding changing ocean conditions and impacts to our community;
2.) Our chronic drinking water shortages on our Reservation;
3.) Our efforts to relocate our community above the tsunami inundation zone; and
4.) Oil spill response and pollution prevention.

Federal Departments and Agencies involved are: EPA, Bureau of Indian Affairs, US Fish and Wildlife Service, Dept. of Health and Human Services, Indian Health Services, Housing and Urban Development, Historic Preservation, NOAA, Army Corps, and US Coast Guard.

Introduction
The Makah Tribe is located on the northwest tip Washington State, about 2 hours from the nearest city of Port Angeles and more than 4 hours from Seattle. We have archeological evidence of our continued presence in the Cape Flattery area for at least 5,000 years. The Makah Tribe is the only tribe under the 1855 Treaty of Neah Bay in which we reserved the right to fish, whale, seal, hunt, and gather at usual and accustomed areas. The Makah people and culture are depended upon natural resources, especially from the ocean, for our livelihood, subsistence, identity, and spirituality. Fishing comprises approximately 50% of the Neah Bay economy. Nearly every family on the reservation (~85%) has someone in the residence who fishes, with fishing being the main occupation for nearly two-thirds of our households. Makah culture and traditions, in conjunction with the remoteness of the reservation, make the Tribe especially reliant on subsistence resources, with 99% of households relying on fishing, shellfish, and hunting for a portion of their diet. For some members of our community, 90% of their diet comes from subsistence resources. Climate Change threatens Makah's treaty interests, reserved rights, economy, and way of life. We view the means to address the threats and impacts of climate change as spanning multiple federal agencies, some of which are not under the jurisdiction of this subcommittee.

Changing Ocean Conditions
The Makah Tribal Council view the impacts of changing ocean conditions on our fisheries as one of our top concerns. We have experienced warming ocean waters via marine heatwaves (also

known as the Warm Blob), increased hypoxia (or low oxygen waters) and ocean acidification (OA) along our coast, and harmful algal blooms (HABs) and biotoxins – all of which pose a serious threat to our treaty resources and community's health. We are collaborating on several projects focused on changing ocean conditions. For example, we are monitoring for Harmful Algal Blooms (HABs) off our waters as part of the Monitoring and Event Response for Harmful Algal Blooms (MERHAP) partnership to improve HAB forecasting. Funding for key federal programs to address changing conditions and human health should continue for Tribes who are on the front lines of climate change and are already experiencing impacts in order for the federal government to begin to meet their Trust Responsibility to the Makah Indian Tribe. For example, we need continued support for Puget Sound and salmon recovery through funding and the federal commitment to EPA's National Estuary Program (NEP). Critical to our ability to engage directly on climate related issues is the continued Congressional appropriations of the Bureau of Indian Affairs Tribal Resilience Program, which provides funding to support tribal projects and capacity to address climate change adaptation and ocean and coastal management planning

Tribal fisheries are vital for Makah culture, subsistence, and economy. In this past decade, three fisheries disasters have been declared due to fluctuations in marine conditions that have affected salmon distribution, migration, and abundance. Fisheries disasters hit our community particularly hard. The delays on disaster relief funds coming to our community adds further strain and stress on our families. We need a solution to expedite the fisheries disaster relief process, especially for small fishing communities like Neah Bay who are entirely dependent on fisheries and are hit especially hard during the disasters and subsequent waiting periods. Having a Fisheries Disaster Fund that has funding appropriated in advance helps immensely. Congress should continue to designate funding to a National Fisheries Disaster account, as it has done in FY18 and FY19.

We are facing an infestation of European green crabs on the Makah reservation, to date we have trapped over 2,000 crabs in the past 2.5 years. European green crab has been shown to impact native commercial clam fisheries as well as eelgrass habitats on the east coast. We are concerned as to what their impacts may be for our eelgrass habitats on reservation as well as impacts on native species, like Dungeness crab. There are currently no other efforts to monitor for green crabs on the outer Washington coast, due to limited resources being targeted in Puget Sound. We need an increase of funding for European green crab monitoring programs to include the Outer Coast of Washington, possibly under the USFWS Aquatic Invasive Species Program.

Severe Water Shortage

The Makah Reservation receives high seasonal precipitation (~100 inches of rainfall annually), but due to the geology of the reservation we have limited groundwater storage capacity. As a result, we experience chronic and severe water shortages every summer, which are exacerbated by climate change as we experience longer, drier summers. Water shortages restrict the Tribe's ability to provide sufficient housing for our community, limit economic development

opportunities and tsunami relocation efforts. We are researching possible additional sources of water and mitigation actions (infrastructure fixes, increasing reservoir storage capacity, etc.) and hope to conduct a feasibility study to analyze available options. We request Federal funding increase for programs, like IHS and BIA, to address water shortage issues on Tribal reservations, to support feasibility studies and implementation actions to provide water security to the Makah Tribe for current uses and future growth.

Tsunami Relocation Efforts

The Cascadia Subduction Zone fault lies off the West Coast and extends from Northern California to British Columbia and is only ~32 miles offshore from the Makah Indian Reservation. The Cascadia fault is capable of producing 9.0 magnitude earthquakes and generating a tsunami that would threaten coastal areas along the Pacific Ocean. The Makah village, 60% of the population, our schools, clinic, and all of our critical infrastructure are located within the Tsunami Inundation Zone (TIZ). We are working to develop a comprehensive relocation plan for our community, including moving schools, childcare, health and emergency services, and housing (especially for seniors) to higher ground. Implementation of the relocation plan is restricted by our limited water supply, which inhibits building of new infrastructure, as well as funding for this large undertaking. We want to work with programs, like IHS, HUD, BIA, and others to identify solutions for this imminent threat and to utilize funding opportunities to move our community to safety.

Fund Tribal Capacity in Pollution Prevention and Policy Engagement

Since the 1970s, over 1.5 million gallons of oil have been spilled within the Makah Treaty Area. The Strait of Juan de Fuca is the point of entry and egress on the West coast for every inbound vessel to the Ports of Seattle, Tacoma, and Everett and Vancouver, BC.,. making it is a high-risk area concerning vessel traffic where ocean and weather conditions are often severe. Climate change also complicates spill response on the remote outer coast through more intense winter storms, more frequent flooding of access roads to Neah Bay, and water shortages and blackouts in the summer. The combined impacts of climate change and a significant spill would be devastating to our treaty resources – particularly the ocean resources upon which the Tribe relies.

Because of the risks in our region, the Makah Tribe is engaged in oil pollution prevention and vessel traffic safety, as well as climate and ecosystem recovery policy and planning forums at multiple scales. This policy work facilitates the inclusion of our tribal priorities, concerns, and knowledge into Puget Sound, state, regional, and transboundary decision-making. Our policy engagement work is partially supported by the EPA's NEP funding and Brownfields Program funding, which provide essential capacity.

Tribes have unique and detailed local knowledge which can improve the effectiveness and success of environmental policies. We are essential partners in climate change, ecosystem

recovery, and spill response planning. Continued federal funding and policy direction to support tribal programs and tribal engagement through the NEP and Brownfields programs, as well as throughout federal environmental programming is vital to maintaining tribal capacity and ensuring effective environmental protection.

Oil Spill Preparedness & Prevention Infrastructure

While the Makah Tribe is already thinking about climate change adaptation and a transition to renewable energy sources, we are seeing Canada expand fossil fuel infrastructure and facilitate continued reliance on fossil fuels through projects like the expansion of the Trans Mountain Pipeline and Roberts Bank Terminal. As a result of these projects, Canadian oil tanker traffic is expected to increase at least sevenfold. These vessels will transport diluted bitumen (dilbit), a heavy viscous oil which may sink. Currently, effective clean-up options for a dilbit spill do not exist, making prevention and preparedness even more crucial.

The Port of Neah Bay is home to an Emergency Rescue Towing Vessel (ERTV) which has made over 70 saves since its stationing. While we are taking climate action, we also need to ensure that we are protected from the impacts of oil spills to our treaty resources, while fossil fuel dependence endures. The Makah Tribe has already invested $13M in tribal funding to expand the infrastructure at the Port of Neah Bay to better house the ERTV and meet the needs of other oil spill prevention and response assets. We need additional federal funding to widen and deepen the channel and to build an oil spill response dock.

Coastal erosion at Hobuck and Ozette Beaches

Climate change-driven increases in coastal storms and winter precipitation are causing significant coastal erosion at some of our beaches – particularly at Hobuck and Ozette Beaches. Hobuck Beach is one of the primary public access beaches on the outer Washington coast, with nearly one-hundred thousand visitors annually. Erosion at Hobuck poses risks to our infrastructure, public safety, and cultural practices. The Ozette Indian Village Site was preserved after a mudslide inundated the site several hundred years ago and was discovered and excavated after artifacts were exposed via coastal erosion in the late 1960s resulting in an 11-year excavation effort. The Ozette Indian Village Archaeological Site was registered under the U.S. National Register of Historic Places in 1974. Many of these artifacts are on display at the Makah Museum. Coastal erosion at Ozette risks cultural artifacts becoming exposed, increasing their risk of dislodging and being lost at sea or taken. We need federal funding to support implementation of erosion prevention, habitat restoration, and cultural resource protection for our remote coastal beaches.

Thank you Madam Chair and Members of the Subcommittee for this opportunity to testify before you today.

Ms. MCCOLLUM. Thank you. Thank you very much. Mr. Williams.

TUESDAY, FEBRUARY 11, 2020.

AKIAK NATIVE COMMUNITY

WITNESS

HON. MICHAEL WILLIAMS, CHIEF, AKIAK NATIVE COMMUNITY

Mr. WILLIAMS. Yeah. My name is Michael Williams. I am currently the chief of the Akiak Community in western Alaska.

Impacts on Alaska Natives and American Indians. Climate change is undermining the social identity and cultural survival of Alaska Natives and American Indians. As we watch our ice melt, our forests burn, our villages sink, our sea level rise, our temperatures increase, our oceans acidifying, and our animals become diseased and dislocated, we recognize that our health, our traditional ways of life are at risk.

Our elders, in particular, are deeply concerned about what they are withholding. In Alaska, unpredictable weather and ice conditions make travel and time-honored practices hazardous, endangering our lives. According to the U.S. Corps of Engineer, at least three tribes must be moved in the next 10 to 15 years—Shishmaref, Kivalina, and Newtok—while, according to a GAO report, over 100 communities are at risk. Currently, Newtok has begun to move finally.

Everything is changing so quickly. Lakes are drying. New insects are appearing. Permafrost is melting. Bays are disappearing. Storms are fiercer. Animal populations are changing. Our fish are rotting on drying racks. Polar bears are drowning and dying. Because of massive record-breaking forest fires, our youth and elders are having trouble breathing. Our ice is so much thinner, or entirely gone, and our coastlines are eroding, washing away ancient artifacts from our ancestors as well as modern infrastructure. Throughout the Nation, in Indian Country, traditional foods are declining. Local landscapes are changing. Real infrastructure is being challenged. Soils are drying, and the lake and river levels are declining. Tribes are experiencing droughts, loss of forests, fishery problems, and increased health risks from heat strokes and from diseases that thrive in warmer temperatures.

If climate change is not addressed, the impacts on Alaska Natives and American Indians will be immense. Models and the best scientific data and traditional knowledge indicate that if we do not reduce greenhouse gas emissions, the entire icecap will melt, endangering the culture and subsistence needs of America's indigenous people. Furthermore, erosion, flooding, sea level rise, storm surges, and greater storms will endanger my people, the Yupiaq Tribe in Florida and elsewhere.

Hotter temperatures threaten all indigenous people, especially in southwestern Florida, where we often do not have adequate means of escaping the heat. Increased climate change will also endanger salmon in the Pacific Northwest, even in our lands that we witnessed this past summer, which are crucial to the tribes there, as

well as in Alaska. Finally, on almost all tribal lands, enhance climate change will threaten our sacred waters essential to our physical and cultural survival.

Clearly, climate change presents one of the greatest threats to our future and must be addressed by Congress and the Administration as soon as possible. We cannot afford to wait any longer. We cannot put our head in the sand right now. And we have so much opportunities that we can initiate now with economic development, other than the fossil fuels that we depend on. We can get economic opportunities without depending on fossil fuels anymore, and we at Alaska tribes and corporations have passed resolutions indicating our impacts on our oceans and our rivers.

Alaska Federation natives, NCAI, and I had an opportunity to listen to you this morning, and thank you for those comments, Mr. Kilmer. But anyway, throughout the Alaska Nation, we are in peril from climate change. For the sake of our children and grandchildren, seven generations and beyond, Congress must take meaningful action to address this issue right now. Thank you.

[The statement of Mr. Williams follows:]

Testimony of Michael Williams, Sr

Before the US House of Representatives, Committee on Appropriations, Sub House Committee on Interior, Environment, and related agencies.

For the hearing:

"Climate Change Panels"

February 12, 2020

Mr. Chairman and Members of the Committee, it is an honor to testify before you.

My name is Michael Williams, Sr., I am a Yupiaq, from Akiak, Alaska located on the Kuskokwim River. Currently, I am Chief of the Akiak Native Community, a federally recognized tribe.

In addition, I am a Former Vice-President for the National Congress of America Indians (NCAI), Alaska Region, and Interim President of First Stewards.

1. **Impacts on Alaska Natives and American Indians.** Climate Change is undermining the social identity and cultural survival of Alaska Natives and American Indians. As we watch our ice melt, our forest burn, our villages sink, our sea level rise, our temperatures increase, our oceans acidify and our animals become diseased and dislocated, we recognize that our health our traditional ways of life are at risk.

Our elders, in particular, are deeply concerned about what they are witnessing. In Alaska, unpredictable weather and ice conditions make travel and time-honored subsistence practices hazardous, endangering our lives.

According to the U.S. Corps of Engineers, at least three tribes must be moved in the next 10 to 15 years, Shishmaref, Kivalina and Newtok, while according to a GAO report, over 180 communities are at risk.

Everything is changing so quickly. Lakes are drying, new insects are appearing, permafrost is melting, berries are disappearing, storms are fiercer, animal populations are changing, our fish are rotting on drying racks, polar bears are drowning, and are dying.

Because of massive, recording breaking forest fires, our youth and elders are having trouble breathing. Our ice is so much thinner, or entirely gone. And, our coastlines are eroding washing away ancient artifacts from our ancestors as well as modern infrastructure.

Throughout the nation in Indian Country, traditional foods are declining, local landscapes are changing, rural infrastructure is being challenged, soils are drying, and take and river levels are declining. Tribes are experiencing droughts, loss of forests, fishery problems, and increased health risks from heat strokes and from disease that thrive in warmer temperatures.

If Climate Change is not address, the impacts on Alaska Natives and American Indians will be immense. Models, and the best scientific data and traditional knowledge, indicate that if we do not reduce greenhouse gas emissions the entire Arctic ice cap will melt, endangering the culture and subsistence needs of America's Indigenous people. Furthermore, erosion, flooding, sea level rise, storm surges, and greater storms will endanger my people, the Yupiaqs as well as tribes in Florida and elsewhere.

Hotter temperatures threaten all Indigenous Peoples, but especially in the southwest and Florida, where we often do not have adequate means of escaping the heat. Increased Climate Change will also endanger salmon in the Pacific Northwest, which are crucial to tribes there, as well as in Alaska. Finally, on almost all tribal lands, enhanced climate change will threaten our sacred waters, essential to our physical and cultural survival.

Clearly, climate change presents one of the greatest threats to our future, and must be addressed by Congress as soon as possible.

2/3. **Opportunities and Initiatives.** There are many economic opportunities for Alaska Natives and American Indians in low-carbon future, especially with respect to renewable energy. Tribes offer some of the greatest resources for helping the nation with renewable energy development, particularly wind, solar power, biomass and geothermal power.

In Alaska, for example, we are installing wind power in very remote communities, such as Tooksok Bay, St. Paul Island, and Kotzebue. Wind power has also been installed on the Rosebud Sioux Reservation. Port Graham Village is assessing construction of a biomass facility using forestry waste. The Confederated Tribes of the Warm Springs Reservation has analyzed the viability of a commercial geothermal power plant. Also, Natives, SUN Solar, which provides installation, maintenance, and technical support for photovoltaic systems, has installed hundreds of systems on the Navajo and Hopi reservation.

To achieve Indian Country's and Alaska's renewable energy potential, however, we need investment capital, infrastructure and technical capacity. Any renewable energy program must include opportunities and incentives for tribes. Also, with training, American Indian and Alaska Native Youth and adults can be actively engaged in renewable energy jobs, from engineering, to manufacturing, to installation.

There are also economic opportunities associated with energy conservation. We would welcome tribal-based initiatives to better insulate our hoes, to convert our lighting, and to educate our members regarding energy efficiency practices. We want jobs that save us money and reduce our carbon footprint.

In general, we believe that a low carbon economy will provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy use, and saving money.

4. **Actions.** In recognition of the tremendously serious impacts that Climate Change to American Indians and Alaska Natives, our most important organization have passed urgent resolutions outlining problems, threats and needed action by Congress.

1) The Alaska Tribes unanimously passed a resolution urging the United States Congress and the President to move forward on the national, mandatory program to reduce global warming

pollution that prevents irreversible harm to public health, the economy and the environment. Traditional knowledge and science both strongly support urgent, meaningful action;

2) The Alaska Federation of Natives, which not only called for a national, mandatory program, but also observed that global warming is "endangering our lives";

3) National Congress of American Indians, which describes adverse impacts to tribes throughout the nation and calls on Congress to act.

With respect to adaptation, communities like Newtok, Alaska are already taking action to move from dangerous sites to higher ground. It is important for Congress to recognize that the adaptation needs are very great. We require planning assistance, federal coordination, and significant financial resources to execute these crucial relocations and to fund other adaptation needs.

In all instances, it is important that our traditional knowledge be incorporated and respected, that we can be consulted, and that our values and needs be honored. We have borne and continue to bear a disproportionate burden of the impacts of climate change.

In summary, Alaska Natives and American Indians are being seriously threatened by Climate Change. We implore Congress to take action now to protect current and future generations and to: document the extensive costs of global warming to tribes, reduce greenhouse gas emissions, and help those communities like Shismaref that need to be moved, repaired, or otherwise assisted because of the adverse impacts of global warming. There is so much at stake.

On a personal note, as a resident of the small village of Akiak on the Kuskokwim River, I have also experienced Climate Change as an Iditarod Race musher. Alaska Natives have used dogs for transportation for thousands of years; it is an important part of our culture. The Last Great Race has changed in many ways since I first started participating in it in 1992. Because of an absence of snow in recent years, we have had to move the start on numerous occasions from more Southerly Wasilla to more northernly Willow and even Fairbanks. To keep the dogs cool, since the days are too warm, we have to mush mostly by night now. And, we are traveling much more on land and less on the frozen rivers because of thawing.

Throughout Alaska and the nation, we are in peril from Climate Change. For the sake of our children and grandchildren, seven generations and beyond, Congress must take meaningful action to address this issue now.

This is our most sincere and urgent plea. Thank you for this opportunity to address you on this most important issue facing our Peoples. Quyana.

Ms. MCCOLLUM. Than you, Mr. Williams. Ms. Sigo.

TUESDAY, FEBRUARY 11, 2020.

SUQUAMISH TRIBE

WITNESS

ROBIN SIGO, TREASURER, SUQUAMISH TRIBE

Ms. SIGO. Thank you, Chairwoman McCollum, Ranking Member Joyce, and honorable members of the committee. My name is Robin Little Wing Sigo, and I serve as the treasurer of the Suquamish Tribe. Thank you for the opportunity to testify about the tribe's funding priorities.

The Suquamish name comes from the traditional word [Speaking native language], which means "place of the clear saltwater." The tribe is a signatory to the 1855 Treaty of Point Elliott. Our reservation, which is located west of Seattle across the Puget Sound, encompasses approximately 7,600 acres, including 12 miles of Salish Sea shoreline. The Suquamish people have lived in the Puget Sound area since time immemorial. The tribe relies on its abundant wildlife and plants to meet our economic, nutritional, and cultural needs. These traditional foods are found on our dinner tables and featured during our travel gatherings. Today, 20 percent of the tribe's members help support their families by earning income from the harvest of fish and shellfish.

For such strong ties to our environment, the Suquamish Tribe is experiencing the growing impacts of climate change. The tribe is on the front lines of this battle, and one which is disrupting our daily lives. In order to aid tribes facing climate change, the Suquamish Tribe requests the subcommittee increase funding for the BIA's Tribal Resilience Program, or TRP. Despite the tribe's best efforts, we are facing an uphill battle against climate change. We feel stronger Federal investment in programs, such as TRP, is needed.

Over the last several years, the tribe has received multiple funding awards through TRP. With this funding, the Suquamish Tribe conducted a project that provided us with valuable data on the temperature and stream flow of the Chico Creek watershed. For generations, my family has lived on this watershed, and we have witnessed the decline in returning salmon. Thanks to the TRP funding, the tribe is now able to monitor future changes of the watershed, which may cause long-term impacts on our salmon population.

Another TRP program was centered around engaging our troubled youth in understanding the impacts of climate change at a scientific and cultural level. By laying the groundwork of knowledge for our youth, we are providing them with the best tools to continue this battle against climate change. The TRP has proven to be an effective program to help tribes fight against the ever-increasing impacts of climate change. Therefore, the tribe urges the subcommittee to consider a substantial increase to funding for TRP.

The tribe's second request is for continued funding for the U.S. Fish and Wildlife Service's Tribal Wildlife Grants. The Suquamish Tribe has been active in the recovery of the sea cucumber popu-

lation in the Puget Sound. Due to our over harvesting, many areas where the sea cumber once thrived are now struggling in population number. The sea cucumber is part of the Puget Sound's rich community of organisms, and the tribe is committed to ensuring all wildlife within it thrive.

The Suquamish Tribe received a Tribal Wildlife Grant to help protect future generations of sea cucumbers. With this important grant funding, the tribe partnered with several organizations to start a sea cucumber restoration program. The project focuses on over-harvested areas in the Puget Sound and created a hatchery program. This funding will help to reintroduce sea cucumbers from the hatchery to some of our most over-harvested areas. And I have gotten to go visit those little baby sea cucumbers, and they are really cute, and they just keep getting bigger. And, you know, some of our elders go out and look at them also because that is an important part of it as well. The Suquamish Tribe urges the subcommittee to continue to increase funding for the Tribal Wildlife Grants, and also expand it to include more pilot programs.

And finally the tribe's final request is for continuing funding for the EPA's Puget Sound Geographic Program. The EPA's Puget Sound Program provides funding to tribes to address environmental and human health risks as well as tribal capacity building and project implementation. Despite the effectiveness of the Puget Sound Geographic Program, the EPA's Fiscal Year 2020 budget request calls for its elimination. Considering the proposed elimination of the program, the Suquamish Tribe was pleased to see the program increased to $33 million. However, the Puget Sound Program has suffered a drastic reduction in funding from the $50 million it previously received. Therefore, the tribe encourages the subcommittee to continue funding and increase the funding available for the EPA's Puget Sound Program account.

Thank you for this opportunity to testify. This work here is more than just food. It is also about our culture. It is also about the whole world. And I am available to answer any questions.

[The statement of Leonard Forsman follows:]

Testimony of Chairman Leonard Forsman
Suquamish Tribe
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 11, 2020

Summary of Budget Requests:

I. BIA's Tribal Resilience Program – Increase funding for the Program
II. EPA's Geographic Programs – Increase funding for the Puget Sound
III. U.S. Fish and Wildlife Service – Tribal Wildlife Grants

Introduction & Background

Good morning Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Leonard Forsman and I serve as the Chairman of the Suquamish Tribe. Thank you for the opportunity to testify about the Suquamish Tribe's funding priorities within the Subcommittee's jurisdiction. My testimony today will focus on the Tribe's continued needs related to our efforts to combat climate change.

The Suquamish name comes from the traditional Lushootseed phrase for "people of the clear salt water." The Tribe is a signatory to the 1855 Treaty of Point Elliot. In exchange for ceding most of its aboriginal homeland, the Suquamish Tribe reserved the Port Madison Indian Reservation on the Kitsap Peninsula, as well as fishing, hunting, and gathering rights. The Tribe has roughly 950 enrolled citizens, half of whom reside on our Reservation, which is located west of Seattle, WA, across the Puget Sound. The Reservation encompasses approximately 7,600 acres, including 12 miles of Puget Sound shoreline.

The Suquamish lifestyle is largely shaped by the fact that we live on the bountiful Puget Sound. Having occupied this area since time immemorial, the Tribe relies on the Puget Sound for fish, shellfish, traditional plants, waterfowl, and land game for our economic, nutritional, and cultural needs. Seafood, game, and traditional plants remain essential to the Tribe's culture and diet to this day. In addition, around 20 percent of the Tribe's members help support their families by earning income from the harvest of fish and shellfish. Further, the proceeds from the Tribe's geoduck clam harvests support our elders' programs.

Being inextricably tied to our environment, the Suquamish is experiencing the growing impacts of climate change. Like many other tribes across the United States, the Suquamish Tribe is on the frontlines of this battle, one which threatens to disrupt our very way of life. We see firsthand the negative impact that climate change is having on the Kitsap peninsula, as well as the damages caused by the disastrous duo of warmer waters and ocean acidification.

The Suquamish Tribe's fisheries are vulnerable to climate change because of the unique hydrology of the Kitsap Peninsula, which is dominated by numerous, small, rain-fed streams. These streams are impacted by the longer, drier, and hotter summer seasons caused by climate change. Summer

rearing habitat for juvenile salmon is limited due to low water flows and higher water temperatures. During the late fall and early winter, climate change will likely increase the intensity and frequency of heavy rainfall, causing more robust and swifter stream flows, which can destroy salmon eggs.

The Tribe is also facing ocean acidification caused by climate change. As increasing amounts of carbon dioxide are absorbed by the ocean, the pH level of its waters decrease, making the ocean more acidic. This gives the water a corrosive quality that interferes with the ability of key species of shellfish to grow their shells. The combined, ongoing impacts of development, climate change, and ocean acidification threaten to radically change the availability of natural resources on which the Suquamish have always depended.

In response to these threats, the Suquamish Tribe has been proactively trying to find solutions to protect our way of life. In 2010, the Tribal Council adopted strategies to use the K-12 educational system to help change human behaviors that harm ecosystems. We developed computerized zooplankton imaging and identification tools researchers can use to detect and monitor changes at the base of the marine food web. The Tribe has also been investing in community education, including preparing our youth to take on the challenges of climate change through the Suquamish Youth Climate Change Club, and the development of an ocean acidification curriculum.

Partnerships have also been an invaluable tool in this effort. The Suquamish Tribe has partnered with the Northwest Indian Fisheries Commission to study ocean acidification and sea level rise. We have collaborated with the University of Washington to develop a low-cost zooplankton imaging and computer identification system to study planktonic communities vulnerable to ocean acidification. The Tribe also worked with the University to project climate change effects on stream flows and temperature in Chico Creek, which is the most productive salmon stream on the Kitsap Peninsula. In addition, we have worked with our partners and neighbors to implement aggressive habitat restoration, including eelgrass restoration near Bainbridge Island and restoration of Chico Creek and its estuary.

The Tribe participates in climate change working groups at the regional, national, and international levels. These include the International Alliance to Combat Ocean Acidification, which brings together governments and organizations across the globe dedicated to taking action to protect coastal communities and livelihoods from the threat of ocean acidification; and the We Are Still In coalition, which is a coalition of mayors, county executives, tribal leaders, college and university leaders, businesses, and faith groups that have committed to continue striving towards the goals set forth in the Paris Agreement.

I. BIA's Tribal Resilience Program

Despite the Tribe's best efforts, we are still facing an uphill battle. Therefore, we need stronger federal investments with programs such as the Bureau of Indian Affairs' Tribal Resilience Program (TRP). This program supports tribal resilience and coastal management by assisting tribes to better prepare for extreme events and address harmful trends that impact tribal treaty and trust resources, economies, infrastructure, and human health and safety. The TRP provides grant funding, resilience training, and technical support services in coordination with other federal, tribal, and

state partners to support tribes in building cooperative solutions through improved access to resources, training, and tools.

Over the last several years, the Tribe has received multiple awards through the Tribal Resilience Program, including projects titled "Building resilience for the Suquamish Tribe: Integrating changes in streamflow and water temperatures into a vulnerability assessment for salmonoids in the Chico Creek Watershed" and "Building Tribal Youth Connections through Climate Change." Last year, the Tribe was awarded TRP funding for a project to coordinate sampling with the Puget Sound Restoration Fund, NOAA and Washington Department of Fish and Wildlife; perform intertidal and sub-tidal surveys; assess for genetic structure within Puget Sound; determine distribution of neoplasia, assess larval response to ocean acidification; and develop potential restoration and resilience management strategies based on results.

In 2019, the Tribal Resilience Program awarded a total of $8.7 million for 119 different projects. Considering that the Administration proposed to eliminate this program, we are grateful that funding was still made available. However, in order to address the ever-increasing impacts of climate change, the Suquamish Tribe urges the Subcommittee to consider a substantial increase in funding for the Tribal Resilience Program in the Fiscal Year 2021 budget.

II. EPA's Geographic Programs – Puget Sound

The Environmental Protection Agency's Puget Sound program provides funding to tribes and tribal consortia to address environmental and human health risks, as well as tribal capacity building and project implementation. Despite the effectiveness of the Puget Sound Geographic Program, the EPA's Fiscal Year 2020 budget request called for its elimination. "EPA will encourage state, tribal, and local entities to continue to make progress in restoring the Puget Sound from within core water programs," stated the Agency's FY 2020 Budget in Brief.

Despite EPA's proposal to eliminate the Program, the Suquamish Tribe was pleased to see $33 million included in the budget deal reached by Congress, which was an increase of $5 million from the previously enacted level. While the increase is certainly appreciated, the Puget Sound Program suffered a drastic reduction in funding from the $50 million it previously received. Therefore, the Tribe encourages the Subcommittee to continue increasing the funding available for EPA's Geographic Programs – Puget Sound account to at least the previous level of $50 million.

III. U.S. Fish and Wildlife Service – Tribal Wildlife Grants

The Suquamish Tribe has also been involved in the recovery of the sea cucumber population in the Puget Sound. Due to overharvesting that occurred over 20 years ago, many areas where the sea cucumber once thrived in abundance, are still struggling in population numbers. The sea cumber is part of the Puget Sound's rich community of organisms and the Tribe is committed to ensuring all organisms within that community are protected and can thrive.

The Suquamish Tribe was fortunate to receive funding from the U.S. Fish and Wildlife Service's Tribal Wildlife Grants to help protect and ensure future generations of sea cucumbers. With this important grant funding, the Tribe partnered with several organizations to start a sea cucumber

restoration project. The project focused on overharvested areas in the Puget Sound and created a hatchery program. This funding will help to reintroduce sea cucumbers from the hatchery to some of the areas most damaged by overharvesting.

Last year, the Administration proposed reducing the entire State and Tribal Wildlife Grant funding by over 50%. Fortunately, Congress rejected that recommendation and decided to fund this important grant funding with an increase of $4 million. The Tribe appreciates Congress' recognition of the value that this program is creating and the positive impacts it has on the environment.

The Suquamish Tribe urges the Subcommittee to continue its support of this important grant funding and expanding it to more pilot projects. Further, the Tribe asks that Congress increase tribal access and funding levels. Of the $62.6 million enacted level for State and Tribal Wildlife Grants in FY 2017 to help conserve and recover imperiled fish and wildlife, only $4.2 million was dedicated to competitive grants for tribes. The amount of their own resources that tribes are pouring into efforts to protect and restore wildlife warrant special attention and support from Congress.

Conclusion

Thank you for the opportunity to testify before the Subcommittee. I am available to answer any questions that the Subcommittee may have regarding my testimony.

Ms. MCCOLLUM. Thank you. Ms. James.

TUESDAY, FEBRUARY 11, 2020.

QUINAULT INDIAN TRIBE

WITNESS

GINA JAMES, 1ST COUNCILWOMAN, QUINAULT INDIAN TRIBE

Ms. JAMES. Good afternoon, Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee. My name is Gina James, and I am the first councilwoman of the Quinault Indian Nation Business Committee. I want to thank the subcommittee holding this hearing to hear from tribes on the importance of these Federal programs.

Before getting into the specific requests I have, I would like to thank the subcommittee for increasing funding for the Bureau of Indian Affairs and the Bureau of Indian Education in Fiscal Year 2020 by $142 million over Fiscal Year 2019. The subcommittee also increased funding to the Indian Health Services by $243 million over the 2019 enacted level. Thank you.

The Quinault Reservation is located on the southwest corner of the Olympic Peninsula in Washington State and abuts the Pacific Ocean, and has over 3,000 enrolled tribal members. The lands and waters of the Quinault Reservation consists of 207,150 acres beautiful forest lands, mountains, rivers, Lake Quinault, and 25 miles of relatively undisturbed Pacific coastline. My testimony today focuses on three priorities.

Funding requests for the Taholah Village relocation project. There are two major villages located within the reservation, the villages of Taholah and Queets. Tahola is located in the southern portion of the reservation at the mouth of the Quinault River on the Pacific Coast, and consists of two locations known as the Upper Village and the Lower Village, the latter of which is located below sea level and is the original village of Taholah, signers of the Treaty of Olympia.

Our nation had models prepared by the Washington Department of Natural Resources that show a potential of tsunami inundation of 40 to 50 feet in depth in most of the lower village of Tahola. And that is where I live. A comprehensive 2017 report was contracted by QIN and two other tribes, the Quileute and Hoh Indian Tribes, to understand the effects of climate change and impacts to the homelands and treaty resources of our coastal tribes. The report entitled, "Climate Change Vulnerability Assessment for Treaty Tribes of Olympia," found that the combined effects of thermal expansion of ocean waters, vertical land deformation, e.g., tectonic movements, melting glaciers and ice fields, and seasonable water surface elevation changes due to local atmospheric circulation effects will result in sea level increases, substantial increased flood risk in the lower village of Tahola. By 2050, sea level is projected to increase by up to nearly 20 inches under the high scenario.

The report further noted that changes posted by climate change include increased winter precipitation, soil saturation, and flow into the Quinault River will compound and increase the coastal

flood risk to the lower village of Tolah. The nation applied and received a grant in 2013 from the Administration for Native Americans, U.S. Department of Health and Human Services, to prepare and plan to relocate the village to higher ground, and it resulted in the Taholah Village Relocation Master Plan.

We will need assistance from our trustee, the Federal Government, to continue implementation of the master plan, and to ensure that our citizens are safe and our government operations continue. We request the subcommittee in the Fiscal Year 2021 appropriations bill direct the BIA and the Environmental Protection Agency to prioritize funding for tribes who are dealing with reservation loss and displacement due to climate change. We also urge the subcommittee to include report language that mandates funding criteria that will allow our tribe and others dealing with the negative impacts of climate change to address the needs described above.

Along with the climate change and the more rain in winter, another funding request is for additional roads to access Quinault's Village of Taholah. Exit and entry access to the Village of Taholah is limited to a single highway. Access to the village is cut off during natural disasters and weather events, such as downed trees, mudslides, floods, that make the roads impassable. In December 2018 and January 2020, very large mudslides shut down the single highway for a number of days. When this access is cut off, emergency vehicles are unable to reach or leave the Village of Taholah, except by a treacherous logging road known as BIA Road 29, or McBride Road. It takes an additional 45 minutes to get through that road. That significantly increases response times for emergency services.

We thank the subcommittee for funding the BIA Road Maintenance Program at $36 million in Fiscal Year 2020. We ask that the subcommittee increase funding for this program to $50 million to meet the current high demand of tribes. We also urge the subcommittee to include report language giving funding priority to tribes with safety and emergency access concern. And my last request was the Housing Improvement Program.

Ms. MCCOLLUM. We have that, yeah.

Ms. JAMES. QIN has utilized this program for many years. HIP is a home improvement and home replacement program that assists tribal members who have substandard to deplorable housing. Cutting this funding would be devastating to the people that need it the most. We thank the subcommittee for not following the Administration's request to zero out and cut this program, and for funding it at $11.7 million in Fiscal Year 2020, an increase of $2 million for Fiscal Year 2019. Because there is a continued need for this program at Quinault and through Indian Country, we ask the subcommittee to increase funding to $50 million for Fiscal Year 2021.

Thank you for allowing me time to comment on our nation's needs and other native nations.

[The statement of Ms. James follows:]

Testimony on Behalf of the Quinault Indian Nation
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Public Witness Hearing on Tribal Programs
February 11, 2020

Good afternoon Chairwoman McCollum, Ranking Member Joyce and Members of the Subcommittee. My name is Gina James, I am the 1st Councilwoman of the Quinault Indian Nation ("Quinault" or "QIN") Business Committee. I want to thank the Subcommittee for holding this hearing to hear from Tribes on the importance of these federal programs.

Before getting into the specific funding request we have, I would like to thank the Subcommittee for increasing funding for the Bureau of Indian Affairs and the Bureau of Indian Education in FY 2020 by $142 million over FY 2019. This Subcommittee also increased funding to the Indian Health Services by $243 million over the 2019 enacted level. The increased funding for all of the programs in these three entities will lead to meaningful positive changes for tribal citizens across the country.

The Quinault Reservation ("Reservation") is located on the southwestern corner of the Olympic Peninsula of Washington State and abuts the Pacific Ocean and has over 3,000 tribal members. My testimony today focuses on the following priorities: 1. 2. 3.

U.S. Responsibility to Meet its Treaty and Trust Obligations to the Quinault People

Through treaties, executive orders, and other agreements, Indian Tribes ceded hundreds of millions of acres of our homelands to the Federal government to help build this great nation. In return, the United States made promises to provide for the education, health, and welfare of reservation residents. For the Quinault, the promises of the United States were detailed in the Treaty of Olympia, which was signed on July 1, 1855, and on January 25, 1856, and ratified by Congress and signed by President Buchanan in 1859 (11 Stat. 971). The lands and waters of the Quinault Reservation consist of 207,150 acres of beautiful forestlands, mountains, rivers, Lake Quinault, and 25 miles of relatively undisturbed Pacific coastline. In recent years, the United States has continued to fall short of meeting its treaty obligations as appropriations cuts, sequestration, government shut-downs, inflation and other factors impede the federal government's ability to meet its trust responsibility. As a result, Quinault spends about $6 million annually to supplement inadequate levels of Federal funding.

Funding Request for the Taholah Village Relocation Project

There are two major villages located within the Reservation. The Village of Taholah and the Village of Queets. Taholah is located in the southern portion of the Reservation at the mouth of the Quinault River on the Pacific coast and consists of two locations known as the "Upper Village" and "Lower Village," the latter of which is located below sea level. Our Nation has had Models prepared by the Washington Department of Natural Resources that show a potential of tsunami inundation of 40-50 feet in depth in most of the Lower Village of Taholah, well above the elevation of the tallest building in the village. A tsunami event at the Village of Taholah would be catastrophic for our tribe, causing the loss of life, destruction of our infrastructure, and the long term disruption of QIN government operations.

Historically, large earthquake/tsunami events along the Cascadia Subduction Zone have occurred every 300 to 500 years. The last such event happened in February 1700, so the 300-year threshold has already been breached. Approximately 650 residents live within the tsunami zone in the Taholah Village. Important Quinault social and cultural institutions are located in the tsunami inundation zone and flood prone area. For example, the Senior Center, Head Start Day Care, the K-12 Taholah School, Community Center, fire cache, police station, jail and courts, Veterans Park, Taholah Mercantile, Fitness Center, Temporary Assistance for Needy Families, Housing Authority, Canoe Carving Shed, Enterprise Board, and the Museum, the repository of Quinault culture, all currently exist in this vulnerable area. On a typical weekday, at least 60 employees of the Quinault Indian Nation work in the lower Taholah Village.

A comprehensive 2017 report was contracted by QIN and two other tribes, the Quileute and Hoh Indian Tribes, to understand the effects of climate change and impacts to the homelands and treaty resources of these coastal tribes. The report, entitled "Climate Change Vulnerability Assessment for the Treaty of Olympia Tribes," found that the combined effects of thermal expansion of ocean waters, vertical land deformation (e.g., tectonic movements), melting glaciers and ice fields and seasonal water surface elevation changes due to local atmospheric circulation effects will result in sea level increases, substantially increasing flood risk in the Lower Village of Taholah. By 2050, sea level is projected to increase by up to nearly 20" under the high scenario. The report further noted that the changes posed by climate change, including increased winter precipitation, soil saturation and flow into the Quinault River, will compound and increase the coastal flood risks to the lower Village of Taholah.

Already, high tides, high winds and storm surge conditions have led to waves breaking over the seawall that protects the Lower Taholah Village from coastal surges. The seawall was breached in 2014, prompting a state of emergency to be declared. While the Army Corps of Engineers replaced the seawall, it is not a permanent solution. During minor storm events, areas around First Avenue in Taholah flood regularly with seawater despite the seawall's protection.

QIN determined through multiple public processes, including a General Council Resolution (a vote taken by the entire Tribe), that enabling the movement of residents, businesses, and institutions

from the lower village of Taholah to a new Upper Village Relocation Area was the only solution because of these threats.

This prioritization prompted the Nation to apply for a grant in 2013 from the Administration for Native Americans (U.S. Dept. of Health and Human Services) to prepare a plan to relocate the village to higher ground. The grant was received and resulted in the Taholah Village Relocation Master Plan ("Master Plan"). The Master Plan was adopted by the Quinault Indian Nation Business Committee (the governing body of the Nation) on June 26, 2017. The NEPA Environmental Review was through the Bureau of Indian Affairs and HUD.

With the completion and adoption of the Master Plan, the Nation has a blueprint for redevelopment of the village, safe from flooding and tsunamis that incorporates the vision of the community members, sustainable practices, culture, amenities and upgraded community facilities. Construction of the first building in the new village, the Wenasgwəlla2aW (Generations Building), began in July 2019. Wenasgwəlla2aW will house the Senior Program and children's programs (Head Start, Early Head Start and Day Care). The Nation has designed the first residential neighborhood of the Master Plan so that there is a place for residents of the Lower Village to relocate as soon as possible. However, the Master Plan has an estimated price tag of $150 to 200 million and the Quinault Nation will not be able to fully fund the plan.

We will need assistance from our trustee, the federal government, to continue implementation of the Master Plan and to ensure that our citizens are safe and our government operations continue. We request the Subcommittee in the FY 2021 Appropriations bill direct the BIA and the Environmental Protection Agency in to prioritize funding for tribes who are dealing with Reservation loss and displacement due to climate change. We also urge the Subcommittee to include report language that mandates funding criteria that will allow our Tribe and others dealing with the negative impacts of climate change to address the needs described above.

Funding Request for the Housing Improvement Program (HIP)

QIN has been utilizing the Housing Improvement Program (HIP) for members of the Nation for years. HIP is a home improvement and home replacement program that assists Tribal members who have substandard housing or no housing options at all. The funding the Nation obtains from this program assists its citizens that are in the most need and has had very positive tangible results for these citizens. Cutting this funding would be devastating to the people that need it the most and utilize it.

We thank the Subcommittee for not following the Administration's request to zero out this program and for funding it at $11.7 million in FY 2020, an increase of $2 million from FY 2019. Because there is a continued need for this program at QIN and throughout Indian Country, we ask the Subcommittee to increase funding to $15 million in FY 2021.

Funding Request for an Additional Road to Access Quinault's Village of Taholah

Exit and entry access to the village of Taholah is limited to a single highway. Access to the village is cut off during natural disasters and weather events such as downed trees, mudslides, and treacherous conditions that make the road impassible. In December 2018 and January 2020, very large mudslides shut down that single highway for a number of days. When this access is cut off, emergency vehicles are unable to reach or leave the Taholah villages except by a treacherous logging road, known as BIA Road 29, or McBride Road, that significantly increases response times. Our community remains vulnerable to similar emergency response failures if we do not address this critical concern.

We thank the Subcommittee for funding the BIA Road Maintenance Program at $36 million in FY 2020. We ask that the Subcommittee increase funding for this program to $50 million to meet the current high demand of Tribes. We also urge the Subcommittee to include report language giving funding priority to tribes with safety and emergency access concerns.

Conclusion

The Quinault Indian Nation is taking the steps necessary to protect and build a brighter future for our people. We are guided by our traditions and deep desire to control our own destiny. We are doing our part to improve the lives of our people and to keep them safe and create opportunity on the Reservation, but we cannot do it alone. We urge the Subcommittee to honor treaty and trust responsibilities to Quinault and to support our requests. Thank you for allowing me to testify to the Subcommittee today.

Ms. MCCOLLUM. Thank you. Thank you for your testimony. It was heartfelt and disturbing. Mr. Kilmer.

Mr. KILMER. Thanks, Madam Chair. And I actually just want to start by thanking our chairwoman and our ranking member for coming out to our neck of the woods this last summer, and seeing some of the challenges that you spoke to. We had, Councilwoman James, the Quinault hosted four of the coastal tribes for kind of a roundtable discussion around some of the challenges facing frontline communities. And we got to go down into the lower village, and, you know, it is one thing to hear about it. It is another to kind of put eyes on how close the ocean is and to be below sea level, and to actually see the risk of climate change on your village.

We heard from the Makah Tribe about some of the challenges faced by climate change, not to mention the threat of tsunami. One of your neighboring tribes, the Hoh Tribe, spoke to the fact that while they had secured space to move to higher ground and have built a fire station, the only supplies they were able to secure at this point were body bags, which was a pretty dark statement.

I thought it was a good thing that Chairman DeFazio in the infrastructure proposal or framework that he put out had a section that was focused on resiliency. Personally, I think that we should have a section that is dedicated to tribal communities, and, specifically, to frontline communities that are going through what you are going through right now, that are facing the need to potentially move to higher ground. And I was hoping that you could just elaborate a little bit on what are the big hurdles that tribes are facing.

When you talk about moving to higher ground, you know, there is a lot, and, Chairwoman, you spoke about, you know, the road problem and dealing with wetlands. You know, it is a lot to think about just in terms of basic infrastructure, like water systems, and sewer, and all of that. Can you just speak about what are some of the barriers that this committee should be thinking about when it comes to moving to higher ground?

Ms. NELSON. I think you said it already. One, money to do these things. The infrastructure, when we get up there, and we are planning that, but we don't have money enough to do it for sure. Time is getting shorter, and I know that all of our fellow tribes have the same problem. We don't have enough money to build the house, do the infrastructure like it should be done because we want to do it. So we are environmentally, you know, taking care of the environment, and we are doing as much as we possibly can for the people around us to keep them safe, too.

Mr. WILLIAMS. Yeah, in Alaska, Mr. Kilmer, right now in my village, we have are relocating six homes right now, and we are struggling to get funding. And we appreciate all of the contributions that we had because of the disastrous nature of these, what we are facing. And many of the communities are falling into the river, because of the permafrost melting. And a lot of the roads and a lot of the buildings are tilting and falling down, and a lot of our graveyards are sinking through the tundra.

And I think FEMA and Federal agencies need to come together, Army Corps of Engineers. Everybody has to come to aid the communities that are being impacted by the climate change that we are facing. It is not our fault that we are living in these conditions.

It is the emissions. It is what is going on in other parts of the world that are affecting the Arctic, and it is not going to be the same anymore. And we definitely need Congress and the Administration to help give us the relief right now. We really appreciate it.

Mr. GREENE. Congressman Kilmer, if I could just add that, you know, some of the wetland mitigation is an issue for Makah as well, and then also, you know, the funding to be able to access some of these areas out there where we live. The places we need to relocate to are not easily accessible. There is no infrastructure in place in terms of roads, water, sewer. Those sort of issues are not there. The tribe has invested, you know, over $7 million in the last 10 years to move to some of these areas and put housing developments in some of these areas, relocate part of its health facilities there, and is planning to relocate the rest of the housing facility that is going to be about another $7 million investment by the tribe that we are going to do.

You know, we are moving forward with it, and so, you know, those are some of the challenges. And to keep in mind that every time we do that for Makah, we are having to take timber out of revenue cycle. We are a timber tribe that relies on that for our budget, and every time we have to dedicate this land for other uses, it takes that away from our economy. Thank you.

Ms. JAMES. I would just like to reiterate the point about the infrastructure and the cost for us to move up the hill. Because our reservations are heavily allotted, we might have to get permission from 200 landowners to buy an 88-acre allotment to build a housing development on an allotment. So it takes a lot of time, a lot of calling and visiting and trying to convince people to sell their allotments. And the nation has put money into buying some allotments, but the infrastructure is the biggest cost. And basically moving the ancestral village up to the upper village is going to be hard because that is where our foundation lies and where our people originally signed our first Quinault River Treaty before the Treaty of Olympia was signed with the other two tribes.

Mr. KILMER. Thank you. Thank you, Madam Chair. I yield back.

Ms. MCCOLLUM. Mr. Joyce.

Mr. JOYCE. Thank you all for being here, and I apologize for coming in a little late. I went over to the National Congress at American Indians Summit, and have returned. I appreciate your coming here today and advising us so we can make better decisions on your behalf. Thank you.

Ms. MCCOLLUM. Ms. Pingree.

Ms. PINGREE. No, thank you, Madam Chair, but thank you so much. I am sorry I had to come in late, but such an important topic, and we really appreciate your giving us some insights into how to help.

Ms. MCCOLLUM. Mr. Stewart.

Mr. STEWART. No, I would just thank you for coming.

Ms. MCCOLLUM. I appreciate you pointing out the interdependency of the Federal agencies working together, whether it be Army Corps, FEMA, and disaster mitigation. And one of the things that we are going to try to figure out is how we do a whole-of-government approach to what you need to have happen, and to really get

a cost and a handle on this, because as the other panel pointed out, we are under funding healthcare as it is right now, and you are going to have hospitals and clinics that are going to have to move, through no fault of your own. And we need to start getting real about having a plan about what this is going to cost, how we are going to pay for it. You know, there is just a lot of work to do and time is wasting.

But on a different note, this gavel is made out of an invasive species called buckthorn, and I am curious about what these green European crabs, I mean, so don't want buckthorn. I don't want gavels made out of it. I want it to go away totally. Mr. Joyce and I deal with Asian carp. They don't appear to be good for much of anything, maybe fertilizer eventually. What happens with them? I mean, is there anything that you can do? Can they say they are sorry in any way possible for being there?

Mr. GREENE. Currently, there is no use for them right now. Our fisheries program, you know, is analyzing those questions. If they are going to be there for the long term, you know, is there a use for them? We don't have that answer yet, so we are trying to develop that, and, you know, certainly, you know, these invasive species can be devastating.

Ms. MCCOLLUM. And so you are monitoring on your area, and you asked for more funding for fish and wildlife for invasive species. But is anybody else monitoring, or are there whole sections where no one is really surveying or even paying attention to what is happening with them?

Mr. GREENE. Our understanding is that there are whole sections that aren't being monitored right now, and that there is some monitoring going on in the Puget Sound. I don't know the exact levels of that, but, you know, we feel that it certainly needs a little more attention, especially in light of the importance of, you know, that region's dependence on the Dungeness crab fishery. I don't know if that is a risk or not. I guess the science will tell us whether that is not.

Ms. MCCOLLUM. And then I am going to take the prerogative of being the chair and ask you one more question, and if the rest of you have timber, please chime and say anything. With climate change, what keeps you up at night about being able to sustain your economic development? Is it with the climate change invasive species coming in? Is it water? Is it drought? Is it fire? What is it?

Mr. GREENE. For us, it is the health of the ocean for Makah. I mean, the ocean is a big driver in climate, as we know, and our whole livelihood is built around the ocean. And that is what keeps me up at night, Madam Chair, is, you know, we depend on that for everything. It is our spiritual identity.

Ms. MCCOLLUM. Okay. Well, thank you. Thank you all. We will have the next panel come up. Well, good morning, and this is our last panel before we will take our break, and it is on land trust and natural resource management. And I think some of you were in the room as the other panel went forward. So quickly, please introduce yourself, go right into your testimony. You have 5 minutes. We have your full testimony in front of us, so don't feel rushed or that something won't be covered because it will be read, and it will be used to formulate questions as the other panelists that we will be

asking the bureaus about Indian health education, and some of the Department of Interior issues. So you are helping us prepare questions from Indian Country when we have those testimonies moving forward.

Yellow light means you have 1 minute left. Red means please wrap it up. And we will let you start, sir. Introduce yourself and go right into your testimony. Good to see you again.

TUESDAY, FEBRUARY 11, 2020.

SHOSHONE-BANNOCK TRIBES

WITNESS

LADD EDMO, CHAIRMAN, SHOSHONE-BANNOCK TRIBES

Mr. EDMO. Good morning, Subcommittee. [Speaking native language.] It is good to be here with you all. My name is Ladd Edmo. I am the chairman of the Fort Hall Business Council and the Shoshone-Bannock Tribes of Southeast Idaho. The Shoshone-Bannock Tribes thank Representative Simpson for being our friend.

For almost 70 years, the health and environment and safety of tribal members have been subject to toxic contaminations caused by Simplot and FMC Corporation from mining and processing of phosphates on the reservation and on are ceded lands. This has resulted in two Superfund site. At the Eastern Michaud Flats Superfund site, Simplot currently operates a phosphate facility that contaminates over 2,500 acres. After 30 years, FMC and Simplot have not cleaned up the site.

Because of chemical and radioactive contaminants, we cannot drink water, we cannot eat fish, and we cannot swim in the rivers and streams, and recent tests show that our aquifers are contaminated. This must be cleaned up. This past year, the tribes developed air and water quality standards with the EPA. It is critical the EPA approves these standards. We ask the committee's assistance in funding with full implementation. The Idaho National Laboratory has evaluated this site and determined that there are viable treatment options. FMC removed and shipped some of their waste offsite after years of saying it was not possible.

We ask the committee's assistance in working with EPA to require actual cleanup and also funding a pilot project for cleanup of each site. Simplot mined an open pit phosphate operation across 7,000 acres for over 45 years at the Gay Mine Superfund site on the reservation. It closed in 1993. Since then, the site has not been cleaned up. In 2010, EPA conducted a remedial study under CERCLA, which found that the soil, vegetation, and surface water remains contaminated with arsenic, mercury, uranium, and other heavy metals. We remain concerned that these contaminants will leech into the ground water. In addition, the site has approximately 158 open pit mines ranging from 10 to 20 acres, some having high walls over 50 feet, making the area unsafe. We appreciate Representative Simpson's leadership in bringing together the Federal agency, Simplot, and the tribes to work collaboratively on this. We request the committee's assistance to fund a long-term strategic plan for the tribes to return the land to its natural state.

I want to highlight our other priorities. We request your support for advanced appropriations for BIA IHS programs to uphold treaty rights and trust responsibilities, and to protect tribal programs during shutdowns. We thank the committee for last year's support language on the National Park Service proposed rule on the National Register because it would harm our efforts to protect our cultural resources and our Federal lands. We request that the committee ensure that NPS conduct meaningful consultation with the tribes before there is a final rule.

We are very concerned that CEQ's proposal regarding NEPA—the tribes rely on NEPA—to understand the impacts of natural and cultural resources. We ask the committee require meaningful tribal consultation before CEQ does anything else. We need more funding to offer safe, affordable transitional housing, to aid our efforts to help tribal members recovering from substance abuse. Our BIE schools lack adequate funding to hire qualified teachers. Entry level teachers are offered $10,000 less than surrounding schools. We ask for competitive teacher salaries at BIE.

We lack sufficient funding for utility systems, for roads, housing, community buildings, and broadband internet, which are important to our future economic success. We urge the committee to provide increased funding for all infrastructure programs in Indian Country, and to ensure there are tribal set asides.

Thank you for having me, Subcommittee. It is an honor to be here speaking before you.

[The statement of Mr. Edmo follows:]

Ladd Edmo, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior and Related Agencies Appropriations Subcommittee (2/11/2020)

My name is Ladd Edmo. I serve as Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) of the Fort Hall Reservation (Reservation), located in southeastern Idaho. Thank you for inviting me to offer testimony to your Subcommittee. My testimony focuses on the following: (1) the need for EPA to require cleanup of the Eastern Michaud Flats (EMF) Superfund Site; (2) the need for strategic planning for reclamation and remediation of the Gay Mine Superfund Site; (3) the need for advance appropriations for tribal programs; (4) our opposition to the National Park Service's (NPS) proposed regulatory changes to the National Historic Preservation Act (NHPA); (5) our concerns with the Council of Environmental Quality's (CEQ) proposed changes to the NEPA process; (6) the need for adult and youth transitional housing; (7) the need for BIE competitive salaries for teachers; (8) the BIA Road Maintenance Program funding needs; and (9) addressing the long-standing and pressing infrastructure needs on the Reservation.

The Tribes and the U.S. signed the Fort Bridger Treaty of 1868 (Treaty), and the Senate ratified the Treaty on February 16, 1869. Under the Treaty, the Tribes agreed to settle on the Reservation as our "permanent home." However, the Tribes reserved the following off reservation rights: "the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts." Subsequent to the Treaty, the Tribes ceded hundreds of thousands of acres to the U.S. to facilitate settlement of large portions of the Reservation in a series of cession agreements; however, the Tribes expressly reserved specific usufructuary rights for lands remaining in the public domain, including retained priority rights to hunt, fish, gather, graze, and cut timber for personal use.

The Tribes deeply appreciate the Subcommittee's bipartisan efforts to protect and increase funding for essential programs for tribes so that the federal government can better meet its treaty and trust obligations. We extend special thanks to Rep. Mike Simpson, the Tribes' Representative, for his long-standing efforts on the Appropriations Committee to improve funding for tribal programs and for his friendship with the Shoshone-Bannock people. For FY21, we respectfully request that the Subcommittee consider continuing increases in funding for critical tribal programs to make up for the severe chronic underfunding and to address the staggering backlog of deferred maintenance and unmet tribal needs. While the Administration has not released its FY21 budget request as of this date, the Tribes are concerned that the Administration will again propose significant cuts to programs upon which tribes rely, especially construction funding and other funding for the EPA.

Need to Clean Up Eastern Michaud Flats Superfund Site on Reservation

The J.R. Simplot Company (Simplot) is a large phosphate fertilizer manufacturing company, and the FMC Corporation was the nation's largest elemental phosphorus production facility but is now defunct. For almost 70 years, the health, environment, and safety of Tribal Members have been subjected to toxic contamination caused by Simplot and FMC from their mining and processing of phosphates on the Reservation and on our ceded lands for many decades. Simplot continues to process phosphates at its Pocatello Don Plant, which is located adjacent to the Reservation on our ceded lands. Since 1976, evidence of contaminated surface and ground water have been detected downriver of the Don Plant and FMC with tests confirming soil and water contamination back

then. In all, 2,530 acres of land surrounding the plants were found to have "contamination levels of concern." The findings above culminated in EPA's designation of the area in 1990 as the Eastern Michaud Flats (EMF) Superfund Site and its listing on EPA's National Priority List. The EMF Site is a continuing source of chemical and radioactive contamination, introducing dangerous airborne, surface, and groundwater contamination into our ecosystem. Contaminants from the site move off the private property boundary via groundwater and air and enter the Reservation, impacting our health, our land, and water resources. The Tribes have fought for decades to require Simplot and FMC to clean up their Superfund site on and next to the Reservation. They have contaminated our lands and watersheds to the point that we cannot eat the fish we catch or swim in our streams and lakes. Simplot and FMC still have not cleaned up the EMF site. Recently it has been proven that the EMF site continues to contaminate our deep and shallow aquifers. The Tribe developed air and water quality standards in conjunction with EPA, and public involvement will be conducted this year. Due to fluoride and water contamination, it is imperative that EPA approve the Tribe's proposed standards and begin implementation. A third party, the Idaho National Laboratory, evaluated the Site and determined there are treatment options for the waste material buried. Recently FMC, whose facility was completely located within the Reservation boundaries, initiated excavation, drum removal, and shipment of their waste off-site even though it had claimed for years that it was too dangerous to handle. ***We respectfully request the Subcommittee's assistance in working with the EPA to require actual cleanup at the EMF Site. We further request that the Subcommittee fund a pilot project for cleaning up this Site.***

Strategic Planning for Reclamation and Remediation of the Gay Mine Superfund Site

The J.R. Simplot Gay Mine is located on the Reservation. The Gay Mine closed in 1993 and reclamation activities were supposed to commence under BLM and BIA's oversight. In 2010 the U.S. EPA entered into a Unilateral Agreement Order (UAO) with Simplot and the FMC Corporation to conduct a remedial investigation and feasibility study under the CERCLA process. Despite these efforts, there has been very little progress. Although it has been 25 years since the closure of the mine, the soil, vegetation and water is contaminated by arsenic, barium, boron, cadmium, chromium, lead, mercury, selenium, thallium, uranium, and other metals and compounds, causing significant health risks to tribal members. The Tribes remain concerned about these contaminants leaching into our water. Additionally, there are 158 pits, ranging in size from 15-20 acres, many with high walls that reach more than 50 feet; and, there are 57 million shale piles with over 30 million tons of overburden. The dangerous highwalls of the pits must be leveled out given the serious safety risks they pose.

The Tribes seek a long-term strategic reclamation plan for the entire Gay Mine area. As part of this effort, a process is needed to inventory the area; include input from the community members, allotted landowners and Tribal user groups (cattle owners and hunters); assess potential development opportunities; develop conceptual models on redevelopment; and act on feasible options. The Tribes believe this can benefit human health and safety, wildlife habitat, cultural preservation, and support of multiple uses of the area. Since CERCLA and reclamation efforts are often done independent of each other, the Tribes believe that investigating the entire Gay Mine area allows for the remediation investigation to continue unimpeded and maximizes the benefits of ongoing data gathering activities at the Gay Mine area. In the past year, we have utilized innovative research methods, using drone studies and are working with Simplot to identity cost-effective strategies at the Gay Mine. We appreciate Rep. Simpson's efforts to bring Simplot, the

federal agencies, and the Tribes together to work on these issues. However, we still need to identify a funding mechanism to undertake this effort. ***We respectfully request the Subcommittee's assistance in working with the EPA, BIA, and BLM to enable the Tribes to undertake a strategic study to develop a long-term reclamation plan for the Gay Mine area.***

Advance Appropriations for Tribal Programs

The federal government has treaty and trust responsibilities to tribes to protect tribal lands and provide critical services. However, last year's "shutdown" severely impacted the federal government's ability to uphold its responsibilities. The furlough of BIA and IHS employees greatly impacted services for our tribal members, causing long delays and financial strains felt Reservation-wide. Although the Tribes had prepared for the possibility of a government shutdown, as the shutdown went on, the Tribes were forced to reduce hours for tribal employees and reduce services for our community. In response to this situation, our community banded together to support those most suffering from the effects of the shutdown, which underscored the continuity and strength of our people and our culture. In addition, the repeated use of Continuing Resolutions (CR) to fund the government has created significant problems for our tribal programs' ability to plan and maintain continuity of services, including retaining staff. Advance appropriations for health care services and the operation of essential BIA programs would enable tribes to provide increased stability and result in the provision of better services and more efficient programs. ***We respectfully request that the Subcommittee support advance appropriations for tribal programs.***

Opposition to NPS's Proposed Regulatory Changes to NHPA

The Tribes are very appreciative of the Subcommittee's inclusion of language in the FY20 House Interior Appropriations Report (H.Rept 116-100) urging NPS to withdraw its proposed regulations regarding how properties on federal lands can be listed or determined eligible for inclusion on the National Register of Historic Places (NRHP) and expressing the Subcommittee's concerns over the lack of meaningful consultations with tribes. Unfortunately, NPS still has not withdrawn its proposed rule nor have they conducted adequate tribal consultations to address the serious concerns that tribes have with the proposed regulations. ***We request that the Subcommittee require NPS to conduct full and meaningful tribal consultations on its proposed rule prior to any further NPS/Department of the Interior action on it.***

Concerns With CEQ's Proposed Changes to NEPA

The Tribes are alarmed at CEQ's proposed changes to NEPA regulations to "modernize and accelerate" the NEPA process. The intent of NEPA is to fully consider the environmental impacts of proposed federal actions that may significantly impact the quality of the human environment. It is necessary to have a broad range of environmental analysis, public involvement and necessary studies to determine direct, indirect and cumulative impacts. The Tribes rely upon the full range of analysis to determine impacts and mitigation for natural and cultural resources of the Tribes and CEQ's proposed changes would prevent a full transparent review of federal projects. ***We request that the Subcommittee require CEQ to conduct full and meaningful tribal consultations on its proposed changes prior to any further CEQ action on it.***

Need for Adult and Youth Transitional Housing

The complicated situation surrounding substance abuse on the Reservation is reflected in high rates of domestic violence, alcohol, meth and opioid abuse. Using various strategies, the Tribes have offered services, such as treatment, recovery, job training, and specific services for victims. To

prevent recidivism, the Reservation is in need of transitional safe and sober housing for those who successfully complete treatment programs. As identified in the Tribes' Comprehensive Tribal Justice Systems Strategic Plan of 2018, without safe, affordable housing adults and youth who are newly released and on probation have little chance for sustained sobriety. ***We respectfully request the Subcommittee's assistance in working with IHS to develop a long-term solution for transitional safe and sober housing on the Reservation.***

Need for BIE Competitive Salaries for Teachers

The Tribes are deeply concerned about providing competitive salaries for teachers at the Shoshone-Bannock Jr./Sr. High School (School), a BIE school on the Reservation. The current funding levels prevent providing competitive salaries for current and new qualified teachers. In this school year, entry level wages for a certified teacher at the School are $32,385 as compared to $42,500 for entry level teachers in Idaho and in the surrounding schools. Several teacher positions remain unfilled due to low wages, including the high school math teacher. Using Idaho's guidelines for teacher salaries would cost an additional $145,000. Further, there is a significant need to provide technology training to help prepare students for trades upon high school graduation, but the School does not have a full-time Career/Technology teacher. Providing this type of training would increase the graduation rate and help more students be college and career ready, but neither a teacher nor funding ($75,000) was secured for this school year. The School also has an urgent need for a full time on-site counselor ($75,000) to assist the 131 enrolled students with various behavioral issues, including suicide and trauma. ***We urge the Subcommittee to increase funding for teacher salaries to enable the School to be competitive with non-BIE schools.***

BIA Indian Reservation Roads Program funding needs

The Tribes' BIA Road Maintenance Program has been unable to keep up with regular road maintenance due to insufficient funding. Without an increase of maintenance funding, the life of the Tribes' transportation facilities will be drastically shortened. The lack of funding increases the public safety risks for highway fatalities and serious injuries. The Tribes have extensive farm-to-market roads, and over 420 miles of paved roads, a number that is decreasing because we have had to resort to turning paved road failures into 12.5 miles of gravel roads due to a lack of resources. ***The Tribes request an increase in the BIA Road Maintenance Program to allow the Tribes to repair spring road damage, striping and chip sealing.***

Long Term Infrastructure Needs on the Reservation

The Reservation is in great need of resources to achieve prosperity in the 21st century. We lack adequate utility systems, roads, housing, community facilities, broadband, and economic development, which hinders our efforts to strengthen our community. Over the decades, we have made piecemeal repairs to water and electrical lines, but we have gotten to the point that we can no longer band-aid our utility lines and they need total replacement. The Tribes have been working in collaboration with the Economic Development Administration since 2019 to integrate a comprehensive economic development plan to modernize the Reservation's infrastructure. Also, with a fully functioning CDFI, we have launched over $150,000 in community loans on the Reservation, helping to increase stability and economic development. ***The Tribes request increased funding for all infrastructure programs for Indian Country and further request tribal set asides for tax credits and CDFI funding.***

Ms. MCCOLLUM. Thank you. Ms. Dana.

TUESDAY, FEBRUARY 11, 2020.

PENOBSCOT NATION

WITNESS

MAULIAN DANA, AMBASSADOR, PENOBSCOT NATION

Ms. DANA. Good morning, and thank you for allowing me to testify today on behalf of the Penobscot Nation. I am Maulian Dana. I serve as the ambassador. I want to thank Chairwoman McCollum and Ranking Member Joyce for continuing to hold these tribal witness days. It is nice to see you. I also want to thank Ms. Pingree for being a tireless advocate for the tribal nations in Maine. Our relationship with the Federal Government is complicated, and you have really been a huge help in educating your colleagues about that relationship and advocating for our unique funding needs. Thank you.

My testimony today will focus on the need to increase funding for the BIA's fish and wildlife management programs. The Penobscot Nation continues to practice our traditional sustenance lifestyle. Our people continue to hunt moose, deer, bear, and fish for medicinal and cultural purposes. We also rely on access to traditional plants. Every tribal member has the right to acquire one moose per year, and this animal can feed an entire family for much of that year, and is supplemented with other game and fish. So having access to these traditional foods cuts down on the cost of groceries significantly, and reduces health disparities, such as type 2 diabetes, amongst our people.

Given this, the proper management of our lands, wildlife, fish, and waters is critical to our health and longevity. We have over 123,000 acres and land holdings. Although our lands historically covered much of what is now the State of Maine, our land became substantially reduced and scattered after enactment of a land claims settlement act between us, Maine, and the Federal Government in 1980. Our various territories can be a 3-hour drive from each other, and our land base also includes about 100 islands located within 80 miles of the Penobscot River. So most of our land is undeveloped forest land best use for hunting.

We have limited economic resources and are not able to conduct gaming like many other tribes, so we really rely on the Federal Government to meet its trust responsibility to us by providing funds for our natural resource, water, and land management programs. We rely on BIA funding for these programs, in particular, because those funds are recurring each year. Our current unmet need for our fish and wildlife management programs is approximately $360,000 annually. Additionally, we have been short one full-time game warden for several years now due to lack of funding.

As I previously mentioned, our lands are scattered, and most of our citizens rely on hunting and fishing for sustenance. Proper management of our wildlife and lands is crucial to our ability to continue to hunt. Game wardens also play an essential role in ensuring that our wildlife is not over harvested. They are also the

only law enforcement on a lot of these lands and play an important public safety function for hunters who may get lost or injured. We need funding for game wardens to be increased. Unlike many other tribal nations, our Settlement Act requires that all of our trust lands be managed pursuant to the Indian Self-Determination Act.

Thank you so much. I have a sore throat. I have been fighting a cold. That is so nice of you.

All right. Let's talk about self-determination contracts. So the Indian Self-Determination Act, which means that we are required to enter into self-determination contract with the Federal Government for management of our lands and natural resources. For almost every other tribe, these contracts are voluntary versus mandatory. So for us, they are mandatory, and this means we cannot retrocede management of our lands and resources back to the Federal Government if the BIA fails to fund our programs properly. This puts us at a disadvantage in negotiations with the BIA on our annual funding agreements. We believe that Congress owes us a unique obligation to better fund our self-determination contracts because of our Settlement Act. Self-determination contracts are funded through the tribal priority allocations line item, and we ask that funding for them be increased.

I would like to wrap up my remarks today by providing the committee with an update on the opioid epidemic that Penobscot Nation has been facing for several years now. This issue continues to be our number one health and safety risk. With the support of this committee, the BIA has been able to hire a drug investigator focused on supporting the tribal nations in Maine. This has helped a lot, and we thank you for getting this to happen.

Our biggest need for combating this epidemic is funding for tribal court, and, particularly, our Healing to Wellness Court. When we are able to get individuals into the Healing to Wellness Court Program, we make substantial progress in getting them off opioids and back on track to being productive citizens. But our court is overwhelmed right now, and we need additional resources to build up to our capacity. We ask that the committee increase BIA funding for tribal courts.

Thank you again for the water and for allowing you to provide remarks today.

[The statement of Ms. Dana follows:]

TESTIMONY OF MAULIAN DANA, AMBASSADOR, PENOBSCOT NATION

Thank you for continuing to hold these public witness hearings. I think it is always important to hear directly from the tribal leaders about how these various federal programs are working on the ground. While there are many issues that face the Penobscot Nation, my testimony today will focus on funding for programs at the Environmental Protection Agency (EPA) and Bureau of Indian Affairs (BIA) that we utilized to manage and protect our lands, wildlife, forest and water. We ask that the Subcommittee provide some increase in funding to the BIA for forestry management, game wardens and water resources management. These programs focus on managing trust assets that the federal government has an obligation to help us protect and are critical for providing food to our community. However, funding for these programs has been stagnant for many years, which means we cannot even keep up with inflation. Additionally, we ask that the Subcommittee either provide increases in funding or include explanatory language in the report for the FY2020 appropriations bill that addresses the need to increase funding for programs at the EPA that tribal governments rely on for managing their water, air and lands. This includes the EPA's Sections 106 and 319 Clean Water Act Programs, and Sections 103 and 105 Clean Air Act, Air Quality Programs. Funding for the Penobscot Nation from each of these programs has decreased since FY2018. This testimony also briefly addresses our other priorities including funding for tribal courts, the Housing Improvement Program, Education Scholarships, and the Indian Health Service.

The Penobscot Nation has approximately 2,400 citizens and over 123,000 acres in land holdings. Although our lands historically covered much of what is now the State of Maine, our land holdings became scattered after enactment of a land claim settlement between us, Maine and the federal government in 1980. Our various territories can be a three-hour drive from each other. Additionally, our land base includes about 200 islands located within approximately 80 miles of the Penobscot River. Most of our land is undeveloped forest land and our seat of government and largest housing community are located on our largest island, called Indian Island. We have limited economic resources and rely on the federal government to meet its trust responsibility by providing us with federal funds for certain programs that we then use to leverage for additional competitive grant funding. We understand that the Interior, Environment and Related Agencies Appropriations bill has one of the smaller dollar amount allocations each year, but we provide this testimony to remind Congress that this appropriations bill is the fundamental bill that fulfills the bulk of the federal government's trust responsibility to tribal nations. Additionally, while most of the programs funded by this bill are viewed as focusing on lands and resources, these programs are critical to Native people and our continued survival. So, the bill is more than trees and animals; it funds direct services to Native people, and protects our food and water sources.

Management of Natural Resources, Wildlife, Land and Water. Many of our tribal citizens continue to hunt moose, deer, bear and fish on a regular basis and rely on access to traditional plants for medicinal and cultural purposes. Every tribal member has the right to acquire one moose per year. This animal can help feed an entire family for most of the year. Those who do not expect to use the entire meat from the animal will donate any extra meat to our elder pantry to assist in providing food for our elders. Food from the moose is supplemented with deer, bear and fish. Having access to these traditional foods cuts down on the costs of groceries significantly, but it also reduces health disparities such as Type II Diabetes among our people.

Additionally, many Penobscot citizens have small guiding businesses where they are hired by outsiders to guide them on their hunting and fishing expeditions. Given the limited job opportunities in our community, income from guiding services is critical for individual Penobscot citizens.

Given the importance of our land, wildlife, forestry and water to our daily living and long-term survival, the Penobscot Nation's Department of Natural Resources runs several programs focused on management and protection of these resources: a Tribal Forest Management Program; Wildlife Management Program; Natural Resource Law Enforcement (Game Warden) Program; Fisheries Management Program, and Water Resources Management Program. We currently receive limited money from the BIA for our Forest Management, Game Warden and Water Resources programs, and the funding we do get from the BIA has been stagnant with no increase in at least the past five years. So, an increase is needed in order to even cover the same services due to inflation, but we desperately need additional funding to expand our existing services. We receive no funding from the BIA for our Wildlife Management Program or our Fisheries Management Program, and have to compete with states and others through competitive grant programs at the EPA to fund these programs.

Our Forestry Program operates in accordance with a long-term forest management plan that was formally approved by the BIA, but the BIA fails to provide sufficient funding for us to implement the plan. Approving the plan, but failing to provide adequate funding makes no sense.

Additionally, the Penobscot Nation's Game Warden Service is the primary law enforcement entity responsible for monitoring our lands and wildlife on which there are no housing developments, which is the vast majority of our land. They enforce our tribal Fish and Wildlife laws and regulations and help us properly manage our wildlife populations from over harvesting. They also provide an important public safety function for hunters who may get lost or injured. We need one additional game warden to order to provide a basic level of service, and could really use some additional assistance from the BIA for our game warden service.

The Penobscot operates a limited Water Resources Management program using funds for the BIA, but as described below, we have a separate, but related, Water Resources Management program using EPA funding.

We ask that the Subcommittee work with the BIA to determine the full amount of the shortfall needed to fully implement tribal forestry, game warden and water resource programs, and begin to make some improvement in funding for these programs.

Because we receive such little funding from the BIA, we are forced to apply for competitive grant programs at the EPA, which requires us to compete with states and municipal governments, who the federal government does not have a trust responsibility to. This also requires us to establish separate, but related programs, with EPA funding to cover some of our needs that are not addressed with BIA funding. This is an administrative burden and not cost efficient, but is the situation we are in given the significant shortfall in funding from the BIA.

For instance, the Penobscot Nation relies on EPA's Section 319 Clean Water Act Program to prevent and reduce non-source point runoff contamination within the portion of the Penobscot River that runs through our territory. This includes runoff from agriculture, road construction, and erosion of the River's bank. Our sustenance fishing activities and traditional gathering activities depend on healthy water quality. Wildlife also needs healthy water quality in order to thrive in their habitats. Our Water Resources Program conducts water quality sampling and analysis in order to help protect and improve existing water quality conditions. This data is shared with both the federal EPA and the Maine Department of Environmental Protection, as these agencies are jointly responsible for regulation of water quality in Maine.

We also rely on EPA's Sections 103 and 105 Clean Air Act, Air Quality Programs, which we use to monitor indoor and outdoor air quality within our territory. Air quality is very important to our tribal nation as we sit at the tailpipe of the country's wind streams, and the pollution is washed from the sky onto our lands and lakes, streams and River, and wildlife. Our outdoor monitoring focuses on airborne mercury, particulate matter, and acid precipitation with three monitoring stations within our territories. Our indoor monitoring focuses on mold and radon, with indoor mold contamination being our biggest problem in our climate. Over the past twenty years, funding for States from these programs has grown, but funding for tribes remains stagnant. We ask the Subcommittee to look into this.

While these EPA monies are critical to our ability to manage and protect our natural resources, the funding is unreliable because it is competitive and only lasts one to two fiscal years. This makes it hard for us to hire and retain good professional staff. We recently lost an excellent wildlife biologist because we do not have secure funding that covers multiple funding years. We encourage the Subcommittee to consider including set-asides within EPA programs for tribal governments or directing the EPA to offer more multi-year grants for tribal governments.

The Need To Strengthen Tribal Courts. Opioid abuse continues to be our most urgent public health and safety risk. While the entire New England region and State of Maine is facing this epidemic, the problem is exacerbated within our small tribal community where many families are related and have lived for hundreds of years. We are making some progress with the help of a recent grant from the federal Substance Abuse and Mental Health Services Administration, and the BIA hiring a drug investigator to focus on assisting the tribal nations in Maine. However, it has become glaringly clear that we cannot adequately tackle this problem without building the capacity of our tribal judicial system, and specifically our Healing to Wellness drug court. Two statistics deeply concern us: almost 80% of our child welfare cases within the past five years involved parental opioid abuse; and almost half of the households that our Social Services program serves are perceived by staff to have one or both parents with a substance abuse problem. The Penobscot Nation has its own law enforcement and tribal court system, which we believe is the best way to address this problem. We run a successful medically-assisted Suboxone Treatment Program and Healing to Wellness Court, and our law enforcement officers are trained to provide NARCAN to individuals suffering from opioid overdoses. Our Healing to Wellness drug court is making significant progress for those who participate in it, but we do not have the capacity to serve everyone, and our SAMHSA grant funds cannot be used for court capacity building. Increasing funding for tribal courts is a critical need. We also support the

continuance of the Tiwahe initiative, which seems to be helping some tribal nations, but we believe that more tribes should have access to it. We also ask that the Subcommittee include tribes, such as the Maine tribes, that are subject to congressionally-approved restrictive settlement acts in the explanatory report for the FY2020 bill, as our tribal courts face similar obstacles to those in Public Law 280 States.

Indian Health Services. I want to thank the Subcommittee for continuing to prioritize funding for the Purchased/Referred Care program, and ask that you continue to do so. That program has become critical to providing our citizens with health care. Cancer and opioid abuse are becoming the leading causes of death amongst our people. I am not aware of any family that is not being impacted by these two dangers. Our health facility mainly provides primary care and we contract with local non-tribal facilities to provide the secondary care required for cancer treatment. This is expensive, and we are reliant on the Purchased/Referred Care program for covering these costs. Additionally, our clinic provides Suboxone for those addicted to opioids, and this is a costly treatment. Lastly, we are deeply concerned about the IHS' decision to reprogram approximately $72 million within the agency's FY 2019 Services appropriation account to pay for FY 2019 Section 105(l) lease obligations as required under the Indian Self-Determination and Education Assistance Act (ISDEAA). The reprogramming is going to negatively impact Clinical Services, Preventive Health, and Other Services, and we need the Subcommittee to try to get this under control since the IHS has not done so yet.

BIA Housing Improvement Program (HIP). This program located within the BIA is critical to the Penobscot Nation as it supplements the limited federal funding for housing that we receive from the U.S. Department of Housing and Urban Development (HUD). The President's budget usually recommends eliminating this program because it is viewed as duplicative of the HUD programs, but it is not. We are viewed as a small tribe and per HUD's funding methodology we do not receive much funding from HUD. The BIA's HIP program allows us additional funding to focus on the poorest and neediest people in our community. We use these funds primarily for repairing roofs and siding of existing homes, and in some cases we have combined these funds with other federal non-HUD funds to perform major renovations. We do not receive much funding from this program, but the funding that we do receive is immensely important to those tribal citizens living in our cold and wet climate. The BIA is very efficient at administering these funds to need-justified projects. We urge the Subcommittee to continue funding this vital program.

BIA Adult Education & Scholarships. As a non-gaming tribal nation, the Penobscot Nation focuses our efforts on getting our citizens educated. Education is our best chance for economic development, self-sufficiency, and mitigation of the historical trauma caused to generations of our citizens from failed federal policies. We use the limited federal funding we receive to provide some assistance to every tribal citizen who is attending an educational or vocational institution. This is mostly in the form of helping to pay for books, but also includes tuition assistance. The cost of education has sky-rocketed in our country, but it is critical to our tribe. Our goal is to get as many of our citizens educated in some type of vocation or profession so as to minimize their need for government services and increase their ability to contribute to our community's economy and well-being. We ask that the Subcommittee provide some type of increase in this program for FY2020.

Ms. MCCOLLUM. Mr. Frank.

TUESDAY, FEBRUARY 11, 2020.

NISQUALLY TRIBE

WITNESS

WILLIE FRANK, III, COUNCIL MEMBER, NISQUALLY TRIBE

Mr. FRANK. Good morning, Chairwoman McCollum, Ranking Member Joyce, and honorable members of the subcommittee. My name is Willie Frank, III. My Indian name is [Speaking native language] given to me by my grandfather, Willie Franks, Sr., who lived to be 104, and I have the honor of serving as a council member for the Nisqually Indian Tribe. I am humbled to speak today and continue my father, Billy Frank, Jr.'s, lifelong fight to save our salmon, waters, and the environment.

In 1854, the Nisqually Tribe and the United States signed the Treaty of Medicine Creek. Through this treaty, the tribe secured the perpetual survival of my people, our traditions, and our culture. We also reserved the right to use our homelands and access the natural resources that have been central to our existence since time immemorial. However, the salmon of the Nisqually River have dramatically decreased in a number of years, with two species listed as threatened under Endangered Species Act, the Fall Chinook salmon and the steelhead trout. Two more species are candidates for future listings.

Our tribe was able to fish 8 months of the year on the Nisqually River, but by 2015, fishing time was constrained to a mere 8 days to conserve the diminishing resources for future generations. Eight days is not using our homelands and water as promised. Eight days is not practicing our culture and our traditions. Eight days is not honoring the promises contained in the Treaty of Medicine Creek.

First, the Nisqually Tribe would like to request an increase in funding for the BIA Western Washington Program. The Department of Interior established the Rights Protection Implementation Program to uphold the Federal Government's treaty obligation. This initiative includes the Western Washington Program, which provides tribes with Federal funding to protect and restore for wild salmon and for fishery management. The Nisqually Tribe has used this vital funding to protect our precious fish resources and to build a strong and dedicated natural resource program.

The tribe has over 50 staff and eight different programs. However, the funding levels for this program are not sufficient to face the current challenges. The tribe is putting all its efforts into the survival of our fisheries and stretching every dollar. Unfortunately, the Federal resources have failed to fully support the proper management of our treaty-protected rights.

The Nisqually Tribe's second request is for increased funding for EPA's Puget Sound Program. The Puget Sound represents the promise of a clean, healthy, and vital environment that is central to our lives in western Washington. However, the Puget Sound is in dire need, and it suffers. So do our salmon. The plight of the

salmon is the plight of my people. Losing our promised and generational connection to the salmon, the river, and our traditional practices has long-lasting impacts on our communities. Our physical, emotional, and spiritual health is directly and permanently connected to our river and salmon. Saving the salmon is saving our people.

We are not alone feeling the impact of disappearing salmon runs. Our brothers, orca of the Puget Sound, are salmon eaters like us, and they are now listed as threatened under ESA, and are slowly slipping away into extinction. As go the salmon goes the orca and the Nisqually people. Under EPA's Puget Sound Program, the Nisqually Tribe receives funding to conduct research and implement programming to revitalize salmon populations. This funding allows our scientific researchers to understand the underlying issues impacting the Puget Sound. Once we have an understanding of the cause, we can deploy the best measures to protect the salmon. The Nisqually Tribe requests that this subcommittee ensures the Puget Sound Program remains this year and into the future.

Finally, the Nisqually Tribe requests increased for the BIA Tribal Resilience Program. Climate change is real, and it is having a dramatic impact on our people and the resources we depend on. As a result of rising sea levels, we are seeing changes to the Nisqually delta in ways that are impacting salmon survival. The culturally-important plant species that we use for our food, medicine, and crafts are becoming scarce as the range is being reduced with rising temperatures and changes in timing and magnitude of rainfall. We have invested a tremendous amount of time and resources to protect and restore our watershed, but the changes are occurring in a pace that is challenging to match with our efforts alone. We all need to increase the magnitude of our efforts while working on solutions to the climate change that threatens the very resources that we care for and are dependent on our very survival.

In conclusion, I want to thank the committee for listening to my testimony today. And I am a fisherman on the Nisqually River. I fished with my father. I fish with my brother in the same areas where my grandfather fished. And for us, being on the river, that is medicine for us as a native people, and the importance of the salmon are sacred to us. I compare it for us to going to church. When we are able to set our nets on Sundays, that is medicine for us. That is a way to express our treaty rights, our tribal sovereignty, and our way of life.

And at 82 years old, my father, he was still fishing with us on the Nisqually River. So the importance of salmon are very near to the Nisqually people, and we will continue to fight and protect our treaty resources and tribal sovereignty, and we look for support in funding. I thank you.

[The statement of Mr. Frank follows:]

Testimony of Council Member Willie Frank III
Nisqually Indian Tribe
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 11, 2020

Summary of Budget Requests:

I. Bureau of Indian Affairs – Increase funding for "Western Washington Program"
II. Environmental Protection Agency – Increase funding for "Puget Sound Program"
III. Bureau of Indian Affairs – Increase funding for "Tribal Resilience Program"

Introduction and Background

Good morning Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Willie Frank III and I have the honor of serving as a Council Member for the Nisqually Indian Tribe. Thank you for the opportunity to testify regarding the Tribe's funding priorities within the Subcommittee's jurisdiction. It is also an honor to appear before this Subcommittee to continue my father, Billy Frank, Jr's, lifetime commitment and fight to protect our salmon, water, and environment.

The Nisqually Indian Tribe has treaty reserved rights secured in the Treaty of Medicine Creek of 1854 and upheld in the Federal Courts in *U.S. vs Washington*, also known as the Boldt Decision, in 1974 and in numerous decisions in the intervening 46 years. These rights include, at their most fundamental of understanding, the ability to continue to exist as the Nisqually Indian Tribe in return for allowing the peaceful settlement of Americans in our region. The tribal leaders that were signatory to the Treaty envisioned perpetual survival of our people, our traditions and cultures, our use of our homelands, and the access and use of the natural resources that have been central to our existence since time immemorial.

Access and use of our treaty secured natural resources has been diminished significantly over time. Specifically, the salmon of the Nisqually River have decreased in numbers over the past 25 years to the point where there are two species listed as threatened under the Endangered Species Act (ESA), the Fall Chinook salmon and the steelhead trout; and there are two more candidates for future listing considerations, the unique Nisqually late chum and the coho salmon.
As recently as the 1980's, and throughout time, the Nisqually Indian Tribe regularly fished 8 months a year on the river that bears our name. By 2015, fishing time has been constrained to a mere 8 days to conserve the diminishing resource for future generations. Eight days is not using our homelands and waters as promised; 8 days is not practicing our cultures and traditions; 8 days is not honoring the promises contained in the Treaty of Medicine Creek.

I. Bureau of Indian Affairs – Increase funding for "Western Washington Program

The Boldt Decision reaffirmed our Tribe's right to co-manage fishery resources with the State of Washington. To honor this federal decision and many other court decisions upholding tribal

rights, the Department of Interior provides Tribal funding under the Rights Protection Implementation Program. Particularly, the Western Washington Program provides specific federal funding to meet its treaty obligations to Western Washington Tribes, including the Nisqually Indian Tribe.

The Nisqually Indian Tribe has utilized this vital federal funding to revive our precious fish resources and to build a strong and dedicated Natural Resources Program. The Tribe has over 50 staff in eight different programs that utilize science-based management of our fisheries. These eight different programs include shellfish management, environmental management, two salmon hatcheries, salmon recovery, Geographic and Information Services, and a marine-based restoration, research and dive program.

However, the funding levels of this program are simply not enough. The Tribe is putting all its efforts into the survival of our fisheries, stretching every dollar. The federal government must ensure that it is meeting its treaty obligations and provide appropriate funding. Our obligations to manage under the Boldt Decision and the ESA are growing more complicated as our world continues to change. Unfortunately, the fiscal resources have failed to fully support the proper management of our trust resources and treaty protected rights.

II. Environmental Protection Agency – Increase funding for "Puget Sound Program"

There are many issues challenging our salmon's very survival in the Nisqually River and throughout Puget Sound. The Puget Sound is our regional icon and it has been designated as an estuary of National Significance under the Clean Water Act. The Puget Sound represents the promise of a clean, healthy, and vital environment that is central to our lives in Western Washington. It is as important to all of us in the region as the Great Lakes and the Everglades are to those areas.

The plight of the salmon is also the plight of our people. Losing our promised and generational connection to the salmon and the river and our traditional practices has long lasting impacts on our communities. When we have salmon, when we have time on our river, when we eat our traditional foods and practice our culture we are healthy. When these things are lacking, we too are at risk. Our physical, emotional, and spiritual health is directly and permanently connected to our river and our salmon. Saving salmon is saving our people.

We are not alone feeling the impact of disappearing salmon runs. Our brothers the Orca of Puget Sound are also struggling. The Southern Resident Killer Whales, salmon eaters like us, are now listed as threatened under the ESA and are slowly slipping away into extinction. We all watched helplessly in shock and horror the vision of the mother Orca carrying her dead baby for 18 days in Puget Sound in 2018. As go the salmon, goes the Orca and the Nisqually People.

Under the EPA's Puget Sound Program, the Nisqually Indian Tribe receives important funding to conduct research and implement programing to revitalize the salmon population. Compared to other nearby bodies of water, salmon in the Puget Sound have a much lower survival rate. Federal funding allows our researchers to understand why this is happening in the Puget Sound.

Once we have an understanding of the cause we can provide the best measures to protect the salmon.

Last year, the Administration proposed to completely eliminate the Puget Sound Program. I want to thank the Committee and Congress for ensuring that this vital funding continues. The Nisqually Indian Tribe requests that this Subcommittee ensures that program remains this year and into the future. We also request an increase in the funding available for us to tackle the complicated issues in Puget Sound commensurate with the challenges we are facing and at levels similar to the Great Lakes and Chesapeake Bay and provide us all with a sense of hope.

III. Bureau of Indian Affairs – Increase funding for "Tribal Resilience Program"

Finally, climate change is real and is having dramatic and significant impacts on our people and the resources we depend upon. As a result of sea levels rising, we are seeing changes to the Nisqually Delta habitat in ways that are impacting salmon survival. The culturally important plant species that we use for our food, medicine, and crafts are becoming scarcer as their range is being reduced with rising temperatures and changes in the timing and magnitude of rainfall.

We have invested a tremendous amount of time and resources to protect and restore our watershed while increasing resiliency, but the changes are occurring at a pace that is challenging to match with our efforts alone. We need to increase the pace and magnitude of our efforts while working on solutions to the climate change that imperils the very resources that we all care for and are dependent for our very survival.

Last fiscal year, the Administration proposed to eliminate this program completely. The Nisqually Indian Tribe requests that this Subcommittee continues to support the Bureau of Indian Affairs Tribal Resilience Program. Western Washington Tribes are on the frontlines of climate change, and the Administration must not turn a blind eye on our efforts.

Water Quality Regulations

Although this is not a request for additional funding, we need to use the platform provided today to raise an important issue with this Subcommittee. We have significant concerns by the recent rollback of environmental protections of our water quality standards in Puget Sound by the EPA. We worked closely with previous administrations over a period of 10 years or more to develop regulations that protect our people as they exercise their treaty rights and consume their traditional foods. They recognized the need to reduce the risk of fish consumption to those communities most at risk. The roll back of those regulations shifts the health risk back to those communities, including the members of the Nisqually Indian Tribe. This is unacceptable and we need your help putting back in place regulations that protect our fish eating people. We urge the Subcommittee to use any and all of its appropriations powers to address this situation.

Conclusion

We need your continuing leadership and support for us all to be successful. We are relying on your bold response to a changing world with actions and investment equal to the problems we

are trying to resolve. We will continue to use collaboration and cooperation with our neighbors to protect, restore, and recover the resources that we all value as central to our lives.

I appreciate the opportunity to testify to the Subcommittee today. I am available to answer any questions that the Subcommittee may have regarding my testimony.

Ms. MCCOLLUM. Mr. Cawston.

TUESDAY, FEBRUARY 11, 2020.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

WITNESS

RODNEY CAWSTON, CHAIRMAN, CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

Mr. CAWSTON. Good morning, Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee. On behalf of the Confederated Tribes of the Colville Reservation, I thank you for the opportunity to provide testimony today. I know that you have the testimony that was submitted, but I did make some changes last night, and so I am going to read that today.

The CCT, the Colville Tribe, recommends that the subcommittee, one, provide a $10 million increase through the Bureau of Indian Affairs forestry account for reforestation and additional foresters; two, include report language directing the Secretary of the Interior to prioritize tribal requests for wild land and preparedness funds; three, and this is the change, to provide a $50 million increase through the BIA forestry account to award grants to tribes in the northwest region to develop forest health strategic plans; and four, include report language directing the Secretary to consult with stakeholders, including Indian tribes and tribal organizations, and report to the committee on the potential benefits of using very large air tankers in fire suppression activities.

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of 12 aboriginal tribes from northcentral Oregon to British Columbia, Canada. That is an edit that I added. The Colville Reservation encompasses approximately 1.4 million acres and is located in northcentral Washington State. The Colville Tribe has nearly 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of our tribal members live on or near the Colville Reservation.

One, provide a $10 million increase to the BIA forestry account for reforestation and additional foresters. The Colville Tribe joins the Intertribal Timber Council in our request that the subcommittee increase the BIA forestry projects for its development line item by $5 million for replanting and thinning, and, two, increase BIA forestry PPA line item by $5 million to better enable Indian tribes and tribal organizations to hire additional foresters. In 2015, the Colville Tribe endured the most destructive fires on an Indian reservation in recorded history. The North Star and Okanogan complex fires collectively burned more than 255,000 acres on the Colville Reservation, nearly 20 percent of the reservation's total land base. Approximately one-fourth of the commercial timber land on the reservation was burned or severely affected, totaling 788 million board feet of timber.

And then I added this as well. In August of 2019, the Colville Tribe experienced the largest wild land fire in the United States during its time. The Williams Flats fire burned over 45,000 acres

in a designated game reserve on the Colville Reservation. This wild land fire was unusual because the Northwest Interagency Incident Management Team reported that a flash flood occurred during the fire with large amounts of rain and flooding occurring, creating hazardous conditions, and washed out many roads in the area, leaving them impassable. This posed a new challenge for firefighters and those working to move heavy equipment out of the area. Sixty-four firefighters were caught behind the flash flood.

Funding of the forest projects development line item funds the necessary replanting and reforestation activities that will continue to take place on the Colville Reservation for years in response to both fires. The BIA has a statutory obligation under the National Indian Forest Resources Management Act to replant Indian forest land. Currently, the BIA's average annual burned area rehabilitation budget, however, is approximately $3.2 for tribes nationwide. The BIA's entire $320 budget for fire rehabilitation would cover planting and restoration of less than 11,000 acres nationwide. At current funding levels, this would mean that hundreds of thousands of acres of forest that was burned on the Colville Reservation in 2015 and 2019 may not be replanted for decades, if ever.

Acres that were not replanted or where failures occurred from record-setting lack of summer precipitation will be added to the already existing backlog of forced development activities. Unplanted acres diminish the tribe's ability to sustainably manage forest resources for both economic and ecosystem benefits.

Equally important is additional BIA funding for foresters, which are essential personnel to increasing the tribal timber harvests. The BIA remains responsible for a wide range of critical forestry functions in its capacity as trustee. These functions include environmental clearances and approval and oversight for timber and salvage log sales. Without additional funding, the lack of forestry staff to perform these and other important trust functions will continue to directly constrain tribal timber harvest levels. Two, include report language directing the secretary to prioritize tribal requests for fire preparedness funding. The Colville Tribe suggests that the subcommittee include language in its Fiscal Year 2021 spending bill that directs the Secretary of Interior to prioritize tribal requests for wildlife preparedness funding.

In early August of 2017, the Colville requested $16,250 in severity funding to prepare for what weather reports predicted was going to be a severe lightning storm on the Colville Reservation. These funds were requested from the BIA's northwest regional office in Portland Oregon. The tribe's timely request would have covered use of additional bulldozers, personnel, and equipment to prepare areas of high risk of fires from lightning ignition. The BIA unfortunately denied the tribe's request. The lightning storm arrived as forecasted, and on August 7th, 2017, a lightning strike ignited the Bridge Quick fire near the Town of Keller on the Colville Reservation. The Bridge Quick fire ultimately burned 4,500 acres and was not fully contained until the following month. Suppression costs for the Bridge Quick fire exceeded $16 million, the bulk of which was drawn from the Department of the Interior.

The wild land fire management account. Had the Colville Tribe's initiative $16,250 request been approved by the BIA, the Bridge

Quick fire would have been contained much sooner and at a significant cost savings to taxpayers. Tribal forest managers are in the best position to assess danger and risk to on-reservation tribal forests. Tribes rely on their forest resources for many uses and purposes, including cultural uses and economic development. Tribes, therefore, have a motivation to protect their forest resources from wildfires in ways that other Federal land managers do not. For these reasons, the committee should direct the BIA and the DOI generally to honor tribal preparedness requests to the maximum extent possible.

Three, provide a $50 million increase to the BIA forestry account to award grants to tribes in the northwest region to develop forest health strategic plans. The Colville Confederated Tribes has a forest health crisis. We are seeing large catastrophic fires, more disease, insect infestations, and dying forests, which threaten our communities and fill our summer skies with smoke. The Colville Tribe request that the subcommittee increase the BIA forestry projects forest development line item by $50 million to award grants to tribes northwest region to develop forest health strategic plan.

The grant program allocated by the legislature would be to implement projects that seek to restore forest health, protect watersheds, promote the long-term storage of carbon and forest trees and soils, and minimize the loss of forest carbon from large, intense wildfires. Project activities may include forest fields, reduction prescribed fire pest management, reforestation, biomass, utilization. And I thank you for allowing me to testify.

[The statement of Mr. Cawston follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable Rodney Cawston, Chairman
Confederated Tribes of the Colville Reservation

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

Public Witness Hearing—Native Americans

February 11, 2020

Good morning Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation (the "Colville Tribes" or the "CCT"), I thank you for this opportunity to provide testimony today.

The CCT recommends that the Subcommittee:

(1) Provide a $10 million increase to the Bureau of Indian Affairs (BIA) Forestry account for restoration and additional foresters;

(2) Include report language directing the Secretary of the Interior to prioritize tribal requests for wildland preparedness funds; and

(3) Include report language directing the Secretary to consult with stakeholders, including Indian tribes and tribal organizations, and report to the Committee on the potential benefits of using Very Large Air Tankers (VLATs) in fire suppression activities.

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The CCT has nearly 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of our tribal members live on or near the Colville Reservation.

I. PROVIDE A $10 MILLION INCREASE TO THE BIA FORESTRY ACCOUNT FOR REFORESTATION AND ADDITIONAL FORESTERS

The Colville Tribes joins the Intertribal Timber Council and requests that the Subcommittee (1) increase the BIA Forestry Projects Forest Development line item by $5 million for replanting and thinning; and (2) increase BIA Forestry (TPA) line item by $5 million to better enable Indian tribes and tribal organizations to hire additional foresters.

In 2015, the Colville Tribes endured the most destructive fires on an Indian reservation in recorded history. The North Star and Okanogan Complex fires collectively burned more than 255,000 acres on the Colville Reservation—nearly 20 percent of the Reservation's total land base. Approximately one-fourth of the commercial timber land on the Reservation was burned or severely affected, totaling 788 million board feet of timber. Funding in the Forest Projects Development line item funds the necessary replanting and restoration activities that will continue to take place on the Colville Reservation for years in response to the 2015 fires.

The BIA has a statutory obligation under the National Indian Forest Resources Management Act to replant Indian forest land. Currently, the BIA's average annual Burned Area Rehabilitation budget, however, is approximately $3.2 million for tribes *nationwide*. The BIA's entire $3.2 million budget for fire rehabilitation would cover planting and restoration of less than 11,000 acres nationwide. At current funding levels, this would mean that hundreds of thousands of acres of forest land that was burned on the Colville Reservation in 2015 may not be replanted for decades, if ever. Acres that were not replanted, or where failures occurred from record setting lack of summer precipitation, will be added to the already existing backlog of forest development activities. Unplanted acres diminish the tribe's ability to sustainably manage forest resources for both economic and ecosystem benefit.

Equally important is additional BIA funding for foresters, which are essential personnel to increasing the tribal timber harvests. The BIA remains responsible for a wide range of critical forestry functions in its capacity as trustee. These functions include environmental clearances and approval and oversight for timber and salvage log sales. Without additional funding, the lack of forestry staff to perform these and other important trust functions will continue to directly constrain tribal timber harvest levels.

II. Include Report Language Directing the Secretary to Prioritize Tribal Requests For Fire Preparedness Funding

The Colville Tribes suggests that the Subcommittee include language in its FY 2021 spending bill that directs the Secretary of the Interior to prioritize tribal requests for wildfire preparedness funding.

In early August of 2017, the Colville Tribes requested $16,250 in severity funding to prepare for what weather reports predicted was going to be a severe lighting storm on the Colville Reservation. These funds were requested from the BIA's Northwest Regional Office in Portland, Oregon. The Tribes' timely request would have covered use of additional bulldozers, personnel, and equipment to prepare areas at high risk of fires from lightning ignition.

The BIA, unfortunately, denied the Tribes' request. The lightning storm arrived as forecasted, and on August 7, 2017, a lightning strike ignited the Bridge Creek Fire near the town of Keller on the Colville Reservation. The Bridge Creek Fire ultimately burned 4,500 acres and was not fully contained until the following month. Suppression costs for the Bridge Creek Fire exceeded $16 million, the bulk of which was drawn from the Department of the Interior (DOI)

Wildland Fire Management account. Had the Colville Tribes' initial $16,250 request been approved by the BIA, the Bridge Creek Fire could have been contained much sooner and at a significant cost savings to taxpayers.

Tribal forest managers are in the best position to assess danger and risk to on-reservation tribal forests. Tribes rely on their forest resources for many uses and purposes, including cultural uses and economic development. Tribes, therefore, have a motivation to protect their forest resources from wildfires in way that other federal land managers do not. For these reasons, this Committee should direct the BIA and the DOI generally to honor tribal preparedness requests to the maximum extent possible.

III. INCLUDE REPORT LANGUAGE DIRECTING THE SECRETARY TO CONSULT WITH STAKEHOLDERS AND REPORT TO THE COMMITTEE ON THE POTENTIAL BENEFITS OF USING OF VERY LARGE AIR TANKERS IN FIRE SUPPRESSION

As noted above, in 2015 the Colville Tribes endured the most devastating wildfires in terms of loss of board feet of timber on any Indian reservation in history. One of the reasons for the severity of the fires was the lack of air support to suppress the North Star fire. Not only was available state-provided air support diverted to other fires, but the air support itself may not have been as effective as it might have been to suppress a fire of the North Star fire's size. Large air tankers, referred to as "Very Large Air Tankers," should be available to the DOI and the BIA as a tool to combat these and other mega fires that are now occurring more frequently.

VLATs can respond almost as fast as smaller air support and can carry much larger loads of fire retardant. The U.S. Forest Service has access to a limited number of VLATs through "as needed" or "exclusive use" contracts, but the Colville Tribes is unaware of any VLAT resources available exclusively for use by DOI land management agencies or the BIA. In this new era of wildfires that grow larger, hotter, and faster than ever before, the Colville Tribes believes that DOI and the BIA should have access to exclusive use VLATs as well to prioritize protection of tribal trust land. We suggest the following report language:

> The Committee directs the Department to the consult with affected stakeholders, including Indian tribes and tribal organizations, and report to the Committee on the potential benefits, if any, of having Very Large Airtanker (VLAT) assets available for suppression activities on land under the Department's administrative jurisdiction, including land held in trust for the benefit of Indian tribes.

This or similar report language would ensure that DOI examines this issue and provides information back to the Committee. The Colville Tribes and other Indian tribes and tribal organizations would enthusiastically provide comments and case studies for this type of report.

This concludes my testimony. At this time I would be happy to answer any questions that the Subcommittee may have.

Ms. MCCOLLUM. And we have got the report language directing the Secretary to consult with stakeholders and report to the committee the potential benefits of using very large air tankers and fire suppression. So I know you wanted to get that in, too.

Mr. CAWSTON. Okay.

Ms. MCCOLLUM. Ms. Pingree.

Ms. PINGREE. Well, thank you all very much for your testimony. Really very helpful and helpful that you had so many details. And thank you for the last testimony. I think that is such a striking example about how the $16,000 invested might have saved $16 million. And so I hope that is an area where we can be more supportive, and certainly it raises a lot of concerns. If there is not sufficient money to reforest lands where we have had forest fires, not only is it lost income to you, but certainly on the last panel, talking about climate change. We need to keep those forested lands.

And I share your concerns certainly about the salmon. I represent Maine, so I am the opposite side, but we have been very concerned about native fisheries. And Mr. Kilmer has been a huge proponent of the Puget Sound Program, and I know the President eliminated it in this budget we just received. But I feel this committee will be very strong in a bipartisan way of keeping it there.

The only question I had around that, and I really appreciated you talking about the important of salmon fisheries, is it a declining population just because of all the reasons we are all experiencing, or are there other people accessing the same fisheries?

Mr. FRANK. So I think that it is everybody is experiencing the change.

Ms. PINGREE. Right.

Mr. FRANK. It is not just tribal fishery. It is not commercial fishery. It is not just sports fishery. Two years ago was the first time that sports fishermen and the commercial fishermen came to the tribes and said let's work together, and the State of Washington, to do this. And so you are seeing it. You are seeing the concern. I always tell people I don't want to be that generation that goes to a museum to see a salmon. You know, I am a fisherman, and I don't want that to happen for the future generations and for the kids.

You know, I think we need more funding committed to the Puget Sound cleanup, and, of course, climate change is a big issue, especially in the Nisqually.

Ms. PINGREE. Right.

Mr. FRANK. In 2015, we had temperatures get up to almost 70 degrees in the Nisqually. It is unheard of because it comes straight from Mount Rainier. It is glacier water. So that should never happen, but everybody wants to do what they can to protect our salmon.

Ms. PINGREE. Yeah, and that is an important point. I mean, we have severe ocean warming in the State of Maine, and salmon are cold water species. It is very hard to keep them there, and those are bigger problems than just what you guys can handle. And, of course, Ambassador Dana, thank you so much. It is a real privilege to work with you and the other tribes in Maine. And I appreciated you attempting to describe, we would have to have like about five

hearings in a row for people to understand the complexity of the Settlement Act.

Ms. DANA. Right.

Ms. PINGREE. But it was helpful to hear a couple of specific things, like self-determination contracts and the tribal courts, just in terms when we can be helpful in such a massive issue. And I am just so happy to hear that the tribal courts continue to be beneficial, so I hope we can enhance the funding there so this very complex problem, we can help. I am using up my time, but thank you all very much. Thank you for your testimony. It is really beneficial to have you all here.

Ms. MCCOLLUM. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair. Thank you all for being here, and I truly appreciate your testimony because it is what we need so we can make intelligent decisions going forward. I have had the opportunity to visit some tribes. I am continuing to visit as many as I can so I can see firsthand some of the issues that you have been discussing. But again, thank you for being here today.

Mr. FRANK. You are always welcome to come to Nisqually.

Mr. JOYCE. Let me know when those days are. [Laughter.]

Ms. MCCOLLUM. I wanted to go back. You mentioned about the teacher salaries, and one of the challenges that we have been having in Indian Country is getting professional staff workforce training and scholarships for youth to go on and get their training and, you know, return back home, but, you know, wages, it something everybody cares about. So beyond almost $10,000 discrepancy in wages, are you also having struggles, if you can comment, on housing for teachers when you do have them available to you? Sometimes it is a whole package where there is a problem. Is your problem just salaries, or do you have other problems in recruiting and retaining teachers?

Mr. EDMO. Thank you for the question, Betty. Basically, housing for our teachers is not an issue because the housing problem we have is for tribal membership. We do have agreements and MOUs with the local university and Idaho universities for reduced tuition to help to alleviate some of this. But it has just started, so we do have a few students returning home to work at the schools, but the wages are not just competitive enough. And so our school system fails on the reservation because of the wage. So if there was a better wage in our school, our local school there, high school. Actually it is a junior-senior high school, and we just can't compete with the other schools.

Ms. MCCOLLUM. Well, I used to teach high school myself. I saw the salary and went, oh. It is kind of tough. One other thing. So you mentioned the Superfund cleanup. Is there anything else? I mean, you have quite a few different sites in your testimony. You have the Michaud Flats, and then you also have the Gay Mine Superfund site. So those are two different Superfunds, if I read this right?

Mr. EDMO. That is correct. The Gay Mine was mined on the reservation. That is the 7,000 acres I told you about. And then the Michaud Creek Flats is adjacent to the reservation right next to the Portneuf River, and the City of Pocatello. So those are our concerns that they are contaminating the area within our permanent

homelands, and we take that as a serious matter that we are going to be there forever, and the city could up and move whenever they want if that is what they choose to.

Ms. MCCOLLUM. Okay.

Mr. EDMO. Can I make a comment on the fish?

Ms. MCCOLLUM. Yeah.

Mr. EDMO. So you talked about the fish. So in Central Idaho, those fish there that you are talking about, they have to make it all the way up 700 miles upstream. And when you talk about warm water conditions, that's even worse the further up you go. And we have to rely on some of them fish for our sustenance fishing. Last year, we were only able to fish three salmon per tributary. That is a major reduction in what our harvest limits were, and this year we are looking at the same. And we do have fisheries, and we try to manage fish. We have a fisheries department, so and we have been buying properties to help us to enhance the fish. But for them to travel that far, their health and their condition is not the best, but that is what we get. We get what we get. And since time immemorial, also those fish used to be plentiful up there just as they were anywhere else. Now they are a mere drop in the bucket compared to what it used to be.

So I would just like you let you know that those fish have to travel almost 900 miles to get to their spawning grounds, and yet we can't just go out there and slaughter them before they spawn either. So we have to have good fishing practices. And I also am a fisherman, and my technique is not the same as the gentleman here, but we all have and share in common those basic subsistence needs. Thank you.

Ms. MCCOLLUM. Thank you. Ms. Dana, I wanted to ask you about, because you talked about fish, and I want to also talk to you about the health of the four-legged population you mentioned, especially moose. Chronic disease, we had a hearing on that. That is something that we are dealing with. Maybe talk about climate change and how your moose population is holding up. We are very concerned about ours in Wisconsin and Minnesota, and I know our Canadian first nations are concerned about this issue as well.

Ms. DANA. Yeah, for sure. I mean, climate change, I think, for all of us, it should be a number one priority probably. And I think for indigenous nations, it is woven into everything we do, every part of our lifestyle. So with our moose population, we have definitely seen an impact from climate change, and we have the ticks that are just devastating moose up in Maine. I know that we have had some restrictions on our hunting. Some areas are bulls only. We can't hunt cows anymore. You know, I talked about the game wardens being important, you know, getting adequate coverage on these lands, making sure we are harvesting in the right way, making sure others aren't hunting on our lands because that population is so delicate.

So, yeah, I think you would be hard pressed to find an indigenous person that wasn't completely consumed with worrying about Mother Earth and climate change, so thank you for that question.

Ms. PINGREE. Can I add one thing, Madam Chair?

Ms. MCCOLLUM. You certainly can.

Ms. PINGREE. I wasn't able to attend the chronic wasting hearing, but I know that the scientists in the State of Maine are watching very closely. We haven't been as impacted, and certainly the ticks have been a huge problem, so we kind of see it around the corner. And the other thing I was thinking about when you were asking about the impact on the forests, I know I have talked to several of the basket makers in Maine about the decline of the ash. So ash has been such a critical species, not only for baskets, but for a whole variety of things. And the ash borer has been moving north, and I know people sort of see that as almost gone already. But, you know, we have still ash trees, but they can kind of see the end of it, and that was certainly a huge impact.

Ms. DANA. Yeah, the temperature swings and kind of unpredictability, it affects the sweet grass, the birch bark, the ash for sure. So it is definitely having a big impact on a lot of things.

Ms. MCCOLLUM. I was just at an exhibit in the Minnesota History Center, and it is on the first indigenous in the Minnesota area. And one of the contemporary modern Native American artists had made the shape of a coffin woven out of ash. And it was the way that artist kind of describing the death of the ash and what it could mean to the culture and to so many things. And it was really moving to see it because I walked up to it, and I said, that looks like a coffin, who would do a coffin in ash? And then I just kind of stepped back for a minute, and it was so very powerful. Then as you walked around the rest of the exhibit kind of studying the scene.

Mr. Frank, thank you so much for your testimony, and I know someone is looking down with a big smile on their face. And one of the first times I served on this committee was hearing your predecessor speak, so thank you for doing that. And I actually know, and probably Chellie does, too, about getting the scooper tankers and it going. We have to take a really serious look, especially along the northern border because so many of our States and the Canadian provinces, we have memorandums of understanding to help each other out. But with the intensity and the frequency of these fires, if we don't really look at the big picture for what our fire response is, we might find that we have huge holes in it that we are not even aware of. So thank you for bringing that to our attention, and I think we need to talk to States, talk to our Canadian counterparts, including first nations, to make sure we have really got it covered. I am concerned we possibly don't have it covered with how long and how severe these fires are burning. And you had one in California, and pretty soon another part of the United States, and all the resources are gone.

Anything you want to add before we close?

Mr. CAWSTON. Can I add a comment about fish?

Ms. MCCOLLUM. Oh, sure. We love fish here. We love to eat them, too.

Mr. CAWSTON. Well, I can talk to you about wildlife, big game. We have a large reservation. We have a lot of issues with that. But, you know, but on the Colville Reservation, you know, you talk about fish die offs in 2015 because of warming temperatures in the Columbia River. Two hundred and fifty thousand Sockeye died in the river.

Ms. MCCOLLUM. Wow.

Mr. CAWSTON. You know, so, you know, we also have two dams that were constructed on our reservation, the Grand Coulee Dam and the Chief Joseph Dam, which are blockages to Chinook salmon going up into the upper waters of the Columbia and into Canada. And, you know, other tribes, there is a 14-tribe coalition that have been working to restore salmon to the upper Columbia, and, you know, that blocks thousands of miles of habitat.

And, you know, there are many issues, you know, endangered and threatened species of salmon impacting orca, as Willie has, you know, talked about this morning. But one of the best ways to increase the abundance of Chinook, because Chinook is the primary diet of orcas, is to allow for fish passage above those two dams. We have been reading through the Columbia River system operations environmental impact statement process. They have told us they are not going to include reintroduction into the EIS or the preferred alternative. And also we have been working with the Columbia River Treaty negotiation, which they have also said and informed us recently they are not going to include reintroduction in the treaty language.

You know, there was a large coalition of tribes and other stakeholders who put together the Northwest Regional Recommendation, which includes reintroduction of salmon. So I just wanted to let you know that that is something that we have been working very tirelessly on.

Ms. MCCOLLUM. Well, thank you. Thank you for your testimony. We had a fabulous morning hearing from people. Lots of questions to ask the bureaus when they are in front of us. Lots of ideas on funding. Mr. Joyce and I just need a bigger allocation. We could certainly put it to good use.

So with that, this hearing that we are having will stand in recess until 1:00.

TUESDAY, FEBRUARY 11, 2020.

AFTERNOON SESSION

TOHONO O'ODHAM NATION

WITNESS

HON. NED NORRIS, CHAIRMAN TOHONO O'ODHAM NATION

Ms. MCCOLLUM [presiding]. So good afternoon. We will start the panels for this afternoon here, and I would like the first panel to come up—the name plates are up—and take your seat, please.

So I welcome you to our second public witness hearing part of today covering tribal programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. This morning we heard about critical healthcare issues facing Native Americans both on and off the reservation. This afternoon, we will be focusing on issues relating to land trust, natural resource management, including climate change. And once again, we will hear testimony from distinguished tribal leaders, who are truly experts on this issue, so we thank you for being here.

This afternoon's issues components of native culture of religion are integral to the very survival of individual Indians who rely on the resources for substance as well as economic activity. Indian Country lacks the tax base enjoyed by other governments, so funding provided by the Federal Government is essential to their economic development. So we are happy to have you here. We are going to start taking testimony. I will just go over a couple of things.

Only pictures and recordings are taken with individuals that hold press credentials, so we have noticed everybody for that. And we have a timer here. We have 5 minutes for your testimony. We are going to have you introduce yourselves because we found out that gave us a little bit of extra time. Introduce yourself. Go right into your testimony. We will not count your introduction against your time, so Janet, she is ready to go. When the light turns yellow, there is 1 minute left. When it turns red, we will ask you to wrap up your testimony.

We will have a series of votes this afternoon probably in about a half an hour, so we should be able to get through all of your testimony with that. And then votes could go half hour, 45 minutes, I am hearing, Mr. Stewart.

Mr. STEWART. Yes.

Ms. MCCOLLUM. You are hearing the same thing?

Mr. STEWART. Yes, ma'am.

Ms. MCCOLLUM. And after that happens, I will be going over to speak at the National Congress of American Indians, so Ms. Pingree will be filling in as vice chair as chair for me while I am gone. So let us start out with Mr. Norris. Please introduce yourself, and then go right into your testimony. Thank you for being here. Thank all of you for being here.

Mr. NORRIS. Thank you for the opportunity. Good afternoon, Chairwoman McCollum, Ranking Member Joyce, and distinguished

subcommittee members. I am Ned Norris, Jr. I am the chairman of the Tohono O'odham Nation, a tribe with more than 34,000 members in southern Arizona. Our reservation is one of the largest in the country, encompassing more than 2.8 million acres. We share a 62-mile border with Mexico, which is the longest southern international border of any tribe in the United States. Thank you again for this opportunity to testify.

So, first, I would like to address our roads. The BIA Roads Maintenance Program is chronically underfunded. The nation has 735 miles of BIA, the sixth largest total mileage in Indian Country. Many of these roads shows are badly damaged and poorly maintained by the BIA. Monsoon rains, and flooding, and heavy usage by the Border Patrol vehicles have resulted in terrible reservation road conditions. During monsoon season, flooding washes our bridges, isolates communities, strands our children on school buses, and prevents access for emergency vehicles. Congress has failed to provide adequate funding for BIA reservation roads. We urge the subcommittee to increase funding to address this serious safety issue.

To address the damage to our roads done by Border Patrol vehicles, the Fiscal Year 2018 appropriations law provided for the transfer of funds from Border Patrol to BIA for repair of reservation roads. Some of that funding is currently being used to repair one of our roads heavily used by the Border Patrol, which will protect tribal and Federal law enforcement and tribal members. We are grateful to the subcommittee for addressing this critical issue and for including similar language in Fiscal Year 2019 and 2020. But many of our roads need work, and we ask that language permitted the BIA to accept funding from Border Patrol be included in the Fiscal Year 2021 Interior appropriations bill.

Next, our water settlement. The nation faces a serious and imminent water crisis because the nation's Southern Arizona Water Settlement Act is not being funded. The act authorized up to $32 million to pay for delivery of water to the nation, and directed Interior to tell Congress how much funding would be necessary to implement the settlement. Interior has never requested any of the funds. As a result, reclamation estimates that our settlement may run out of funding in the very near future, forcing closure of tribal farms, employee layoffs, crop loan defaults, and breach of related agreements. We urge Congress to provide for a long-term stable funding source for Indian water settlements. A long-term funding source will provide tribes with fiscal certainty and ensure timely implementation of water settlements.

Next, law enforcement. The nation faces unique law enforcement and public safety challenges. Tribal police patrol remote areas that are difficult to access, and radio communication with other law enforcement agencies is unreliable. Our officers face serious and unnecessary safety risks. A significant amount of the nation's limited law enforcement resources are dedicated to border security. The nation has a longstanding relationship with Border Patrol and other Federal law enforcement agencies, but we still spend millions of our own dollars, a third of our police department budget, every year to help meet Federal border security responsibilities.

The nation's police regularly investigate immigrant death and pay for costly autopsies with no Federal assistance. We also incur costs from border-related damages to our reservation, including removal of abandoned vehicles and control of wildland fires caused by illegal activity. Our correctional facility is too small to hold the detainees our police apprehend. We urge Congress to provide increased Federal funding for tribal law enforcement programs to improve communications, hire and train additional officers, purchase vehicles, meet border security obligations, and improve tribal correctional facilities.

Finally, healthcare. The nation's hospitals one of the oldest IHS facilities, and it is inadequate to meet our needs. We waited more than 20 years for IHS construction funding. In the last 2 years, we began to receive funding for a replacement hospital, but in Fiscal Year 2020, no additional funding was provided. Substantial increases for IHS facilities construction budget are needed in Fiscal Year 2021.

Thank you. The nation appreciates the subcommittee's efforts to provide Indian Country with much-needed resources in this challenging fiscal time. I am happy to answer any questions.

[The statement of Mr. Norris follows:]



THE TOHONO O'ODHAM NATION OF ARIZONA
TESTIMONY OF THE HONORABLE NED NORRIS, JR., CHAIRMAN

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

February 11, 2020

Summary of Budget Requests

1. ***Increased funding for BIA Roads Maintenance and Repair***
2. ***Funding for Interior's implementation of SAWRSA/AWSA water rights settlement***
3. ***Increased funding for BIA Law Enforcement and Border Security***
4. ***Increased funding for IHS Facilities Construction and advanced appropriations for IHS***

Introduction & Background

Good afternoon, Chairwoman McCollum, Ranking Member Joyce, and distinguished Members of the Subcommittee. My name is Ned Norris and I am the Chairman of the Tohono O'odham Nation, a federally recognized tribe with more than 34,000 members located in southern Arizona. The Nation's Reservation is one of the largest in the United States, encompassing more than 2.8 million acres. The Nation also shares a 62-mile border with Mexico, the second-longest shared international border of any Indian tribe in the United States.

Thank you for the opportunity to testify about the Nation's federal funding concerns. The Nation sincerely appreciates the Subcommittee's commitment to providing Indian Country with critically needed funding. My testimony focuses on the following funding priorities: funding and continued transfer authority language for road maintenance, funding to implement the Nation's 1982 water rights settlement, funding for public safety needs including law enforcement and border security, and funding for health care.

I. Roads Funding

The FY 2020 consolidated appropriations law (H.R. 1865) allocated $36.1 million for the BIA Road Maintenance program, a $0.3 million increase from the FY 2019 enacted level. This negligible increase is completely inadequate to address the overwhelming road maintenance and safety issues that plague Indian Country, including the Nation's reservation.

The BIA Road Maintenance Program is responsible for approximately 29,400 miles of roads in Indian Country, and it has been severely underfunded for many years. The National Congress of American Indians (NCAI) reports that in FY 2018 the Road Maintenance Program received

approximately $30 million in funding while the deferred maintenance backlog rose dramatically to $498 million.[1] For most tribal governments, federal funding is the primary or only funding source to repair and maintain reservation road systems. Funding for the BIA Road Maintenance Program must be increased dramatically to address the growing deferred maintenance backlog and ensure the safety of tribal members and others using these roads.

The Nation has hundreds of miles of damaged and poorly maintained roads. The Nation has the sixth highest total BIA road mileage in Indian country with 734.8 miles of BIA roads on its reservation. Maintaining the Reservation's vast road system is a significant challenge. Due to the shortfall in BIA funding, many of our roads are in extremely poor, and in many cases unsafe, condition. Our roads have sink holes, pot holes, broken and cracked pavement, and washed-out bridges, which often are left unaddressed, making the roads dangerous for our members. Throughout the monsoon season, flooding often completely washes out roads and makes them impassable, stranding our members, including children on school buses, preventing access for emergency vehicles and isolating communities. Some of our members have been killed by flooding while traveling on these roads. *The Nation requests that Congress provide at least $50 million for the BIA Road Maintenance Program in FY 2021 to begin to address the huge BIA maintenance backlog.*

Transfer of funds from Customs and Border Protection (CBP) to BIA to repair the Nation's roads. The Nation also suffers additional damage to its roads from heavy use by CBP vehicles, as part of CBP's border security duties. BIA does not have adequate funding to repair these roads, and after years of attempting to reach an agreement between the Nation, CBP and BIA to repair this damage, CBP ultimately took the position that it could not spend CBP funds to repair BIA roads because BIA receives specific appropriations for that purpose. To address the problem, the FY 2018 appropriations legislation authorized CBP to transfer $15 million to BIA to fix roads damaged by CBP vehicles on Indian reservations. Under that law, $10 million was transferred from CBP to BIA for reconstruction of Route 21, one of the roads on the Nation's reservation most heavily used and damaged by CBP vehicles. Through a 638 contract, the Nation is currently in the process of repairing Route 21. Similar language allowing the transfer of CBP funds to BIA was included in the FY 2019 and FY 2020 funding laws, but no additional funding has been transferred from CBP to BIA under these provisions. CBP has indicated that it will not transfer additional funds to BIA for the repair of Indian reservation roads used and damaged by CBP unless it receives additional funding specifically for this purpose.

The Nation respectfully requests that language allowing BIA to accept funding transfers from CBP for reservation road repair again be included in the FY 2021 Interior appropriations bill. We also encourage members of this Subcommittee to work with members of the Subcommittee on Homeland Security to ensure that language allowing CBP to transfer funds to BIA is included in the FY 2021 Homeland Security appropriations bill and that additional appropriations are provided for this purpose. We thank the Committee for addressing this funding issue, which is critical for the safety of the Nation's members, as well as the safety of both federal and tribal law enforcement officers using these roads.

II. Funding to Implement the Nation's 1982 Water Rights Settlement

The Nation continues to have grave concerns about the United States' failure to meet its obligations to the Nation under the Southern Arizona Water Rights Settlement Act of 1982, P.L. 97-

[1] NCAI FY 2020 Budget Request at 126, available at http://www.ncai.org/NCAI-FY20-BudgetReport-PREVIEW.pdf.

293 (SAWRSA), as amended by the Arizona Water Rights Settlement Act, P.L. 108-451 (AWSA). A critical part of the congressional authorization to resolve this portion of the Nation's water claims is a commitment by the United States to provide replacement water to the Nation from the Central Arizona Project (CAP). A Cooperative Fund was formed to pay for the costs of the delivery of CAP water. But despite congressional authorization (including $16 million under SAWRSA, an amount that was doubled under AWSA), the Department has failed to fully fund the Cooperative Fund to sufficiently address CAP delivery costs on a long-term basis. As a result, the Fund currently is being depleted at an unsustainable rate.

A long-term stable funding source for Indian water settlements. A long-term stable funding source for Indian water settlements is crucial to provide funding for those tribes seeking settlements, and to provide funding to tribes like the Nation that are facing significant implementation challenges with respect to existing water settlements. The Nation respectfully requests that Congress consider creating a long-term funding source for the implementation of Indian water settlements to provide tribes with fiscal certainty and ensure that each settlement is implemented in a timely manner.

III. Law Enforcement and Border Security

The FY 2020 consolidated appropriations law (H.R. 1865) contained $434.3 for public safety and justice programs in Indian Country. This is a welcome increase of $22.8 million over the FY 2019 enacted level, but a far greater increase is needed in FY 2021 to meet the public safety and justice needs of Indian Country.

The Nation faces extensive and unique law enforcement and public safety challenges, in part because of its shared border with Mexico. The location and size of the Nation's reservation create a multitude of law enforcement and border security issues. The Nation includes fourteen O'odham communities with approximately 2,000 members living in Mexico. The Tohono O'odham Police Department (TOPD) must police a huge geographic area, including many remote and isolated areas, including along the border. TOPD also faces challenges in communicating with state, local and federal law enforcement due to limited interoperability on the reservation.

Significant TOPD resources are dedicated to addressing border security needs -- more than a third of the limited TOPD budget is expended on border security. The Nation has longstanding working relationships with CBP and other federal law enforcement agencies. The Nation spends more than $3 million in tribal revenues annually to help meet the United States' border security responsibilities. But despite the time and resources we devote to working with CBP and other federal agencies, federal funding for border security-related law enforcement on the Nation's reservation is extremely limited. For example, on average TOPD investigates more than 75 immigrant deaths per year, and provides funding for autopsies at a cost of $2,600 per autopsy, plus supplies and detective investigative hours, with no assistance from CBP. The Nation also absorbs all costs to reclaim damage to its natural resources, including the removal of vehicles used and abandoned by smugglers and the control of wildland fires attributed to cross-border illegal activity.

Current funding is completely inadequate to meet the public safety and justice needs of Indian Country. A 2016 BIA report to Congress concluded that, to provide a minimum level of public safety services to all federally recognized tribes, Congress would need to appropriate $1 billion for Law Enforcement Programs; $222.8 million for existing Detention Centers, and $1 billion for Tribal Courts.[2]

[2] BIA Office of Justice Services, Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country (Aug. 16, 2016).

Obviously the funding available is nowhere near this estimated need. Particularly in remote areas, tribal officers are the first and in many cases the only responders to crimes on tribal lands, but tribal police forces lack sufficient resources and are severely understaffed throughout Indian country. In FY 2018, TOPD Officers, Detectives and Rangers drove nearly 2.5 million miles and handled over 88,963 incidents. The current average mileage of the TOPD police fleet is over 250,000 miles per vehicle. Marijuana seizures have remained flat or declined through 2019, but in FY 2018 the TOPD-led NATIVE HIDTA Task Force seized 834.388 kilograms of methamphetamine, over 28 times more than in 2017. Seizures of hundreds of counterfeit Oxycodone pills continue to occur, and in 2019 the Nation experienced its first drug seizures of liquid THC smuggled from Mexico. In addition, the capacity of the Nation's correctional facility is totally inadequate to meet our public safety needs, and the Nation consistently is forced to house detainees in correctional facilities out of state. Federal funds to address these problems are extremely limited, and it takes years to advance on the BIA list to receive correctional facility funding.

The Nation strongly urges the Subcommittee to take steps to fully fund tribal law enforcement and detention centers. Specifically, we request that Congress implement a plan to fully fund tribal law enforcement and detention centers within the next five years by incrementally increasing funding each year, starting with a $200 million increase in FY 2021.

IV. Health Care

The FY 2020 consolidated appropriations law (H.R. 1865) allocated $259.3 million for Indian Health Care Facilities Construction, an increase of $15.8 million from the FY 2019 enacted level. While we appreciate the funding increase, it still remains clearly inadequate. On average, Indian Health Service (IHS) facilities are over 40 years old, almost four times as old as most U.S. hospitals, which have an average age of 10.6 years.[3]

The Tohono O'odham Nation Hospital in Sells, Arizona is over fifty years old - one of the oldest IHS facilities. Due to its age and lack of updates, the Nation's Sells Hospital can handle only minor medical issues and is wholly inadequate to serve the Nation's needs. The Sells Replacement Hospital has been on the IHS facilities construction list for more than twenty years. In FY 2018, the Nation finally received a small portion of the funding ($750,000) needed to begin work on a replacement hospital, and in FY 2019 we received $15 million, but no money has been allocated for FY 2020, and it will be several years before construction of a new hospital will be complete. The continued failure to provide adequate funding for IHS facilities construction is a breach of the federal trust responsibility. Congress must do better in providing funding for Indian health care facilities, which are urgently needed to provide health care to tribal members. *We ask that the Committee provide a substantial increase in funding for IHS Facilities construction.*

We also ask that the Committee provide advanced appropriations for IHS in FY 2021. Advanced appropriations will prevent the uncertainty in funding levels that results from the continued failure to enact appropriations in a timely manner each fiscal year, and will ensure that funding shortfalls and the loss of critical health services for tribal members do not occur in the event of future government shutdowns.

[3] NCAI FY 2020 Budget Request at 67.

Ms.MCCOLLUM. Thank you. Sir.

TUESDAY, FEBRUARY 11, 2020.

UTE TRIBE OF UNITAH AND OURAY

WITNESS

HON. SHAUN CHAPOOSE, UTE TRIBE OF UNITAH AND OURAY

Mr. CHAPOOSE. Good afternoon, Chairwoman, and subcommittee members, and representatives from State of Utah. My name is Sean Chapoose. I am a council member of the Ute Indian Tribe, also a member of the Ute Indian Tribe representing the Uncompahgre Band.

So we appreciate the work to defend funding for Indian programs. These programs are based on our treaties and the United States trust responsibility to Indian tribes. The subcommittee and Congress are responsible for making sure that the United States lives up to its words and laws of the land. The Ute Indian Tribe asks that the subcommittee increase funding for Indian energy development, justice systems, and healthcare. These are some of the most important programs on our Unitah and Ouray Reservation and across Indian country.

Indian energy development provides stable, long-term economic resources. Energy development funds our tribal government and the services we provide our members. It creates thousands of good-paying jobs and supports the development of infrastructure on our reservation. Our reservation is located in northeastern Utah. It is the second-largest reservation United States. We use cutting-edge technologies to develop our energy resource and manage our lands and resources. By being proactive, we can be a major energy producer while also protecting our environment and homelands.

Using our management techniques, we have about 7,000 wells producing 45,000 barrels of oil a day. We also produce more than 900 million cubic feet of gas per day. We have been producing oil and gas for more than 70 years. Meanwhile, we also protect our homelands, and are one of the first tribes to develop a management plan for endangered species on our reservation. The President should be supporting our proactive management efforts, but every year he proposes cutting funding for every program needed to approve energy permits. The subcommittee must reject his proposal and increase funding for Indian energy programs.

The President is also trying to consolidate or eliminate important programs that support in Indian energy development. For example, there is a proposal to move the Office of Indian Energy and Economic development within BIA. We oppose this move. The Office of Indian Energy and Economic Development is not a permitting agency like BIA. The office provides funding and technical support to tribes. The office works at the assistant secretary level and is able to move funds and staff quickly to address the needs of tribes and changing market conditions.

For example, just a few years ago, the RBI agency was buried under an energy permitting backlog. This backlog limited our ability to produce oil and gas and limited our revenues. To solve the

problem and get permits flowing, the office provided teams of energy experts that were able to reduce BIA backlogs. BIA should focus on its core mission of processing energy permits. BIA needs staff and expertise in its agency offices to support permitting on the ground. BIA also needs full funding for its Indian Energy Service Center in Denver. BIA has a different mission than the Office of Indian Energy and Economic Development.

Finally, we ask that you protect funding for the Department of Energy's Tribal Loan Guarantee Program. The President keeps trying to eliminate this program. This is the only Federal program that helps tribes access capital for commercial-scale energy projects. In my remaining time, I want to stress the importance of funding for tribal justice systems and healthcare.

We have done our part. We have used $36 million of our own funds to build a new justice center. We also revised our law and order code to get tough on gangs and drugs, but we can't enforce our laws because BIA lacks the funding to fully staff the justice center. Instead, BIA uses Federal funds to put offenders in county jails. Even worse, BIA tells our tribal judges to slow enforcement of warrants because BIA is running out of money to put offenders in county jails. This means they are released back into our communities.

We have a similar problem in the area of healthcare. Again, we are being forced to use tribal revenues to contract or construct a new village and dialysis center. There is a little visual for you to look at.

Ms. MCCOLLUM. Bring it up on up here so——

Mr. STEWART. I am sorry. This is where?

Mr. CHAPOOSE. It is on the reservation. It is an elder dialysis center because we are funding that ourselves. IHS says it is authorized to do dialysis center treatment, but Congress is not providing the funds. Instead, IHS uses referred care funding to send tribal patients the non-Indian dialysis centers. We estimate the cost, $43,000 per patient per month. In addition, our dialysis staff are forced to spend time transporting patients rather than caring for them. This makes no sense.

Congress must provide the funding needed for tribal justice systems and healthcare. Congress should also direct agencies to use Federal funds at tribal facilities not in border towns. The Ute Indian Tribe asks the subcommittee to focus its efforts on funding Indian energy, justice system, and healthcare. We need your support in each of these areas. Thank you for the opportunity to testify. I am willing to answer any questions you may have.

[The statement of Mr. Chapoose follows:]



Testimony of the
Ute Indian Tribe of the Uintah and Ouray Reservation

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2021 Appropriations

February 4, 2020

Thank you for the opportunity to testify before the Subcommittee on Interior, Environment and Related Agencies regarding Fiscal Year (FY) 2021 Appropriations. My name is Shaun Chapoose. I am a Member of the Ute Indian Tribal Business Committee. Our testimony is focused on funding and management of Indian energy services, law enforcement and dialysis clinics.

PROGRAMS IN SUPPORT OF INDIAN ENERGY MUST BE PROTECTED

The Ute Indian Tribe asks that the Subcommittee protect and fund Indian energy programs across the Federal government. First, we are very concerned about the President's proposal to move the Office of Indian Energy and Economic Development (OIEED) under the Bureau of Indian Affairs (BIA). We understand that the President plans to include this proposal in his FY 2021 Budget Proposal. Moving OIEED under BIA would have a disastrous impact on one of the only programs throughout the Federal government directly supporting Indian economic and energy development. OIEED is also one of the Department of the Interior's most successful programs.

OIEED was established about 13 years ago at the Secretarial level within the Office of the Assistant Secretary for Indian Affairs. Former Secretary Kempthorne, under President Bush, established a precursor to OIEED at the Secretarial level to directly support Indian energy tribes.

Operating more independently that a regulatory agency like BIA, OIEED is flexible and able to respond to the needs of tribes as they arise. Overall, OIEED provides technical assistance and resources to tribes who are working to develop economic and energy resources. OIEED is not a regulatory agency. Instead, OIEED fulfills the Federal government's treaty and trust responsibilities by supporting and assisting tribes assess and development their economic and energy resources.

One of the most successful divisions within OIEED is the Division of Energy and Mineral Development (DEMD) which promotes and supports Indian energy development. The Ute Indian Tribe, and many other energy tribes, have directly benefited from DEMD. In addition to providing technical assistance and supporting the sophisticated National Indian Oil and Gas Energy and Mineral System (NIOGEMS), DEMD is one of the only federal programs that is able to put "boots on the ground" in support of Indian tribes quickly and efficiently.

For example, just a few years ago, our local BIA agency office was buried under backlogs of energy related permits. This backlog limited our ability to produce oil and gas, to raise revenues to fund our government and provide services to our members, and to contribute to domestic energy supplies. To help solve the problem and get permits flowing, DEMD provided teams of energy experts that were able to reduce BIA's backlogs.

Congress first outlined OIEED's responsibilities in the Energy Policy Act of 2005. In establishing an Indian energy program at Interior, Title V, Section 503(a) of the Act, provided that:

> [T]he Secretary shall establish and implement an Indian energy resource development program to assist consenting Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

The Act then set out four objectives for OIEED:

- provide grants for tribes to develop the managerial and technical capacity needed to develop energy resources;
- provide grants to tribes for the development of Indian energy resources;
- provide tribes with low-interest loans for the development of Indian energy resources; and
- support a national resource center to develop tribal capacity to establish and carry out tribal environmental programs in support of energy-related programs and activities

In addition to supporting Indian energy development, OIEED also supports a full range of tribal economic development activities through Divisions focused on economic development and capital investment. OIEED has a unique mission that would be diminished under BIA's regulatory structure. OIEED is flexible and able to quickly address changes in the areas of Indian energy and economic development. These are the same changes that tribal businesses and energy development interests face. OIEED understands the business environment that tribes operate in and can support tribal efforts in that business environment. The Ute Indian Tribe adamantly opposes the Administration's plan to reduce and limit this important office.

Second, Indian energy programs remain seriously underfunded. In past years, the President's budget recognized the significant economic impact from Indian energy development, but then proposed cutting funding for nearly every real estate and energy program needed to process energy permits. The Ute Indian Tribe asks that the Subcommittee prioritizing funding for BIA programs that support Indian energy development.

These programs include energy programs such as the Office of Indian Energy and Economic Development's Division of Energy and Mineral Development and the Indian Energy Service Center, as well as local BIA Agency real estate and environmental positions. The $4.5 million provided in FY 2016, to establish the Indian Energy Service Center was a good start, but additional funding is needed to fully staff the office. The Service Center provides needed support for permitting, but frontline staff in our BIA Agency are also needed.

Third, the Ute Indian Tribe asks that the Subcommittee protect funding for the Department of Energy's (DOE) Tribal Energy Loan Guarantee Program. This Program was finally funded in 2017 more than 10 years after it was originally authorized. Since then, DOE has been busy staffing the Program and making funding available to support Indian energy development. The Tribal Energy Loan Guarantee Program is the only Program in the Federal government that helps tribes overcome barriers and secure capital for large commercial scale energy projects.

The President's proposals to cut funding for this Program undermine his goal of energy dominance. There are vast energy resources in Indian Country that cannot be developed because of barriers to investment capital for tribes. Unlocking these resources should be a focus of the President's energy dominance agenda. We need DOE's Tribal Energy Loan Guarantee Program and more programs like it to support commercial scale energy projects on Indian reservations.

TRIBAL LAW ENFORCEMENT REMAINS SERIOSULY UNDERFUNDED

Over the past year, the Ute Indian Tribe took major steps to revise our tribal law and order codes to address an increase in gang and drug activity on our Reservation in recent years. Our new codes take a tough stance on gangs and drugs through enhanced sentencing guidelines for gang members and major drug offenders. Specifically, in response to the pervasiveness of drug trafficking and use on the Reservation, the Tribe has established a hybrid approach to drug enforcement that includes both a drug court and a zero-tolerance policy for repeat offenders that work in conjunction to address drug crime on the Reservation.

Our new tough codes are intended to work with our recently completed $36 million Justice Center and Detention Facility. This Facility was built entirely with tribal funds. We were forced to use our own funds after waiting more than a decade on BIA's priority construction list after our BIA jail was condemned. We took this action in consultation with BIA and the Subcommittee.

Despite our efforts, law enforcement programs within the Department of Justice, BIA and the Office of Justice Services (OJS) lack the funding and flexibility to fulfill their treaty and trust responsibilities and provide for safe tribal communities. We have the space in our Justice Facility to get violent offenders, drug dealers and people with outstanding warrants off our streets. Meanwhile, every two weeks our federal partners send 30 or more adults to county detention facilities at federal expense and up to ten youth a month.

Even worse our federal partners are now telling tribal judges that warrant enforcement must be slowed because the U.S. cannot afford to house these offenders in county jails. The lack of funding for these programs is undercutting Congressional intent. We cannot enforce the Violence Against Women Act, our gang and drug codes, and provide safe communities, if our federal partners do not have the funding or flexibility to arrest and detain offenders.

We've done our part. More than our part. It is time for Congress and the Subcommittee to finally provide the funding needed so that we can provide safe tribal communities.

SUPPORT NEEDED FOR METHAMPHETAMINE TREATMENT PROGRAMS

Methamphetamine (meth) addiction and related crime affects our Tribe in many different ways. On our Reservation, meth is draining our referred care budget, impacting our education system, damaging our Housing and Urban Development (HUD) funded homes, destroying families, and the situation gets worse every day. The Subcommittee must begin funding drug eradication programs that allow individual tribes to determine the drug abuse priorities on their reservation.

Not all tribes have an opioid problem or there may be a greater priority. We need the funding to address whatever drug abuse is most prevalent in their community.

A NEW APPROACH TO DIALYSIS TREATMENT IS NEEDED

The Ute Indian Tribe joins other tribes in the West and the Great Plains in asking the Subcommittee to reexamine how dialysis treatment is currently being provided to Indian patients particularly for large-land based tribes. On our large Uintah and Ouray Reservation, our Tribal Service Unit has 43 dialysis patients who have to be transported to Roosevelt, Utah. In good weather, this is a 40-minute drive each way.

Once there, our tribal members are forced to attend an overworked non-Indian dialysis center. This non-Indian facility lacks the capacity and the desire to get to know our Indian patients or their individual medical histories. It also lacks the practical ability to coordinate its services with the IHS doctors who are actually treating our Indian patients for their underlying disease.

The situation at the Roosevelt Dialysis Center has always been bad, but it has grown far worse since the closing of the only other nearby non-Indian dialysis center in Vernal, Utah. Dialysis is an invasive process that is only made worse if the patient is being sent to overcrowded facilities with inadequate care. Under those circumstances, patients do not seek are and the disease progresses.

As a result of the severely inadequate dialysis services available to tribal members, we have decided to move forward in developing a tribal dialysis center on the Uintah and Ouray Reservation, to be built and operated in connection with an assisted living center dedicated to tribal elders. Operating and maintaining this tribal dialysis clinic will require funding, equipment, and qualified staffing.

IHS fully acknowledges that it is authorized by the Indian Health Care Improvement Act to perform dialysis treatment at IHS facilities using IHS staff, but states emphatically it has never been funded to do so. As a result, IHS is currently using up a large percentage of our precious referred care dollars sending all of its' dialysis patients out to costly non-Indian dialysis centers.

From what we have been able to calculate, this out-patient service in Roosevelt is already costing the federal government in excess of $43,000 per patient/per month, not including the added cost of transportation. This is not just the cost of gasoline. Today, our diabetes prevention staff, who are largely federally funded, are spending up half of their days transporting dialysis patients to and from Roosevelt. This is not they were trained to do or what the federal government is paying for.

The Subcommittee should direct a study of actual dialysis treatment costs. This study would demonstrate that placing a dialysis unit at our tribal clinic would save money, time, and lives. We need a new approach that makes sense for our patients and for the Federal government.

Thank you for the opportunity to testify on these important funding issues.

Ms.MCCOLLUM. Thank you. Please go ahead.

TUESDAY, FEBRUARY 11, 2020.

STOCKBRIDGE MUNSEE MOHICAN COMMUNITY

WITNESS

HON. SHANNON HOLSEY, PRESIDENT, STOCKBRIDGE MUNSEE MOHICAN COMMUNITY

Ms. HOLSEY. Good afternoon, Chairwoman McCollum and ranking members of the subcommittee. My name is Shannon Holsey. I am the president of the Stockbridge Munsee Community. It is my pleasure to be here today to provide testimony on behalf of my people with regards to the need for mandatory appropriations for the Bureau of Indian Affairs, and certainly the critically important process of taking land to trust.

As many tribal governments, mine is no different in regards to our membership, which largely relies upon the combination of Federal funding and gaming dollars. For my community, the Stockbridge Munsee, our tribal government budget comes from gaming dollars, and the funding source allows for not only expansion of services for healthcare, our police department, our emergency responders, and also funding for our memberships for education and training opportunities. This is why time is of the essence for the funding from the Federal Government that will allow our tribal governments to invest in a diversified economy. Being able to plan years in advance due to stable Federal Government funding of its trust responsibilities to tribes allows tribes to engage in long-term planning and financial stability that is crucial for a successful, diversified economic project.

In 2019, I don't need to tell you the government shutdown was the longest in the United States history, and it is only the most recent example of Federal budget processes that jeopardize not only our health, safety, and well-being of our tribal citizens. Tribal nations must regularly overcome uncertainty when planning and providing services to the citizens because of the political impasses related to Federal special spending. For instance, since 1998, there has only been 1 year, in 2006, in which the Interior, Environment, and Related Agencies appropriations bills has been enacted before the beginning of the new Fiscal Year. Often, the partisan debates affecting the appropriations process has an outsized impact on the daily lives of our people, who already face under funding healthcare, education, backlogs of physical infrastructure, all of which all fall under the Federal trust responsibility.

Congress must prevent political impasses from jeopardizing the provision of adequate quality services in tribal communities, such as healthcare, law enforcement, and child welfare, by passing legislation authorizing advanced appropriations for Indian Health Services and the Bureau of Indian Affairs. And I also want to thank Chairwoman McCollum for the proposed current legislation, the Indian Programs Advanced Appropriations, which I think will play a significant role in stabilizing our government. Also, the Health Services Advanced Appropriations, which is much needed for the

appropriations of Indian Health Services and our Indian health facilities accounts.

The best way Congress, and, specifically, the community can assist in driving diversified economic development in Indian Country is by you all doing your part with the extraordinary job of finding many years and many ways to provide funding for our tribal needs, often exceeding the Administration budget. This is very much appreciated, and it is clear that you all recognize the need that we have and the trust and treaty responsibilities of the United States. Unfortunately, the pressures of the Federal discretionary budget are great and increasing, and will the impact the necessary funding we need to stabilize our tribal governments.

To illustrate the need for this, we need adequate appropriations, but, most importantly, the land-into-trust application, which can obviously be very, very cumbersome, especially as it relates to the regulations currently outlined in separate processes for on-reservation and off-reservation applications, as well as the administration appeal that can at least take two levels of administration. I feel the appropriations of this fee-to-trust process must be mandatory, specifically because the Federal Government has a trust and treaty responsibility, but also because of the time constraints that are associated with this. Ideally, it takes 1 to 2 years, but in our instance, it has taken sometimes from 9 to 10 years in most instances because of the two application fee-to-trust process, which also gives the validity of the local municipalities and townships to weigh in with the appeal process that causes pending implications to that.

So I will say this. I shared the background specifically because of the complexity of it, and also because of the multiyear process need to create consistent appropriations, not only for the purposes of the tribes, but also to ensure the staff has the necessary time and attention that is needed for the Federal Government to fulfill their obligations. We also need funding and adequate staffing of trained Federal employees at all levels of the fee-to-trust process to keep it moving smoothly and quickly. For example, we suspect the processing of fee-to-trust applications was slow at our agency because of current staffing issues or limitations to staff. We had previously two employees working now. They have been vacated and they have moved to a new region.

So with that said, I thank you very much for your time and your consideration.

[The statement of Ms. Holsey follows:]

Stockbridge-Munsee President Shannon Holsey Testimony

Good day Chair McCollum, Ranking Member Joyce and Members of the Subcommittee. My name is Shannon Holsey and I am the President of the Stockbridge-Munsee Community. It is my pleasure to be here today to present testimony on behalf of our people about the need for mandatory appropriations for the Bureau of Indian Affairs and the critically important process for taking fee land into trust status.

Most Tribal Governments provide services to their membership largely through a combination of federal funding and tribal gaming dollars. For the Stockbridge-Munsee Community 86% of our tribal government budget comes from gaming dollars. This funding source has allowed for the expansion of services to tribal members. Everything from health care, police departments and emergency responders to funding for membership education and training.

However, in Wisconsin tribal gaming has stagnated as the market has become saturated. Almost every citizen in the State of Wisconsin is within a one-hour drive time of a tribal casino. This blanketing of the market has resulted in tribal net win flat lining at 1.1 to 1.2 billion dollars from 2007 to 2018. This flat lined revenue drives competition between the tribal gaming venues as the needs of each tribe's membership must still be met and is ever increasing. The end result of this saturation and competition is increasing overhead with declining profits as each facility competes for customers.

That is why time is of the essence for stabilized funding from the federal government that will allow tribal governments to invest in a diversified economy. Being able to plan years in advance due to a stable federal government funding level of its trust responsibility to tribes, allows tribes to engage in long term planning and financing that is crucial to successful diversified economic development projects.

The 2019 government shutdown—the longest in United States history—is only the most recent example of the federal budget process jeopardizing the health, safety, and wellbeing of tribal citizens.

Tribal nations must regularly overcome uncertainty when planning and providing services to their citizens because of political impasses related to federal spending.

For instance, since FY 1998, there has only been one year (FY 2006) in which the Interior, Environment, and Related Agencies Appropriations bill has been enacted before the beginning of the new fiscal year.

The often-partisan debates affecting the appropriations process have an outsized impact on the daily lives of AI/AN people who already face underfunding of healthcare, education, and backlogs in physical infrastructure—all of which fall under the federal trust responsibility.

Congress must prevent political impasses from jeopardizing the provision of adequate, quality services in tribal communities – such as healthcare, law enforcement, and child welfare – by passing legislation authorizing advance appropriations for the Indian Health Service and Bureau of Indian Affairs.

Current Legislation:

Indian Programs Advance Appropriations Act – S. 229 & H.R. 1128: The Indian Programs Advance Appropriations Act would provide advance appropriations authority for the Indian Health Service and certain programs at the Bureau of Indian Affairs. The principal sponsors are Senator Tom Udall (D-NM) and Representative Betty McCollum (D-MN). The Senate bill has 13 Democratic co-sponsors, while the House bill has 41 bi-partisan co-sponsors.

Indian Health Service Advance Appropriations Act of 2019 – H.R. 1135 & S. 2541: Representative Don Young (R-AK) introduced the Indian Health Service Advance Appropriations Act of 2019. H.R. 1135 would provide advance appropriations for Indian Health Services and Indian Health Facilities accounts. The bill has 28 bipartisan cosponsors. Last week, Senator Murkowski (R-AK) introduced a Senate companion bill. The bill has 14 bipartisan cosponsors.

The best way Congress and specifically this committee can assist in driving diversified economic development in Indian Country is by leading a funding mechanism shift to a mandatory appropriations model. The Members of this Subcommittee have done an extraordinary job for many years in finding ways to provide more funding for tribal needs, often exceeding Administration budget request. This is very much appreciated and it is clear that you recognize that spending to meet tribal needs is a trust obligation of the United States. Unfortunately, the pressures on the federal discretionary budget are great, are increasing, and will continue to impact your ability to provide necessary funding.

What ultimately is needed is for these funding obligations to be made mandatory spending, freeing them from the uncertainties of the yearly appropriations process, sequesters, government shutdowns, and competition with other priorities. This would give tribal leaders certainty that the needs of their people would be met, and in return, we would provide the highest levels of transparency to ensure that all funding was spent appropriately. I know that many of the Members of this Subcommittee have advocated for this change, and tribal leaders are ready to assist in any way we can to achieve this goal.

To illustrate this need for adequate mandatory appropriations, my testimony is going to focus on the fee-to-trust land process. This is an especially critical issue for my Tribe. After our removal from the East coast to Wisconsin, we received a reservation that was later diminished and disestablished by federal action. A smaller reservation was reestablished for my Tribe under the Indian Reorganization Act of 1934, but the reservation is on what the federal statutes characterize as sub marginal land (25 U.S.C. §5503). This has meant that my Tribe needs to use the federal fee-to-trust land process to regain a land base that can sustain the Tribe.

As you know, the federal government has an obligation to process tribal applications to have land taken into trust under federal law (25 U.S.C. §5108; federal regulations at 25 CFR part 151). Federal regulations currently outline separate processes for on-reservation and off-reservation applications, as well as an administrative appeal process that can add at least 2 levels of administrative appeals. These regulations outline a list of factors that federal officials need to

consider when making these decisions and include an opportunity for local governments to comment on applications.

I feel that appropriations supporting the fee-to-trust process must be mandatory. The federal government has trust and treaty responsibilities to tribes in relation to having and holding tribal lands. This core responsibility requires sustained funding in order to ensure that applications continue to be processed and can be processed in a timely manner. As fee-to-trust decisions require a complicated multi-factor analysis, sustained attention is needed for the issuance of a clear and supported decision.

In the best of circumstances, the fee-to-trust land application process presently takes 1-2 years. However, if a state or local government opposes a fee-to-trust decision taking the land into trust, then an additional 7-8 years can be added to this timeframe for administrative appeals. If decisions are appealed to federal court, then they take even longer.

For example, in 2017, my Tribe had land under 2 applications complete the fee-to-trust process. These acquisitions were the result of the IBIA upholding the fee-to-trust acquisitions. One application took 9.5 years. The other application took 8.5 years. Prior to those applications, the Tribe had not had land taken into trust since 2011 and that application took 11 years to process. No land has gone into trust since the 2017 decisions. All of these applications did involve administrative appeals due to standing opposition from local governments.

At present, my Tribe has 11 fee-to-trust applications pending. There are 5 applications awaiting decision by the Interior Board of Indian Appeals. Two of these applications have been part of the fee-to-trust process for about 8 years while the other 3 applications have been in process for about 3 years. We have another 6 applications that are before our local Great Lakes Agency of the Bureau of Indian Affairs. Of these 6 applications, 2 were submitted in 2019, 1 was submitted in 2017, and 3 were remanded for a 2nd time by the BIA's Midwest Regional Office in 2019. The remanded applications have been pending since 2012 and 2013.

I share this background information to show how this complex, multi-year process needs consistent appropriations to ensure the staff time and attention necessary for the federal government to fulfill its obligations. We need adequate funding and the staffing of trained federal employees at all levels of the fee-to-trust process to keep it moving smoothly and quickly. For example, we suspect the processing of fee-to-trust applications will slow in the BIA's Great Lakes Agency due to staffing issues. They previously had 2 employees working on the applications and those positions are now vacant.

Additionally, instead of amending fee-to-trust regulations to place more obstacles to trust acquisitions, we feel that the process should be streamlined, and appeals processed more quickly. For example, why is one tribe required to submit its applications to an agency office while another is allowed to submit its applications to the regional office? The tribes who submit applications directly to the regional office are able to cut out one level of administrative appeals, which can take years off the application process.

These delays in the fee-to-trust process have real consequences for the Tribe and its members. Tribal members who live and work on the reservation are not required to pay state income taxes. However, until the land is taken into trust, these same tribal members are being taxed. Similarly, the Tribe has to pay property taxes while the land is in the trust process. The Tribe may already be providing local services like policing, fire protection, social services, and road maintenance in relation to the land, but it still has to pay property taxes as well. Delays also increase the time period when there is more potential for jurisdictional conflicts. For example, my Tribe does have state-recognized police department (Wisconsin is a Pub.L. 83-280 state, which means the state has concurrent criminal jurisdiction). However, its jurisdictional territory is reservation and trust land. While we do have a good relationship with the county sheriff and are able to have our officers are cross-deputized, this could change and limit the ability of tribal officers to respond and assist tribal members who live on land that is not yet in trust.

The impacts of policy changes are only exacerbated by the uncertainty inherent in the current funding process. While I acknowledge there will always be issues to work on with our federal partners, the trust relationship dictates that stable funding for tribal programs should not be one of them.

Switching to a mandatory appropriations funding model will allow tribes to conduct long range planning and secure the financing necessary to continue to diversify tribal economies beyond gaming thereby providing my tribal members stabilized government service levels critical to their wellbeing.

This funding model will also provide certainty for the federal government and hopefully change the narrative in Washington from cost savings and reducing government to a discuss of providing the best services and support for tribal governments that allow economic growth on the reservations across the nation. This largely rural economic development will continue to drive the nation's economy forward.

Indian Country needs to continue building support for legislation that will provide advance appropriations for tribal programs.

Urge Congress to pass legislation to ensure that tribal nations and their citizens are not impacted by government shutdowns or short-term CRs.

Ms. MCCOLLUM. Thank you. Mr. Fox.

TUESDAY, FEBRUARY 11, 2020.

MANDAN, HIDATSA, ARIKARA NATION

WITNESS

HON. FRED FOX, COUNCILMAN, MANDAN, HIDATSA, ARIKARA NATION

Mr. FOX. Good afternoon, Chair McCollum and ranking members. My name is Fred Fox. I am elected councilman on the governing body of the Tribal Business Council of the MHA Nation, serving as the representative for the White Shield segment on the three affiliated tribes of Fort Berthold Reservation. Our chairman, Mark Fox, could not travel to be here today, so he asked me to testify on his behalf and behalf of MHA Nation.

Our good news at MHA Nation has also created bad news. The MHA Nation has experienced an explosion of economic activity on our reservation in recent years from oil and gas production. That growth has brought with it an explosion of our reservation population, combined with our phenomenal growth, has completely stressed our reservation infrastructure beyond its breaking points. Years of BIA neglect of our roads, bridges, and public safety programs is now compounded by the pressure of rapid growth. We not only need to replace our old transportation facilities, we also must expand the transportation system to accommodate our growth.

The MHA Nation is in the middle of the Bakken formation with one of the most active and productive oil and gas formations in the United States. Much of our infrastructure needs to come from the pressure of the heavy equipment traffic necessary for oil and gas work. The intense congestion on our poorly-designed roadways poses an increasing threat to our reservation highway safety. In the next decade, we estimate the MHA Nation will need $3.6 billion to repair our transportation system and keep pace with our projected growth.

We need to increase Federal funding to support reservation public safety at Fort Berthold. Our tribal law enforcement officers already handle 14,000 calls each year, and our crime rate is growing as fast as our economic development. Without more funding from Federal law enforcement resources, we cannot handle the influx of unsavory characters and drug dealers that are flooding our reservation as our economy expands. We built our own drug treatment facility, but need operational funding to go along with additional funding for many more police officers, investigators, drug counselors, and equipment to support their work.

The solution is not just mere Federal money. The MHA Nation has committed much of its new resources to building our reservation and making it a safe and healthy place for our people. But our capacity to help ourselves is hobbled by the dual taxation that keeps our tribal government from realizing the fair and full benefit of all this economic development activity on our lands. The State of North Dakota taxation of our reservation resources diverts our reservation money away from solving our reservation challenges. It is long past time for the Congress to change Federal law that now

allows the State of North Dakota to place a dual tax, in addition to the tribe's own tax, on the development of energy resources within the Fort Berthold Reservation.

So long as this Federal law stands unchanged, our efforts at solving our problems will be sharply limited, and you will find our reasonable request for additional funding unbearably high. We ask you to work with other committees of Congress, including the Ways and Means Committee, to eradicate this mistake in Federal policy that permits North Dakota to impose a dual tax on tribal resource development as North Dakota piles up billions of dollars in its legacy and rainy day funds. That tribal money should be left with our tribe to spend on our reservation roads, law enforcement, healthcare, housing, and other infrastructure so critically needed by our citizens.

If the subcommittee invests now in additional Federal funding and simultaneously compels the Congress to end dual taxation, our MHA Nation will be able to make our reservation a safer place to live. It will also significantly reduce our need to keep coming back to you for more Federal funding in the future. Thank you for this opportunity to testify.

[The statement of Mr. Fox follows:]



MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes * Fort Berthold Indian Reservation

Mark N. Fox
Office of the Chairman

U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
February 11, 2020

Good morning Chairwoman McCollum and Members of the Subcommittee. Thank you for the opportunity to testify on the appropriations priorities of the Mandan Hidatsa and Arikara Nation (MHA Nation). My name is Mark Fox. I am the elected chairperson of the MHA Nation's Tribal Business Council. Accompanying me today is Fred Fox, a member of our Tribal Business Council. Our testimony for FY 2021 is focused on the Federal programs supporting Indian infrastructure, tribal law enforcement, and health services within the Bureau of Indian Affairs and the Indian Health Service.

Each year I along with members of other Tribes speak to you about the need for additional funding and increased budgets. Each year we receive incremental changes in funding and the problems discussed continue to persist. For this reason, I ask this Subcommittee to consider making dynamic and substantial increases in funding. Applying the same old incremental funding bandages will not solve the issues facing Tribes today. Should you provide those same incremental increases the problems will not be solved and Tribes will be back in another 12 months requesting dynamic funding changes.

The problems facing the MHA Nation and other Tribes are difficult and the causes are varied. Federal funds are an important factor in resolving these issues and in assisting Tribes in applying innovate solutions to these centuries' old problems.

Increased Federal Funds Needed To Support Critical Reservation Infrastructure

The Fort Berthold Indian Reservation requires a significant increase in the federal funds to support critical infrastructure. In the next decade the Tribe estimates that we will need more than 3.6 Billion to maintain our physical infrastructure, develop additional infrastructure, and keep up with growth on the Reservation. The MHA Nation is in the middle of the Bakken Formation which is one of the most active and productive oil and gas formations in the United States. Energy development brought new economic opportunities to our Reservation, but it is also overwhelming our transportation infrastructure, straining our law enforcement capabilities, and forcing substantial investments in community infrastructure. Much of the infrastructure and services discussed today are federal responsibilities To meet the federal trust responsibility and honor the treaties signed with the MHA Nation this subcommittee must substantially increase funding for critical infrastructure and services of the Tribe.

The strain on our existing infrastructure and resources is twofold. The development of our natural resources is both labor and equipment intensive. The Tribe has seen an explosion in population and heavy equipment traffic. The increased population and the increased heavy

equipment traffic places a great strain on existing structure and necessitates new and expanded infrastructure. The funding currently provided places the Tribe in a difficult situation. The Tribe lacks the ability to both maintain its existing infrastructure and provide new infrastructure necessary to support a growing residential, commercial, and industrial population.

Road construction and maintenance of existing roads is a vital part of providing safe communities and supporting economic growth. This year alone the Tribe will require 1.6 Billion for road construction and maintenance. The traffic created by the oil and gas industries place a heavy strain on our existing roads. The maintenance of our existing roads will require 685 million. In order to reduce the strain on existing roads and to make travel safer within the Reservation new roads must be built. The current plan of the MHA Nation for road construction requires 825 million. These roads will spread out oil and gas traffic and provide them more efficient routes. Our current roads are heavily congested due to a lack of available routes. As a result, the roads within the Reservation can be dangerous.

The population explosion has greatly strained our ability to provide law enforcement services. To create and provide effective law enforcement services requires additional funding to both the Tribe and the Office of Justice Services for the Bureau of Indian Affairs. Without a dynamic increase both the Office of Justice Services and the Tribe will continue to fall behind in providing law enforcement services to the residents of the Reservation.

Our law enforcement officers handle over 14,000 calls each year. However, this number rises exponentially each year and a larger strain is placed on our dwindling resources. A minimum of $100 million for the Tribe alone is necessary to keep up with our growing population. The Tribe's law enforcement departments are understaffed and in dire need of expansion. The population growth has brought with it unsavory characters and an increased drug trade. To combat the drug trade the Tribe has established its own Drug Enforcement Agency. However, to continue to effectively combat the drug trade while providing standard law enforcement services the Tribe must see an increase in funding beyond what it has previously received. That funding will be put toward new law enforcement officers, necessary equipment and training, and expanding our law enforcement infrastructure.

To help reduce the long-term costs of law enforcement funding for drug treatment is a necessity. The Tribe has constructed its own drug treatment facility. However, it requires operational funds to provide counselors, equipment, and other staff. Approximately 5.25 million would fund the drug treatment center and allow the Tribe to focus existing funds on other law enforcement priorities.

The Office of Justice Services is an important law enforcement partner for the Tribe in investigating federal crimes, assisting in law enforcement procedures, and providing training to our law enforcement officers. OJS has been severely underfunded and its lack of funding is felt on the Reservation. Over the past year the Tribe has either been without an OJS investigator or has been provided an undertrained and poorly supervised investigator. The lack of a proper OJS investigator has resulted in crimes going unpunished, criminals avoiding prosecution, and a general loss of confidence in tribal law enforcement services. The OJS is divided into districts and our Reservation is located in District I. While an increase in funding for all of the OJS is necessary

a large increase for District I would serve the people of our Reservation effectively. Putting funds directly into the hands of District I would allow for better training of our officers, the employment of a proper OJS investigator, and the hiring of additional OJS staff to support our officers.

The growing population of the Reservation must also be housed and the Tribe struggles to meet the ever-expanding housing needs. 1.17 billion will be required between now and 2030 for the construction of new homes and replacement of existing housing stock. New housing will require approximately 76 million to develop and construct rural water infrastructure. Homelessness and overcrowding are significant issues on the Reservation. Studies have shown that children who have stable housing perform better in all aspects of school and personal development. An investment in housing by this subcommittee will see significant returns on investment in the near and long term future. Stable housing helps reduce crime and illiteracy while increasing the economic outlook for individual residents.

Finally, as the Federal government continues to allow the Tribe to take on more regulatory authority within our borders, we require more funds to competently execute those responsibilities. The MHA Nation is proud to take on these new responsibilities as part of our commitment to sovereignty. However, federal proposals placing more responsibilities on the Tribe often lack the funds necessary to allow the Tribe to hire and train staff. In order to oversee just the oil and gas development on the Reservation we will require 20 million this year and anticipate needing 234 million over the next 10 years. These funds will be put toward the hiring and training of staff along with supporting existing regulatory offices.

State Dual Taxation Harms And Decreases Tribal Budgets

If this body were looking for a way to instantly increase the budgets of Tribe and make more effective the federal dollars provided it should look at the issue of double taxation. State taxation of Reservation resources serves to lessen the impact of federal dollars and drains the coffers of the Tribe. Addressing this issue is a sure-fire way to make a massive impact not just for the MHA Nation but for Tribes across the nation.

Under current federal law the State of North Dakota is allowed to place a tax on the development of energy resources within the Fort Berthold Reservation. The Tribe imposes its own set of taxes on energy development as well. Dual taxation is the death knell for economic growth and as a result the Tribe entered into a taxation agreement with the State of North Dakota regarding energy development taxation. Similarly structured agreements in the past have taken more than 1 billion dollars off the Reservation. As the Tribe is forced to ask for more federal dollars the State of North Dakota maintains a 4-billion-dollar rainy day fund due in large part to the oil and gas taxes taken from the Tribe.

The money that leaves the Reservation could be spent on roads, homes, law enforcement, and other critical infrastructure or services. Amending the Indian mineral leasing laws to make clear Congress' intent that tribes retain the full value of their energy resources would stop dual taxation. Without such an amendment the federal dollars necessary to support demands on tribal infrastructure will continue to grow.

Simple solutions to increase tribal budgets are rare. However, amending the laws regarding Indian minerals would see an increase to tribal budgets immediately and without the federal government having to expend its own funds. Allowing Tribe's to realize the full benefits of their natural resources supports tribal economies and recognizes the sovereignty of the Indian tribes.

Indian Health Service Funding Must Go Beyond Inflation And Instead Funding Actual Need

The health of citizens is a high priority for all governments but especially for the MHA Nation. A healthy citizenry places less burdens on the tax revenues and budgets of a government. To meet this goal the MHA Nation operates four field clinics and one large primary health facility called the Elbowoods Memorial Health Center. The Tribe also operates a dental facility along with a diabetes wellness center.

The facilities of the Tribe continue to be chronically underfunded. Funding, as you well know, is based upon estimates of the Office of Management and Budget. OMB has incorrectly assumed that historic funding levels were adequate. Those funding levels were inadequate and as a result Tribes have continued to fall further and further behind in funding. The small increase in funding each year barely cover inflation and certainly do nothing to solve the long-term chronic underfunding.

The Fort Berthold Reservation is geographically remote. For many members they lack either the time or resources to seek off Reservation health services. For this reason, the services provided on the Reservation can be the difference between life and death. If the trend of stagnate funding continues it will be the residents of the Reservation who will suffer.

Rising health care costs, both for individual citizens and for the tribal government, represent a real and ongoing threat to the health of the MHA Nation. Part of combatting the rising cost of health care is a focus on preventative medicine. TO that end, this subcommittee should increase funding for programs which provide low or no cost preventative healthcare.

As a result of chronic underfunding the Tribe is forced to divert funds from other projects, priorities, and budgets to simply maintain basic health services. These diversions only exacerbate the problems I have presented to you earlier. The Tribe should not be forced to choose between the health of citizens and maintaining its existing infrastructure. In effect, the Tribe is forced to choose between the health of its citizens and the long-term safety of its citizen. Real and substantial increases in funding based on realistic need is necessary. Without such changes the Tribe will continue to fall behind and be forced to make impossible choices.

Thank you for your consideration. We recognize that this Subcommittee is pulled in many different directions and are faced with a multitude of issues. However, this Subcommittee can see a substantial return on its investment by increasing funding to Tribes. The needs of the Tribe are basic, and each dollar spent will have an outsized impact on tribal populations. Providing for expanded roads, law enforcement, and health services will not only make the Reservation a safer place to live it will significantly reduce the need for future federal dollars.

Ms. MCCOLLUM. Thank you. Mr. Stewart.

Mr. STEWART. Thank you, Madam Chairwoman, and for all of you, thank you for being here. It is, I think, a great panel. You bring up different issues, and many of the others have, at least in the time I have been able to be here. And, Mr. Fox, I am going to say something very quickly to you, then you will forgive me, Mr. Chapoose, I want to spend the primary amount of my time with you both of us coming from Utah and the Ute Tribe.

Tell me, you know, you sit on, as you said, one of the largest oil fields in the United States. You talked about this has been a good thing, but a bad thing that has brought its challenges. On the whole, has this been good for you, and what has it meant to the tribes? You know, you talked about some of the challenges, but what has it meant in a positive fashion as well

Mr. FOX. The positive fashion is not only have we, you know, have increased, I guess, activity and crime and road damage, you know, to our Federal roads, we have also had really good resources put into education. We have built several new schools on our reservation. Our reservation had schools built back in 1957 and 1958 when we were flooded by the Pick-Sloan Act. And our schools were probably 60 to 70 years old at the time, and so most of our communities have had the opportunity to have new schools in——

Mr. STEWART. Do you have trouble recruiting teachers and staffing your schools?

Mr. FOX. That is one of the bigger problems because a lot of the teachers would like school housing, and we are not able to offer that housing to give them. But we are slowly getting, you know, ahead on the game trying to provide that housing, but, you know, it is a long time coming, so.

Mr. STEWART. Yeah. Yeah. Shaun, if I could, you said something about dialysis, for example. You talked about some of the medical needs.

Mr. CHAPOOSE. Yes.

Mr. STEWART. And I think you said it is $43,000 a month per person? Is that true?

Mr. CHAPOOSE. Per person, yes.

Mr. STEWART. If you were to provide your own facilities, what do you think it would cost you then? How much could you save by doing what you guys would hope to do that in?

Mr. CHAPOOSE. Well, I don't think you are going to save nothing. It is just that Federal dollars right now that normally would be infused to help the tribe itself, they are being spent off reservation. So with our tribe, in particular, you know, we are in a position where we are going to commit our own dollars to build this facility.

Mr. STEWART. Yeah.

Mr. CHAPOOSE. But if you don't fund the Federal side of it, it is kind of like you have got the greatest building in the world, but you have no way of operating it, right?

Mr. STEWART. Yeah.

Mr. CHAPOOSE. And that kind of goes along with, you know, like I stated before, we built a justice center, you know, a $38 million justice center, state of the art. But it still requires——

Mr. STEWART. And you did that facility with your own internal dollars.

Mr. CHAPOOSE. Yes, we have always because, you know, we understand the need and, you know, our tribe, we are fortunate, you know. We are an oil and gas tribe.

Mr. STEWART. Yeah.

Mr. CHAPOOSE. But we have also realized that, you know, sometimes we are not going to get that assistance from the Federal Government, so we have an obligation as tribal leaders to use our resources. And so we do that with the understanding that, you know, we are going to come back here to the Federal level, and they are going to help at least provide staff for the agreement they made with us. But when it comes down to it, what happens is usually them funds are cut first. They take them off.

Mr. STEWART. Yeah.

Mr. CHAPOOSE. So we are committing our own dollars to fulfill the obligation that we created when we ceded our lands and stuff, and it is frustrating, but at the same time, we know it is important. But we rely on you guys at this level, you know, to remind them that tribes are putting forth the effort, you know, and you have your responsibility on your side to at least provide them services and quit cutting them.

Mr. STEWART. Yeah. I appreciate that, and I want to clarify one thing. In this facility, you showed us a map. Did you have some dialysis rooms in that building?

Mr. CHAPOOSE. Yeah, this particular one actually goes beyond just the dialysis center. It is an elder facility and a dialysis center.

Mr. STEWART. Yeah.

Mr. CHAPOOSE. And so when we do it, because, you know, when you start spending them type of dollars, you know, addressing one need doesn't solve your problem, so when you have the opportunity, you attempt to, you know, capture all of it. And what you will find is most of the dialysis patients happen to be the elderly people on the reservation.

Mr. STEWART. Sure.

Mr. CHAPOOSE. And I think this is a real important discussion is, the healthcare system isn't designed to actually keep them healthy. It is designed to keep them alive, if you want to be truthful.

Mr. STEWART. Yeah.

Mr. CHAPOOSE. And so a lot of the diabetes that we are starting to encounter on reservations is due to the inadequate health service itself.

Mr. STEWART. Yeah.

Mr. CHAPOOSE. So we are trying to address the elder population as well as the diabetes and other programs in that one facility.

Mr. STEWART. And let me do one more very quickly if I could, and I think it mostly concerns some tribes in southern Utah, but it may be some of your band as well, and I don't know the answer, and maybe you can help me understand that. But in southern Utah, we had EMS services, helicopter services, that were, you know, providing rescue and emergency evacuation to the tribal territories. But, I mean, my gosh, it was a long way to go, and, in some cases, the only way they could get someone who was an emergency and just didn't have time to go over the roads and others. And they have had to cut back just because, as I think you prob-

ably know, some of the reimbursement rates just weren't sufficient for them, and that was, again, through BIA. Have you experienced those same problems? I think in northern Utah, you probably haven't, but I just want to confirm that hasn't been a thing for you.

Mr. CHAPOOSE. I don't think we have the same problem because you are talking more like the Navajo Nation down in that rural are where, you know, they are still running——

Mr. STEWART. In the Four Corners area.

Mr. CHAPOOSE. Yeah, they still have got the unimproved road system.

Mr. STEWART. Yeah.

Mr. CHAPOOSE. But we feel the same impacts, not the same way they do. But the simple fact is the cost associated with providing service has not kept up with the economics of the service. And so what happens is they have limited dollars, and so they kind of pick and choose what meets the criteria under the pot of money they have, so somebody gets lost in the cracks. And then when you expend dollars, like if our tribe was to put money out, then we have to fight tooth and nail to actually recover what we have put out. So, you know, it is interesting how you are still operating or trying to provide a service, but cutting the dollars that provide it and not taking into account the costs associated with it, so.

Mr. STEWART. Yeah. All right. Thank you. I yield back, Madam Chair.

Ms. MCCOLLUM. I have got a couple of different ones. Could I ask both you and Mr. Fox about the Administration's proposed removal of the Division of Energy and Mineral Development, to put it under the BIA? I should assume that you were consulted on that. You are shaking your head no. I mean, obviously you know why it is not going to work, and you are supposed to be consulted.

Mr. CHAPOOSE. Well, I will go first. The consultation we received was we went to a listening session yesterday.

Ms. MCCOLLUM. Oh, yesterday.

Mr. CHAPOOSE. Yeah, actually the first word I heard about it was yesterday. I was at the NCI thing, so there was a listening session. Well, you know as well as me, listening sessions aren't consultation. So they proposed it. They had their great plan in front of us, and then they proceeded to tell us, but by the way, we have all these scheduled consultations in various locations, and if you really feel the need, you need to attend them here. Well, the dilemma with that is Indian Country is big. We all know this, right? And like a consultation location, the cost for me to attend that and then get in a room where you have got everybody in the room, the chances of actually getting something forward, it don't go nowhere.

And so we constantly stress this, that true consultation from the agencies needs to occur at the tribal level. They need to go to each tribe, you know, because we are not the same. We have different, you know, issues and stuff. But they really need to take the time to go to the tribes themselves and have true and formal consultation. But the only thing, like I stated, was I went to the meeting, and the way they peddled it to me was more or less it was a done deal. We were just there for the show, so.

Ms. MCCOLLUM. Okay. Mr. Fox.

Mr. FOX. That office, the Office of Energy, I guess it was one of our main offices for having a petroleum engineer. And when we have petroleum engineers inside that office, it gives us access to many, you know, maps. And I guess their views on our reservation on development, and where it is going, and how they can give us their expert opinions, and giving, you know, that resource that is much needed in Indian Country, is we don't have that availability to hire petroleum engineers and all these staffing on our reservation. And not every petroleum engineer is going to say, hey, I want to work in Fort Berthold. I want to work where——

Ms. MCCOLLUM. Right.

Mr. FOX [continuing]. You know, there is no housing. So it is tough for us when we are losing, you know, an office with petroleum engineers and other technical staff, and then put it under the Bureau of Indian Affairs where it gets pretty much, you know, swept under the rug. And a lot of times, you know, it is a major office that we are losing, and with the reservation with 1,700 wells that were developed in the last 5 years, it is a major, major hit to us.

Ms. MCCOLLUM. I wish I could say it is surprising, but it is not. We went through this with the Department of Interior reorganization. I am sure you were not consulted on what is happening now with BLM with their relocation. And this committee has made it very, very clear to the Administration when they are here, they are to follow the law, which is consultation. Recently they figured out just, they just do it. They just move things on their own and move money around on their own, and we are trying to put a stop to that because we want the law to be followed. And when we appropriate money in certain accounts, especially in Indian Country, we expect that that is where it is going to go after hearing from their testimony. So thank you for that, and as I had mentioned earlier, one of the reasons why I like doing this at this time early is so that when the Administration is before us and defending the President's budget, we can pass on your questions, concerns, and comments.

Mr. Norris, I wanted to ask you, it appears to me you have got a real good handle on how much it is costing you to supplement. You are supplementing what Customs and Border Patrol is not doing. It wouldn't be a good thing for the tribe if you stopped it from not happening, but if you weren't there doing it, Customs and Border Patrol would have to do it, would they not?

Mr. NORRIS. Well, I would expect——

Ms. MCCOLLUM. I mean, if you were to say to them we are going to give you access to BNLI to carry out your mission, but we are not going to do it, you know. I am trying to figure out how to get the funding back to you because you shouldn't be supplanting Federal U.S. Customs and Border. It should be transferred back, and Congress has kind of talked about it doing it, but it appears it is not happening, a 30-year police force, the roads, other things like that. So you have got a pretty good handle on the accounting on that?

Mr. NORRIS. Yes, we do, and at least for law enforcement, we are, like I said, spending about a third of the law enforcement budget, which is about $1.6 million annually. The autopsies that we are having to deal with are about $2,600 per autopsy, and there could

be a variety of autopsies in one particular month. You would expect that, we would expect that, the Border Patrol would assume a lot of that responsibility. My experience has been, and I have worked for my nation for over 40 years now, and this is my third term as tribal chairman dealing with this. And it is sort of like if they don't have a physical body, a live body, to deal with, or if they have got migrants that are needing medical attention, they basically take them to the Indian Health Service hospital and basically leave them there. And then we are obligated to provide the medical care attention to those migrants.

As far as the autopsies, you know, if they have got a deceased migrant out there that they have recovered the body on, they don't assume any of that responsibility. And many times, it is important to put some closure to whether it was a medical issue, whether it was an exposure issue, or whatever the cause of death was. And so many times, if not always, those debts are turned over to the nation's responsibility.

Ms. MCCOLLUM. Well, you have given me food for thought. I want to find out if the border States, in fact, are beginning to reimburse back, or if the States are absorbing the costs, because if, and I don't know this. I don't serve on that committee. They are right next to door to us. I am going to find out. If the States are reimbursed, if they are reimbursed, you certainly as a tribal nation under sovereignty, you should be reimbursed.

Mr. NORRIS. And the whole issue with regards to the roads, the road conditions, I mean, the Border Patrol has increased significantly on our tribal reservation, and there are pros and cons about that.

Ms. MCCOLLUM. Right.

Mr. NORRIS. You have got members that accept it and those that haven't. But for the most part, they are the primary user of our BIA roads, and they wear and tear the roads more so than our own tribal members. And so part of the question was a legal question because we were trying to do what we could do to work with the Border Patrol to try and fill potholes, to try and do some maintenance on the roads. And many times the Bureau would come back and say, well, you are creating a liability for us, for the Bureau because this a Federal Indian reservation road. And if we as a tribal entity try to do some maintenance, it is creating the liability.

But we have always known that they are not going to have the resources necessary. So even if we try to work out, and we have in the past, an arrangement with the Border Patrol where maybe the nation's community would buy the asphalt, and the Border Patrol agrees to fill the potholes, that is still a liability that is created. And so it is kind of a catch 21. We are danged if we do, and we are danged if we don't.

Ms. MCCOLLUM. Mm-hmm.

Mr.NORRIS. And so one of the ways was when the language was put in the Fiscal Year 2018 budget, which basically allowed for the Border Patrol and the BIA to receive some of those fundings to help maintain the roads, that has helped out quite a bit. But the problem is much more significant. We are only addressing one road, one Federal route at this point. We got 735 miles of Federal BIA roads. And I would say that the majority of those roads are

being traveled and used by the Border Patrol themselves, which damage the road and create this problem for us.

Mr. STEWART. Would the chairwoman yield for a moment?

Ms. MCCOLLUM. Yeah.

Mr. STEWART. I agree with her contention on this reimbursement. I am wondering, have you requested reimbursement, and what has been the response?

Mr. NORRIS. We have raised the concern. We have spoke before different committees, we have spoke before our congressional delegation, and we just haven't gotten anywhere until the Fiscal Year 2018, which helps a little bit.

Mr. STEWART. Yeah.

Ms. MCCOLLUM. Mm-hmm. Anything you want to add?

Ms. HOLSEY. No, and I appreciate the fortitude of this committee and the members. Thank you for joining us this morning at NCAI. We understand the good work that you are doing, so whatever we can do. I appreciated the questions you asked about quantification because it is the economics of things oftentimes, and so the questions you asked the panel with regards to that is very helpful. So whatever we can do to quantify or extrapolate that information is very helpful for us, too.

Ms. MCCOLLUM. Mr. Amodei.

Mr. AMODEI. Thank you, Madam Chair. President Holsey, you were talking about from trust to fee and all that, so that is something that the folks in my neck of the woods have had a problem with, with real estate.

Ms. HOLSEY. Right.

Mr. AMODEI. And the problem that they have had is it is, like, okay, you have paid, you know, your deal off, and so you are waiting for it to be conveyed.

Ms. HOLSEY. Right.

Mr. AMODEI. And you are waiting.

Ms. HOLSEY. And waiting.

Mr. AMODEI. And you are waiting, and it is like, well, it is your property supposedly, but I can't go get a loan on it if the title is not in my name.

Ms. HOLSEY. Right.

Mr. AMODEI. And so my question is, if anybody can pipe up here, but I want to start with you since some of this is about land, is, I mean, we have had lag times from 5 to 10 years, and this is a simple lot.

Ms. HOLSEY. Right.

Mr. AMODEI. This is not large amounts, casinos, anything else like that. It is just, hey, I now own a piece of ground that I can build a home on.

Ms. HOLSEY. Right. Well, it creates an infrastructure problem because of that delay or delayed response to that because it is the multifaceted, multi-analysis of putting fee to trust. So with that said, you continue to pay the taxes on that land until it becomes trust. So there is still the economics of it, so——

Mr. AMODEI. So what is your time frame, though, in your——

Ms. HOLSEY. Ours on average is 10 years because we have the local municipalities that oppose and appeal, so there is an appellate process that continues on for years. And then, of course, you

know, when you have vulnerability within the agency because there is either lack of staff to do it, to process it, or they have moved.

Mr. AMODEI. So when you say "the agency," so my people go through Phoenix and Albuquerque.

Ms. HOLSEY. Our regional office is in Ashland, but then, you know, but——

Mr. AMODEI. So it is not different in that neck of the woods than it is in mine.

Ms. HOLSEY. No, but they have just shifted. There has been a significant shift of the staff. For example, we had a regional agent. She is a tribal member named Kim Bouchard. She was with our agency since she started. Now they have moved her to the national region. But I am under the auspice that perhaps it is intentional because then it creates more chaos. It takes more time, and there is not the continuation that once existed or the relationship working with your agency partners in order to facilitate that, because, you know, in the rulemaking process, they have that ability to appeal, you know. And we keep telling them we are not subsovereigns to the State or a local municipality. We are sovereigns, so there is always that issue or challenge associated with it.

So you are talking about, you know, you can't really make any plans because you figure if it is 10 years, I can't create or deem it for agricultural purposes, for economic development, or anything else because——

Mr. AMODEI. You paid for it, but you don't own it of record.

Ms. HOLSEY. Absolutely. Absolutely.

Mr. AMODEI. So is it fair to say that you are experiencing the same problem in your region or whatever?

Ms. HOLSEY. It depends. There are some tribes, based on the municipality or the county they live in——

Mr. AMODEI. They do their own?

Ms. HOLSEY. Yeah.

Mr. AMODEI. Yeah. There are some in southern California. How about the rest of you chairmen here?

Mr. NORRIS. I would just like to comment that we are not in a predicament right now that has been described. But I can share with you that even under mandatory acquisitions where you have got a settlement, a mandatory settlement, and the language is that you shall take the land into trust, even in our first settlement acquisition of land, that process where the language was "you shall the land into trust, and it shall be deemed a Federal Indian reservation for all intended purposes." Our first acquisition under our settlement law took 10 years, even though it was a mandatory acquisition.

Mr. AMODEI. Okay.

Mr. NORRIS. So, you know, I am not sure why it took so long for that first acquisition to take place, but that was our experience.

Mr. AMODEI. Yes, Chairman.

Mr. CHAPOOSE. We have been dealing with the land-into-trust issue forever, and it does take forever. I mean, children are born before it happens, right? And what happens is for like our tribe, for instance, you know, a large tribe, we have a mineral ownership below. We purchase the surface. So you are trying to consolidate.

You are trying to make yourself whole, right? And in Utah, what you always got to remember is you got jurisdictional issues that are created over ownerships. So you are trying to consolidate land to define boundaries so that we have law enforcement and stuff. But because the land-into-trust process is so cumbersome, it just takes one person out of the blue to throw a wrench into gear. And then tribes who are limited on resources to begin with, right, I mean, some of them are spending a lot of money to acquire these acreages because they are in critical locations.

And so our experience has been it is a mess, right, and it was always written into law, you know, in 1934 actually, you know, the land-into-trust policy existed. And we are one of them tribes that was part of that, so you are thinking, well, you got a clear route, but it does not exist, and you just run into roadblock after roadblock.

Mr. AMODEI. And I appreciate——

Ms. MCCOLLUM. Mr. Amodei, I will let Mr. Kilmer question before we leave.

Mr. AMODEI. Just one real quick. When you referred to the briefing you got about oil and gas, who was briefing you?

Mr. CHAPOOSE. Actually it was some people from, I think it was the EMD-side.

Mr. AMODEI. Of Interior?

Mr. CHAPOOSE. Yeah, and I think what is funny is because I think people forgot, when that was introduced, our tribe was one of the pivotal writers to try to create this quick permitting system.

Ms. MCCOLLUM. Right, I remember.

Mr. CHAPOOSE. So we figured this all out, and now they are reinventing the wheel, and then we will wind up going back. And then to move archives and the technology that he is talking about, you know, all you are doing is delaying the process even more, so.

Ms. MCCOLLUM. Mm-hmm.

Mr. AMODEI. Thank you.

Ms. MCCOLLUM. Yeah, I agree. Mr. Kilmer.

Mr. KILMER. Thank you.

Ms. MCCOLLUM. Okay. Well, the hearing stands adjourned until the call of the chair after the last votes. Oh, I am sorry, recess. That is right. We are not adjourned. We are in recess until the last vote and the chair comes back. Thank you.

[Whereupon, at 1:45 p.m., the committee recessed subject to the call of the chair.]

Ms. PINGREE [presiding]. We will come to order, and we will start with our second panel for the afternoon. Welcome. Thank you all for waiting. I know we are a little delayed because we had votes, so we will try to get going and keep moving. And we are not going to going to introduce anybody this afternoon. We will just have you go ahead and start, and give us your testimony, and talk about yourselves, and that will save a little time from me talking about all of you. You can talk about all of you.

TUESDAY, FEBRUARY 11, 2020.

FOND DU LACK BAND OF LAKE OWGIBWE TRIBE OF LAKE SUPERIOR INDIANS

WITNESS

HON. KEVIN DUPUIS, FOND DU LACK BAND OF LAKE OWGIBWE TRIBE OF LAKE SUPERIOR INDIANS

Mr. DUPUIS. [Speaking native language.] Hello, everybody. Thank you for this opportunity. In our language, we are always taught to speak in our language when we introduce ourselves, and I believe that everybody has what Fond du Lac has sent in. So I am not going to talk what is on the paper because I think everybody has the time to read that and review that. I want to talk about the real issues that are there, not just the things that are on paper.

First I want to talk about CWD, chronic wasting disease. It has severely affected the State of Wisconsin, all over Wisconsin. It is moving into Minnesota now, which that definitely affects our 1854 ceded territory. Minnesota is broken up into ceded territory all the way across the State, the 1854, the 1855, and the 37 which goes into Wisconsin.

We have spent a lot of money to deal with our issues within our natural resource department. This is another pot of money that we are going to have to spend to maintain testing, to do testing, to find a way to get rid of the carcass of these animals. But, most importantly, I want to address this issue. If this were beef cattle, chickens, turkeys, or whatever it would be, Federal law says you have to wipe out the entire population. So I am asking why an individual farmer who owns a deer farm or elk farm in CWD, it is found in that, why are they not wiping out that entire population? It is affecting our way of life, and we here as tribal leaders raise our hand to our people and make a vow to our people. And we can't protect our people if the United States government is going to allow double standards on issues in this manner, which it affects everybody.

The question was we didn't know what CWD really was. We brought in the experts. They sat down with us and told us what CWD is. And for the ones who don't know what, take an understanding of a parvo that affects dogs, right? It is a disease that stays down dormant in the ground up to 7 years. Same thing with same thing with CWD.

It is our way of life. If we can't eat the animals the Creator gave to us, then we cease to become who we are as human beings, as Anishinaabemowin. This has to be addressed. It has to be looked at on the other side of it. There has to be regulations put into place. Who is going to take care of this, and why are these independent farms are not wiped out completely? If you have a disease that we don't know how it affects humans, or if you end up with infections because the only way they can test it when the animals dead, that is a serious issue.

We don't know about the birds of prey and the other animals that feed on these dead animals and travel throughout our communities and through the ceded territory. I was a trapper since I was

5 years old. I can't trap him anymore. I can, but you are worried about it because you don't understand what this is.

We are giving the deer and other animals to eat from the Creator, and if we can't eat these animals, it is like rice. If we can't eat the rice, one of my arms leaves. If we can't eat the animals, the other arm leaves. If we can't drink the water, one of my legs leave. If we can't take the stuff that grows in the woods that the Creator gives us, my other leg leaves. I cease to exist as a human being. And these are very, very important things that exist within us right now.

It is a big concern that we have. I can't speak for another band or tribe, but it is a concern, and it is a concern in a manner that we ask why CDC is involved. The question and the answer was if this would be a beef cattle farm, if this would be a turkey farm, if this would be chickens or whatever it is, domesticated that they sell in a store, CDC would be involved. But since they don't sell these animals in stores, the CDC isn't involved.

Well, there is a trust obligation from the Secretary of Interior down within the structure of the United States government. My question is, where is the Secretary of Interior to ensure that our treaty rights are being upheld? This directly affects the ones who have treaties and established treaties with the United States government. And the ones who have that ability and that right to hunt fish and gather as they choose, this is affecting in that manner to all of us, and it is a big concern for Fond du Lac and the Minnesota Chippewa Tribe.

So the six collective bands that belong to the Minnesota Chippewa Tribe, and Fond du Lac is one of them, and I believe all the way to Michigan actually, we have that right to hunt fish and gather all the way to Michigan. And I am in fear that if it gets to a point where I think it is going, we are not going to be able to eat the deer. And when my family is hungry or another family is hungry, I can't go get them an animal because they are not able to eat it.

One of the other things I want to talk about in simplicity is the Clean Water Act. In Minnesota, everyone understands what the Federal allowed is, 10 parts per million. It is not being exercised in the State of Minnesota, and there are always ways that people are trying to change this regulation. It is simple. If I can't drink the water, nobody can drink the water. If I can't eat the fish, nobody else can eat the fish. How hard is that to understand, and why we are having so many problems to get in this fix and get in the order the way it is supposed to be?

Whereas tribal leaders come and we talk, and we write things down, or we have attorneys write things down, and the same thing comes over and over, I am here today to just talk to one simple thing. If it is that simple, and it is, why hasn't it changed? If you can't drink the water, I can't. If you can't eat the fish, I can't. So why is this so hard to understand that we are all human beings. We have a right to eat. We have the right to drink fresh water, and we have the right to breathe clean air.

Again, sorry. Megwitch.

[The statement of Mr. DuPuis follows:]

TESTIMONY CONCERNING FISCAL YEAR 2021 APPROPRIATIONS
FOR THE BIA, BIE, EPA and IHS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KEVIN R. DUPUIS, SR., CHAIRMAN
BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FEBURARY 11, 2020

Chairwoman McCollum, Ranking Member Joyce, and respected members of the Committee, I am Kevin Dupuis, the Chairman of the Fond du Lac Band of Lake Superior Chippewa. On behalf of the Fond du Lac Band of Lake Superior Chippewa, I would like to thank you for inviting me to testify on FY 2021 appropriations for Indian programs funded through the Interior Department, Indian Health Service, and Environmental Protection Agency. We submit this testimony to urge Congress to increase, or, at the very least preserve, the federal funding levels for Indian programs that are provided through these federal agencies.

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that face communities nationwide are far more severe for Indian communities, with tribes having far fewer resources to address problems like drug and alcohol abuse, domestic violence, public safety, and homelessness.

The Fond du Lac Band has worked, and will continue to work, to find solutions for problems of this kind. With seed money from federal funds, we have implemented innovative programs and measures to provide health, education, social services, public safety and other governmental services to our 4,200 members and the more than 7,300 Indian people who live on and near our Reservation. For example, Fond du Lac built the first-of-its-kind supportive housing programs in Indian country, and the first such supportive housing for Veterans. We have undertaken to implement best practices in health care, using a range of programs and services to aid our people. In so doing, we have found that an important element to the success of these programs is building on our traditional cultural practices. Because of the importance of these practices, we are active in natural resource management and environmental protection so our water is safe to drink, fish are safe to eat, wild rice re-generates, game is plentiful, and natural resources remain available for cultural and religious practices that are central to our identity.

We are proud of what we have accomplished, but more remains to be done. The investment of federal funds is key to that effort. It allows us to use Band resources and attract private partners so we can provide jobs, grow the local economy, educate our children, prevent crime, and care for our elders and infirm. We urge Congress to continue to fund these programs.

BIA: Trust-Natural Resources Management.

There is nothing more important than preserving and protecting the territories and resources that our ancestors reserved for my people when they signed our Treaties with the United States. The Fond du Lac Band is committed to the management, conservation, and sustainability of the natural resources of the Fond du Lac Reservation and within our treaty protected areas.

The Fond du Lac Reservation consists of 101,153 acres, including forests, lakes and rivers that must be managed and protected for the current and future generations. In addition, the Fond du Lac Band retains hunting, fishing, and gathering rights in the 1837, 1842, and 1854 "Ceded Territories" which covers portions of Upper Michigan, Northern Wisconsin, and North Central Minnesota. The resources and challenges across the region are diverse and complex, from species restoration and reintroduction to adaptation to climate change. But, these resources are the foundation of who we are as a people and in fact who we are as a Nation. If we do not strive to preserve and protect these resources for future generations, we will lose a part of who the creator made us and we will be failing our children and our children's children.

Natural resource management is vital in Indian country where the basic subsistence needs of many Indian people—especially those living in poverty—depend on natural resources. This is certainly true at Fond du Lac. By Treaties in 1837, 1842 and 1854, the United States acquired our aboriginal territory, but, to ensure that we could sustain ourselves, expressly promised that we retained rights to hunt, fish and gather natural resources within and outside our Reservation. Our members depend on and exercise these treaty-protected rights to put food on the table and for ceremonial practices that serve as the foundation for our culture. Full funding for Trust-Natural Resources Management, including, in particular, increased funding for Rights, Protection and Implementation, is essential in allowing us to protect, enhance, and restore natural resources.

Thus, we appreciate Congress's decision to provide a $19 million increases in funding for BIA Trust-Natural Resources programs in FY 2020. In particular, we are grateful that Congress continued the Cooperative Landscape Conservation program in the amount of $14.9 million.

Environmental Protection Agency (EPA). We appreciate that Congress has continued to provide federal funds for EPA, but we ask that funding for EPA in FY 2021 be increased. We rely on EPA grants to clean up brownfields and administer clean water and clean air programs. These grants enable us to protect the health of our community, so that we have safe water to drink and can continue to rely on fish, wild rice, and game to put food on the table.

- State and Tribal Assistances Grants (STAG). We thank Congress for providing STAG funding in FY2020. We strongly urge Congress to increase funding for this Program, which has not seen substantive increase in years, notwithstanding the Band's responsibilities continue to grow as we work to protect our land, water and air.

- Water Quality. We have a federally-approved water quality standards program that has seen annual funding decline while the need and Band's responsibilities have increased. Given the current threats to water resources in our region, we urge that Tribal Section 106 funding be doubled so that we can do the work needed to protect the water we drink, which is critical to the fish and game that are central to our and the state's economy.

- Air. We also have a long-standing air monitoring program that has faced a steady decline in federal funding. We request that air quality program funding for tribes be increased.

- Wetlands. One-half of our reservation is made up of wetlands. Proper management and restoration of this valuable resource is impossible without adequate and consistent federal funding. We request sustained wetland monitoring and protection program funding.

- Great Lakes Restoration Initiative. The Band fully supports this initiative, and asks that Congress maintain the $320 million level of funding for this initiative. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region. The Great Lakes hold three-quarters of the earth's supply of fresh water and it is well established that if their quality is compromised the quality of the earth's health is compromised.

BIA: Public Safety and Justice. A significant part of protecting our territory and environment is having a fully staffed and trained law enforcement Department. We appreciate Congress's decision to increase funding for BIA's Public Safety and Justice, including increased funding for criminal investigations and police services and to help people affected by opioid addiction. The largest law enforcement problems we face are due to opioids and other drugs, including methamphetamines and prescription drugs. The large drug problem has also increased thefts, burglaries, and assaults. In addition, we find (and the federal government has also recognized), that a disproportionately large number of Native American women are the victims of sex trafficking. Our law enforcement also responds to a wide range of calls, including domestic disputes, disturbances, disorderly conduct, property damage, trespass, suspicious activity, unwanted persons, medical emergencies, fire, neglected children, missing persons, suicide threats, and traffic offenses. The demand on law enforcement increases each year.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies. To meet need, we should have 25 full time officers. Five of those officers would be assigned to investigations, with two investigators dedicated to narcotics enforcement. We currently have 3 administrative staff, but should have one more person to gather intel and manage an intelligence page linked to other tribal agencies.

Funding is also needed for training. With an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training for undercover work, narcotics detection, investigative procedures, interview and interrogation, use of force, de-escalation, firearms, and community policing. Budget restraints also restrict us from buying patrol vehicles and proper equipment to combat the drug problems on our Reservation. Uniform costs increase due to contamination from drugs and blood-borne pathogens from drug users. That includes duty gear and equipment, and patrol vehicles, which need to be decontaminated more frequently. There is also need for personal protective gear and other basic equipment (e.g., binoculars, video cameras and digital recorders).

Bureau of Indian Education. With funding from the BIE and the Department of Education, we operate the Fond du Lac Ojibwe School serving an average of 220 children from pre-K through 12th grade. More than 90% of our students come from very low-income households, as 96% receive free or reduced-price lunch. We are slowly making progress in improving the outcomes for our students. While the high school graduation rates for American Indians in Minnesota is at 51%, we are now at 59%, which is still far behind the state-wide rate of 81%. We need to do more.

However, we are handicapped by limited resources. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students. Because education is so critical to success later in life, we urge Congress to continue to increase federal funding for Indian education.

Indian Health Service. We appreciate Congress's decision to increase funding for IHS in FY 2020, which is essential to address the substantial unmet need for health care among Indian people and the increasing costs of medical care due to high rates of medical inflation. Indians at Fond du Lac, like Indians throughout the Nation, continue to face severe disparities across a broad range of health issues. In addition to the extraordinarily high mortality rates due to the opioid epidemic, Indians in Minnesota are far more likely to die prematurely than all others in the state, and suffer from the highest mortality rates for causes of death due to cancer, heart disease, diabetes, suicide, and unintentional injury.

We are working to address these issues every day. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs. To make progress in reducing the disparities in Indian health, we urge Congress to continue to increase funding for IHS. We urge an increase for FY 2021 in order to fully fund IHS programs, with the top priorities given to Hospitals & Health Clinics; Purchased/Referred Care; Mental Health; Alcohol & Substance Abuse; and Dental Health. Expanded resources for treatment and community education capacity are especially needed to combat the epidemic of drug abuse.

Miigwech. Thank you.

Ms. PINGREE. Thank you very much.
Ms. DANA. Thank you for your time.
Ms. PINGREE. No. Thank you. Ms. Grussing.
Ms. GRUSSING. It is Grussing. Thank you.
Ms. PINGREE. Grussing. Thank you.

TUESDAY, FEBRUARY 11, 2020.

NATIONAL TRIBAL HISTORIC PRESERVATION OFFICERS ASSOCIATION

WITNESS

VALERIE GRUSSING, EXECUTIVE DIRECTOR, NATIONAL TRIBAL HISTORIC PRESERVATION OFFICERS ASSOCIATION

Ms. GRUSSING. Valerie Grussing, executive director of the National Association of Tribal Historic Preservation Officers, NATHPO. We are based in D.C. here representing a diverse membership across the country.

I want to talk to you about just really one of the things that is in my written testimony, and briefly, first, I do want to mention an item that we have added new this year in addition to BLM's reorganization, which has already been mentioned here, was not consulted on. I have recently learned that of the 12 State offices, each of which are supposed to have a tribal liaison position, 10 of those are vacant. And in addition, the headquarters tribal liaison position has been vacant so long, it has been removed from the org chart. So one of the things we are requesting is money to backfill those vacant positions. That is part of the problem with what we are seeing with that agency, just a part.

But primarily, I want to talk to you about what our members do. Tribal historic preservation officers, THPOs, they are an exercise of tribal sovereignty. They are appointed by their governments, and they have an agreement with the Department of Interior where their funding comes from to assume a Federal compliance role of the State historic preservation officer on tribal land. And also they are available to be consulted on places off tribal land. They do this under the National Historic Preservation Act, and so this funding is in the historic preservation fund, which comes from oil and gas revenues, right, and it has never been fully appropriated at the level that it should be.

They are, as I mentioned, an exercise of sovereignty, self-determination. The plans that they have to get their funding from the Park Service, it is a grant that they have to apply for to get their apportionment. They are founded and grounded in traditional knowledge and cultural values, and, of course, they touch on everything that happens in Indian Country. They are first responders when a sacred site is threatened, when the ancestors are disturbed—we all know about that in the news recently—and they are often also responsible for their tribe's oral history programs, any museums or cultural centers that they may have. And they lead in the revitalization of traditions and languages and many other functions in Indian Country. And a lot of times, like myself, they happen to be a one-person show. If they have funding from additional sources, they may have a second staff member.

NATHPO, my organization, we are a non-profit membership association. THPOs may choose to become members, and this is one of the primary functions that we perform, elevating their voice within Washington, D.C., and then coordinating, helping them coordinate among each other, and getting any education and training that they may feel they need beyond what they already have. There are 195 THPOs out of 574 federally-recognized tribes.

The main thing I want to talk about is funding. So the first year that they received this funding was in 1996, and the average amount that each THPO received was $80,000. Last year, we received the biggest increase ever from the HPF, and that was $2 million total in the appropriation. That works out to about $5,000 more per tribe. There are more THPOs every year. So as opposed to that, $80,000 in 1996, 185 THPOs last year got $70,000. So we are going in the wrong direction, even though we have the total appropriated amount increasing. And I have a chart in my testimony that I have here in color for you to see as well, and the important line is the red one. Both the appropriation and the number of THPOs is going up, but if the appropriation doesn't go up much more than it is, then we have got the total amount that each THPO gets is flatlining. Seventy thousand dollars is not even an entire staff person.

So this is the gap that we are talking about starting to close, and there are two primary talking points that I want to make, and one is about the importance of the work that the THPOs do. The epidemics that we see rampant in Indian Country are the symptoms of the cause of historical trauma. When you have people that are systematically disconnected from who they are as people from their heritage, then this is what we have. This is the work that THPOs do. They rebuild that framework. And the other thing is that if this Administration is truly interested in streamlining required environmental and historic review processes, and they are still required, then there has to be somebody there to pick up the phone, and that is THPOs, and they need funding.

We are reminded recently of the importance of place by the ongoing atrocities at Tohono O'odham, literal destruction of ancestors. History, culture, identity, survival are grounded in place. Our members are charged with protecting those places, but they need support from you in the form of funding to continue the work that they do. Thank you for considering our testimony.

[The statement of Ms. Grussing follows:]

National Association
of Tribal Historic
Preservation Officers
Protecting Native Places

Statement of the National Association of Tribal Historic Preservation Officers
Valerie J. Grussing, PhD, Executive Director
Fiscal Year 2021 Interior, Environment, and Related Agencies Appropriations
Committee on Appropriations, United States House of Representatives
February 6, 2020

Chair McCollum, Ranking Member Joyce, and Members of the Subcommittee, I appreciate this opportunity to present the National Association of Tribal Historic Preservation Officers (NATHPO)'s recommendations for Fiscal Year 2021 appropriations. My name is Valerie Grussing and I am the Executive Director. First, thank you for the FY 2020 Interior Appropriations bill – it was the most preservation friendly appropriations bill in history. Our FY21 goals in service of our members rely on this Subcommittee's continued support for the needs of tribal preservation activities. The recommended line item amounts are discussed below.

1. National Park Service, Historic Preservation Fund, Tribal line item ($22 million)
2. National Park Service, National NAGPRA Program:
    a. Exclusively for NAGPRA Grants ($2.331 million)
    b. Program administration ($1 million for Program Use)
3. Bureau of Indian Affairs – Create line items and support the following divisions:
    a. 12 Regional Offices support for Cultural Resource compliance ($3 million)
    b. Central Office cultural resource efforts throughout the bureau ($200,000)
    c. NAGPRA compliance work ($765,000)
    d. To fight ARPA crimes on Indian reservations ($200,000)
4. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office ($1.25 million)
5. Bureau of Land Management: Fill vacant Tribal Liaison Positions, HQ agency lead and 10 of the 12 State Offices ($1.5 million)

What are Tribal Historic Preservation Officers (THPOs)? THPOs are an exercise of tribal sovereignty, appointed by federally recognized tribal governments that have an agreement with the Department of the Interior to assume the federal compliance role of the State HPO, per the National Historic Preservation Act (NHPA). Tribal historic preservation plans are grounded in self-determination, traditional knowledge, and cultural values, and may involve projects to improve Indian schools, roads, health clinics, and housing. THPOs are the first responders when a sacred site is threatened or when Native ancestors are disturbed by development. THPOs are often responsible for their tribe's oral history programs, operating museums and cultural centers, leading revitalization of Native traditions and languages, and many more related functions.

What is the National Association of Tribal Historic Preservation Officers? NATHPO is a national non-profit membership association of tribal government officials committed to protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. NATHPO assists tribes in protecting their historic properties, whether they are naturally occurring in the landscape or are manmade structures.

1. **Historic Preservation Fund (HPF), administered by the National Park Service – Tribal line item ($22 million)**

As of December 31, 2019, there are 195 National Park Service (NPS)-recognized Tribal Historic Preservation Officers (THPOs). Each THPO represents an affirmative step by an Indian tribe to assume the responsibilities of the State Historic Preservation Officers for their respective tribal lands, as authorized by Congress in the 1992 amendments to the National Historic Preservation Act (NHPA). Collectively, these Tribes exercise responsibilities over a land base exceeding 50 million acres in 30 states. The HPF is the sole source of federal funding for THPOs and the main source of funding to implement the nation's historic preservation programs. HPF revenue is generated from oil and gas development on the Outer Continental Shelf. We recommend $22 million to carry out the requirements of the NHPA. This would provide the nearly 200 federally recognized THPOs an average of $110,000 to run their programs. Funding THPOs and staff creates jobs, generates economic development, and spurs community revitalization. It also facilitates required environmental and historic review processes, including for energy and infrastructure permitting. Tribes don't want to stop this development – they need it more than anyone. But they also need to reap the benefits rather than just continue to incur the costs. If these review processes are ever to be "streamlined," THPOs must be able to do the required work.

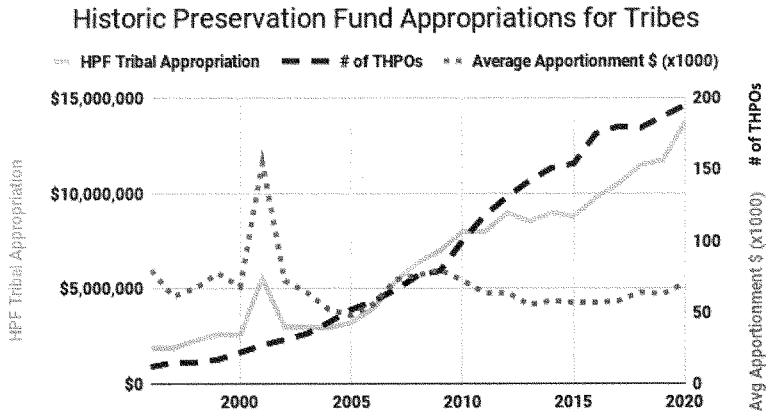
What is at stake? As the number of Indian tribes with THPO programs increases, the amount of HPF funding appropriated to THPOs must catch up. Native American cultural properties on millions of acres of tribal lands are at risk. For the past several years, each THPO program has been asked to conduct important federal compliance work with fewer financial resources. In the first year of congressional funding support for THPOs (FY1996), the original 12 THPOs each received an average of $80,000, while in FY2020, 185 THPOs received an average of $70,000. If the original $80,000 were adjusted for inflation, the current apportionment would be $131,000 per THPO; that is the gap we must begin to close. Additionally, the number of tribes with a THPO continues to grow; there are expected to be more than 200 THPOs in FY21. The epidemics we see rampant in Indian country are the symptoms of historical trauma – of people systematically cut off from their families, languages, practices, and lands. Reconnecting Native peoples to their cultural heritage, traditions, and places has the power to help heal deep generational wounds. Treating the cause: that is the work THPOs do. To continue this work in Indian country, it is essential that THPO programs receive increased funding to meet the increasing need. The chart below demonstrates the program growth and funding need.

Additional HPF programs administered by the National Park Service:
NATHPO appreciates the strong HPF funding levels the Committee has provided in recent years. We support the request of the National Trust for Historic Preservation that Congress provide a total FY 2021 HPF appropriation of $150 million. Within that funding we recommend:

- $61 million for State Historic Preservation Officers (SHPOs);
- $22 million for Tribal Historic Preservation Officers (THPOs);
- $28 million for competitive grants to preserve the sites and stories Civil Rights;
- $10 million for grants to Historically Black Colleges and Universities;
- $18 million for Save America's Treasures grants;
- $10 million for Paul Bruhn Historic Revitalization grants;

- $1 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks.

We also recommend the Committee encourage the NPS to work with states and tribes to improve what has become a burdensome apportionment process so that SHPOs and THPOs can more readily and efficiently access funding Congress has allocated for their work.



HPF Tribal appropriation has steadily increased, as has the number of THPOs. Therefore, the average apportionment per THPO has remained the same.

2. <u>National Park Service, National NAGPRA Program</u>

The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the disposition of Native American cultural items[1] removed from Federal or tribal lands, or in the possession or control of museums or federal agencies, to lineal descendants, Indian tribes, or Native Hawaiian organizations based on descent or cultural or geographic affiliation. NAGPRA prohibits trafficking of Native American cultural items and created a grants program exclusively for Indian tribes, Native Hawaiian organizations, and public museums.

<u>NAGPRA Grants Program:</u>

a. <u>$2.331 million</u> to be used exclusively for NAGPRA Grants to Indian tribes, Native Hawaiian organizations, and museums. We recommend that the Committee restore the amount that the NAGPRA grants program received each year for most of its history prior to when the NPS began to divert a greater amount of funds for administrative use within the cultural resource division. NAGPRA grants have been "level-funded" at $1.65 million. NATHPO requests that the Congress restore the grants to the $2.331 million funding level.

[1] Cultural items include human remains, funerary or sacred objects, and objects of cultural patrimony.

Administration of National NAGPRA Program:

b. $1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs.

3. Bureau of Indian Affairs – Create line items and support the following divisions:

The BIA has federally mandated responsibilities to work with Indian tribes and comply with the NHPA, the National Environmental Policy Act (NEPA), NAGPRA, and the Archaeological Resources Protection Act (ARPA). Currently the BIA does not have any budget line items devoted to complying with these federal laws. Funds are not only needed for the BIA to comply with their internal development efforts, such as roads and forestry, but also to conduct project reviews of outside development projects, such as oil and gas development. ARPA crime on Indian reservations continues to be a major problem, as looters and traffickers continue to steal valuable cultural resources from tribal and federal lands. The BIA does not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian country and we urge the creation of a dedicated line item within the BIA.

NATHPO recommends the BIA create line items and support the following divisions:

a. Cultural Resource compliance at the 12 Regional BIA Offices ($3 million);
b. Central Office cultural resource efforts throughout the bureau ($200,000);
c. NAGPRA compliance work ($765,000);
d. To fight ARPA crimes on Indian reservations ($200,000).

4. Smithsonian Institution, National Museum of the American Indian and the National Museum of Natural History Repatriation Programs

NATHPO requests that the Smithsonian Institution receive $1.25 million for its repatriation activities, including operation costs of the Review Committee and repatriation office.

5. Bureau of Land Management: Tribal Liaisons and Cultural Resources Management

The BLM oversees the largest, most diverse and scientifically important collection of historic and cultural resources on our nation's public lands, as well as the museum collections and data associated with them. We appreciate the Committee's commitment to ongoing oversight of the Department's reorganization. NATHPO and many other organizations are profoundly concerned with the impact of the reorganization and loss of staff within the Cultural Resources Division. The cultural resources program also supports NHPA Section 106 review of land-use proposals, Section 110 inventory and protection of cultural resources, compliance with NAGPRA, and consultation with Tribes and Alaska Native Governments. We are very appreciative of last year's dedicated increase of $1.5 million for the agency to enhance its National Cultural Resources Information Management System (NCRIMS). We recommend once again providing specific funding of $1.5 million above enacted, specifically to fill vacant Tribal Liaison Positions, including the Headquarters agency lead and at 10 of the 12 State Offices.

Thank you for considering our testimony. I would be pleased to answer any questions you have.

Ms.PINGREE. Thank you very much.

TUESDAY, FEBRUARY 11, 2020.

CHEYENNE AND ARAPAHO TRIBES

WITNESS

HON. REGGIE WASSANA, GOVERNOR, CHEYENNE AND ARAPAHO TRIBES

Mr. WASSANA. Good morning, Chairman McCollum and distinguished members of the Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. I am Reggie Wassana, governor of the Cheyenne and Arapaho Tribes. We are 1 of 39 tribes in the State of Oklahoma. I appreciate the opportunity comment on our land trust and natural resource management. Today I would like to discuss land and trust issues.

In general, it is my feeling that the land and the trust program still does not act expeditiously in the conversion of land held in other-than-land-trust status by tribes or individual Indians into trust status. I am here today because my tribe has been far less fortunate. Under the Medicine Lodge Treaty of 1867, the Cheyenne and Arapaho Tribes were assigned a total of 4.3 million acres of land. Today we only own about 15 million acres, and of this amount, less than 11,000 acres are 100 percent owned by the tribes. This greatly limits our opportunity for economic development, cultural preservation, and self-sufficiency.

The Cheyenne and Arapaho Tribes are under the BIA Southern Plains Region, more specifically, the Concho agency, and it is important to note that we are the only tribe in the Concho agency's jurisdiction. Research going back 40 years has shown that the Cheyenne and Arapaho Tribes have never successfully placed 1 acre of land into trust.

While the Cheyenne and Arapaho Tribes now work cooperatively with the BIA Concho agency and the Southern Plains Region agency, still the trust application process has proven to be burdensome due to unnecessary and unrealistic demands in the land description review portion of the application. The Cheyenne and Arapaho trust applications are frequently and significantly delayed and then returned because of standards applied by the Bureau of Land Management surveyor, and the rules for land into trust are not enforced uniformly.

Over the past several years, the Cheyenne and Arapaho Tribes have purchased or acquired several properties in fee status that are within our original reservation boundaries, specifically, the tribes on prime tracts of land along Interstate 40 in Oklahoma and Towns of Gary, Oklahoma, El Reno, Clinton, and Elk City. Additionally, we own two different tracks in the northwest part of our original reservation in Woodward, Oklahoma, as well as other properties in fee status throughout our original reservation boundaries. Although our tribe has been unsuccessful at placing any land in a trust, the Department of Interior recently allowed the Shawnee Tribe of Oklahoma to place a 103-acre parcel of off-reservation land into trust on land that is contiguous our original reservation

boundaries, and land that is 400 miles away from their actual homeland.

Specifically, these four properties that range in 49 acres in Elk City, 91 acres in El Reno, a 1-acre lot block in Gary, Oklahoma, and 18 and Clinton, Oklahoma, have been denied and returned for further corrections, such as name of the tribe, legal description, purpose of use of land, tax concerns, possibility of contamination, four-tenths of a mile away from one property for instance, but not a report with cites reflective of such a case. We were made to pay back taxes when not required because none were assessed, but BIA required it being done. The solicitor in Tulsa agreed with the tribes that we did not have to pay that. This process in the meantime cost the tribes tens of thousands of dollars to fulfill.

In conclusion, the Trump Administration has gone through great lengths in deregulation efforts to roll back red tape that has burned Americans and stifled economic growth. Today I am asking that the same effort of deregulation also be geared towards land-into-trust process. By making the land-into-trust process burdensome for Indian tribes, it is still stifling our economic growth. Many of our tribal nations are in rural parts of the country. Easing the burden of tribes placed in land into trust and protecting tribal areas will provide an economic boom for not only Indian tribes, but also for the rural communities that are near and within the tribe's reservation areas.

At this time, I would like to thank all of you for allowing me to speak before you as governor of the Cheyenne and Arapaho tribes and as a tribal member. So I appreciate it graciously. Thank you.

[The statement of Mr. Wassana follows:]

Testimony of Governor Reggie Wassana
Cheyenne and Arapaho Tribes
House Appropriations Committee –
Subcommittee on Interior, Environment, and Related Agencies
Land, Trust, and Natural Resource Management

Good Morning Chairman McCollum and distinguished members of the Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. I am Reggie Wassana, Governor of the Cheyenne and Arapaho Tribes, one of 39 Indian tribes in the State of Oklahoma. I appreciate the opportunity to comment on Land, Trust, and Natural Resource Management.

In general, it is my feeling that the land-into-trust program still does not move expeditiously in the conversion of land held in other-than-trust status by Tribes or individual Indians into trust status. Early in Mr. Trump's administration, there was backlash from tribal leaders all across the country because of his administration's proposed rule changes for the land-into-trust process. Many of the proposed changes would double the burden on the tribes in an already burdensome process.

The purpose for the proposed changes was supposedly to "streamline" the process for land-into-trust but the added hurdles to this process were obvious which is why so many of my fellow tribal leaders objected to the changes. Although many of these proposed changes were never implemented, the BIA nonetheless did reinstate a 30-day waiting period for land-into-trust applications, reversing an Obama-era policy without consulting tribes about the change.

Laws enacted a century ago saw the loss of two-thirds of land on Native American reservations, according to the NCAI – some 90 million acres, including the best parcels. The proposed rule changes made by Mr. Trump's administration in 2017 went against the intent of the Indian Reorganization Act, the law passed by Congress in 1934 to reverse the disastrous effects of the allotment era that resulted in tribes all across the country losing 90 million acres of their tribal territories. Since that time, for decades, the Department of Interior has put land into trust without hesitation and has slowly restored 9 million acres of land within boundaries of existing reservations back into trust status. However, with the advent of Indian gaming through the Indian Gaming Regulatory Act (IGRA) in 1j988, this long-established practice suddenly became controversial and tribes have struggled to get land placed into trust ever since.

It is now 2020 and while I am happy for all of the tribes across the country who have been successful in navigating the land-into-trust process and getting part of their original ancestral homelands restored, I am here today because my Tribe has been far less fortunate. Under the Medicine Lodge Treaty of 1867, the Cheyenne and Arapaho Tribes were assigned a total of 4,300,000 acres of land. Today, we only own about 15,000 acres, and of this amount, less than 11,000 acres are 100 percent owned by the Tribes. This greatly limits our opportunities for economic development and self-sufficiency.

The Cheyenne and Arapaho Tribes are under the BIA Southern Plains Region, more specifically the Concho Agency and it is important to note that we are the only tribe in the Concho Agency's jurisdiction. Research going back over 40 years has shown that the Cheyenne and Arapaho Tribes have never successfully placed one single acre of land into trust status.

While the Cheyenne and Arapaho Tribes now works cooperatively with the BIA Concho Agency and the Southern Plains Regional Office, the trust application process has proven to be burdensome due to unnecessary and unrealistic demands in the Land Description review portion of the application. Cheyenne and Arapaho trust applications are frequently and significantly delayed and then returned because of standards applied by the Bureau of Land Management (BILS) surveyor and the rules for land-into-trust are not enforced uniformly.

Federal Standards

I understand that the DOI has attempted several times over the decades to streamline the land-into-trust process and to create a standard for the process. However, in my first two years as Governor of the Cheyenne and Arapaho Tribes, my experience has been that the DOI does not handle all land-into-trust applications in a uniform manner. Regional variations create differing experiences between Tribes, which may result in greatly expedited or delayed applications.

It seems that the current process requires the DOI to give a lot of weight to the concerns of state and local jurisdictions. I would like to remind you that the DOI has a primary trust responsibility to Indian Tribes, not to state and local jurisdictions. Recognition of non-tribal concerns can be achieved through the existing written comment period for impacts on regulatory jurisdiction, real property taxes, and special assessment.

The Cheyenne and Arapaho Experience

Over the past several years, the Cheyenne and Arapaho Tribes have purchased and/or acquired several properties in fee status that are within our original reservation boundaries. Specifically, the Tribes own prime tracts of land along Interstate 40 in El Reno, Geary, Clinton and Elk City. Additionally, we own two different tracts in the northwestern part of our original reservation in Woodward, Oklahoma as well as other properties in fee status throughout our original reservation boundaries. Although our tribe has been unsuccessful at placing any land into trust, the DOI recently allowed the Shawnee Tribe of Oklahoma to place a 103 acre parcel of off-reservation land into trust on land that is contiguous to our original reservation boundaries and the land is 400 miles away from their actual homeland.

Elk City Property

The Tribes acquired our Elk City property in two separate transactions in June 2000 from the Oklahoma Department of Transportation and our former gaming management company. The Tribes have submitted several applications to the Concho Agency over the past 20 years to have this 49-acre parcel of land placed into trust but have never been successful. The reasons stated by the BIA vary from issues they have with the land's legal description, proposed use of the land, our tribal name and tax concerns. Over this period of time, the Tribes have spent thousands of dollars in consulting fees, attorneys' fees, title commitments, surveyor fees, and environmental assessment costs. We were recently informed by the Office of the Solicitor that the issue concerning taxes on one of our properties should have never been an issue. As it turns out, the Concho Agency and our Regional Office were interpreting a requirement about payment of taxes incorrectly, but this incorrect assessment has caused all of our trust applications to be returned over the years until we "remedied" the issue.

El Reno Property

The Tribes acquired our El Reno property in July 2008 and like the Elk City property, have attempted to get the 91-acre parcel of land placed into trust. There have also been several trust applications submitted to the Concho Agency over the past 12 years to have this parcel of land placed into trust but to date, the Tribes have not been successful. The issues are typically the same; the land's legal description, proposed use of the land, and our tribal name. Because the BLM surveyor stated that the ALTA survey completed by the original surveyor of this property was not satisfactory, we acquired the services of a CFeds surveyor, and it was discovered that the legal description used for the property for more than 50 years was incorrect. Although this seems like it would be a simple fix, it has required the coordination and ultimately the approval of the city of El Reno because the city owns a 3 acre less and except parcel within our property so correcting the legal description also affects their property. Conversations and meetings with the city of El Reno on correcting this issue have been friendly but it ultimately led to a request and bargaining chip from the city for a wider easement at the tribe's expense before they'll agree to correcting the legal description. This issue has subsequently delayed the Tribes in resubmitting their trust application by almost a year and has added projected additional expenses of nearly $50,000 on top of the money that has already been spent over the past 12 years on attempts to get this property placed into trust.

Geary Properties

The Tribes owns two parcels of property in the town of Geary. One of these is prime property because it is right off of Interstate 40 and the other is used as a tribal community hall. The first parcel is known as our Rodeo Joe's property and it is a 6-acre parcel of land that the Tribes acquired in March 2006. Like our other properties, the Tribes have made several attempts to get this parcel of property placed into trust and have been unsuccessful. One of the reasons the BIA has returned the application has been due to unresolved "tax issues". However, as we recently discovered from the Office of the Solicitor, these tax issues should have never been considered tax issues in the first place. In this case, the Concho Agency insisted that we had to have the land removed from tax exempt status and pay back taxes. The Concho Agency didn't apparently did not understand that land in fee status can also be tax exempt which was the case with this parcel of land. To our tribes detriment, the ill advice of the Concho Agency was followed and we had the land removed from tax exempt status and ultimately had to pay back several thousands of dollars in taxes going back to 2006. Subsequently, during a BIA informational meeting held on January 7, 2020 in which the Office of the Solicitor was present, we discovered that we did not have to do this because as long as the county showed that we didn't owe back taxes, that was sufficient regardless of whether it was in tax exempt status or not. However, for this parcel of land, we cannot undo what has been done. Again, the inconsistency that the DOI does not handle all land-into-trust applications in a uniform manner is burdensome and, in many cases, is to the economic detriment to the tribes.

Our other Geary property, a 1-acre lot block piece of property, should have been much easier to get placed into trust because a survey is not required for lot block property. Nonetheless, it took us over a year before we finally made any significant progress with the trust application for this parcel of land. After waiting for several months, we finally received a

Preliminary Title Opinion (PTO) from the Office of Solicitor and was given the go ahead to conduct a Phase I Environmental Assessment (EA). However, because the report stated that there "might be" or the "possibility" of contamination due to a gas station that was .4 miles away, we have been advised by the Concho Agency and Regional office that we must now get a Phase 2 EA completed to clarify that there is not any contamination underground. The total cost of these two environmental assessments is almost $20,000 and is costing the Tribes money that could be used for services to our tribal members.

Conclusion

The Trump administration has gone through great lengths for deregulation efforts to roll back red tape that has burdened Americans and stifled economic growth. Today, I am asking that this same effort of deregulation also be geared towards the land-into-trust process. By making the land-into-trust process burdensome for Indian tribes, it is stifling our economic growth. Many of our tribal nations are in rural parts of the country. Easing the burden on tribes to place land into trust will provide an economic boom for not only Indian tribes but also for the rural communities that are near and within the tribal reservation boundaries.

Ms.PINGREE. Thank you very much. Mr. Newland.

TUESDAY, FEBRUARY 11, 2020.

BAY MILLS INDIAN COMMUNITY

WITNESS

BRYAN NEWLAND, PRESIDENT, CHIPPEWA OTTAWA RESOURCE AUTHORITY, BAY MILLS INDIAN COMMUNITY

Mr. NEWLAND. [Speaking native language.] I would say Megwitch to the chairman over here for reminding me of the importance to introduce ourselves in that way. And I want to co-sign everybody's comments before the committee, and thank you, Chairwoman and members, for allowing me the opportunity to testify.

So I presently serve as the chairperson of the Bay Mills Indian Community, which is one of the five member tribes of the Chippewa Ottawa Resource Authority. Together, our five tribes were the signatories to the 1836 Treaty of Washington. That treaty ceded nearly half of the lands that comprise the State of Michigan today, and the signing and ratification of that treaty in 1836 paved the way for Michigan statehood just 1 year later in 1837. But in exchange for the big cession of our homelands, we reserved the right to hunt and fish throughout the ceded territories and throughout the ceded waters in the Great Lakes.

Despite enjoying the benefits of that treaty for many years, the State of Michigan did not always respect the rights that our tribes expressly reserved in those treaties, which, as the members of the committee note, constitutes the supreme law of the land under the United States Constitution. In particular, the State of Michigan failed to protect our tribal citizens from violent attacks just for exercising the right to fish, and they even went so far as to arrest and prosecute our tribal members for exercising that treaty right to fish.

So before I was born in the 1970s, the United States sued the State of Michigan to vindicate and protect our treaty rights, and the tribes, together with the United States Federal Government, prevailed in that case in 1979. It was the United States v. Michigan. Ever since that case, we have negotiated a series of settlement judgments together with the Federal Government to manage and regulate the exercise of our treaty rights, first, in 1985, then again in 2000, 2007, and we are going through the process again of working on another consent judgment.

These judgments impose an obligation on the tribes with respect to how we manage and regulate our hunting and fishing rights under our treaty throughout nearly half the State of Michigan. So we have to cover a lot of grounds when we fulfill our responsibilities under those agreements. Now, Congress funds our obligations every year through a line item in the Interior budget known as RPI, rights protection implementation, and I want to make sure that I emphasize that the acronym, you know, we are in D.C., so a lot of acronyms get thrown around. But that acronym is important because it signals that the funds are to implement and protect the treaty rights. This funding is critical to ensure that our treaty rights, or our treaties themselves, excuse me, retain vitality for all

of the parties, including the United States. And I do want to express the CORA tribes' appreciation for the committee and the Congress to work in a bipartisan way to continue to provide and protect this funding.

CORA is asking that Congress increase CORA's share of the rights protection implementation funding by $1 million to $7.3 million in the coming Fiscal Year and thereafter. I also want to make sure that I state that CORA understands that there are other tribes in different parts of the country that have similar treaty rights cases regarding fishing and hunting. And some of those folks are representatives who will be testifying today, and indicate that we also support their request that Congress meet their funding needs.

The extra money that we are requesting going forward will work out to $200,000 per year per tribe. That will fund staff to enforce the regulations that we have to abide by under our settlement agreements in the U.S. v. Michigan case. It will also fund staff and research that protect the Great Lakes themselves. Without a healthy Great Lakes, there won't be any fish to harvest, and without any fish to harvest, the bargain in the treaty itself is hollow. So that research funding through the RPI line item will help us monitor invasive species and contaminants. It will monitor the fisheries themselves. It will also allow us to work directly with tribal fisheries in the exercise of their treaty rights.

So, again, I want to say Megwitch. Thank you to the committee for allowing us to come today and testify on this important issue.

[The statement of Mr. Newland follows:]

TESTIMONY OF BRYAN NEWLAND
PRESDENT OF THE BAY MILLS INDIAN COMMUNITY
and
MEMBER OF THE CHIPPEWA OTTAWA RESOURCE AUTHORITY
BOARD OF DIRECTORS
before the
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES
on
FEBRUARY 11, 2020

Introduction

Aanii (Hello)! My name is Bryan Newland, and I am the President of the Bay Mills Indian Community, which is an Ojibwe tribe located on Lake Superior in Michigan's Upper Peninsula. I am appearing before the Subcommittee in my capacity as a Member of the Board for the Chippewa Ottawa Resource Authority (CORA).

CORA is a consortium of five federally recognized tribes in Michigan that are parties to the 1836 Treaty of Washington with the United States; they are: Bay Mills Indian Community; Grand Traverse Band of Ottawa and Chippewa Indians; Little River Band of Ottawa Indians; Little Traverse Bay Bands of Odawa Indians; and the Sault Ste. Marie Tribe of Chippewa Indians.

Purpose

I appreciate the opportunity to present testimony to the Subcommittee regarding the importance of federal funding to support the exercise of reserved treaty rights and the management of natural resources protected by treaties between the United States and Indian tribes. I strongly urge your continued support for funding the Rights Protection Implementation (RPI) program at the Department of the Interior. RPI funds are necessary to ensure that tribes are able to exercise their judicially-recognized reserved treaty rights in a meaningful way, as they are used to monitor and protect natural resources, to enforce tribal, state and federal laws, and to provide expert management and biological services to carry out these responsibilities.

In FY 2020, Congress appropriated $6,333,428 in RPI funding for the CORA Tribes. This level of funding continues to be greatly needed to carry out the Tribes obligations under current Consent Decrees, and additional funding in the amount of $1,000,000 is needed to fund additional Tribal responsibilities and obligations under a successor Great Lakes Consent Decree currently under negotiation.

Background

In 1836, the Ojibwe (Chippewa) and Odawa (Ottawa) tribes (the "CORA Tribes") in Michigan negotiated a treaty with the United Sates to cede lands that were used to create the State of

Michigan in 1837. Those ceded lands comprise more than forty per cent (40%) of what is now the State of Michigan. In exchange for this immense land cession, the CORA Tribes reserved the right to hunt, fish, trap and gather throughout the ceded territory, including the waters of Lakes Michigan, Huron and Superior.

Following the Treaty ratification, tribal members continued to exercise their treaty-guaranteed rights. By the 1950's and 1960's, the State of Michigan asserted its authority to exclusively regulate hunting and fishing by tribal members, and to limit what activities were protected by the Treaty. At Bay Mills, many tribal members, including Albert "Big Abe" LeBlanc, resisted State efforts to control treaty-protected activities and continued to assert the right to hunt and fish without a State License and to use traditional harvest gear while doing so.

In 1971, Big Abe LeBlanc was cited for fishing with gill nets, a criminal offense at that time. The Bay Mills Indian Community defended him, arguing that the rights reserved in the 1836 Treaty continued to exist, and that they superseded state hunting and fishing regulation, under the Supremacy Clause of the United States Constitution. The resulting case, *People v. LeBlanc*, ended in 1976, with a resounding affirmation by the Michigan Supreme Court that the rights reserved in the 1836 Treaty continued to exist, and that the State could regulate their exercise only when necessary to conserve the resource.

One other result of the State's prosecution of Big Abe LeBlanc was the filing in 1973 of a lawsuit by the United States against the State of Michigan on behalf of the 1836 Treaty Tribes, claiming that the State was illegally subjecting treaty fishing activities in the Great Lakes ceded waters to State regulation; the case is known as *United States v. Michigan.* In 1979, the trial court issued an opinion which concludes that the right to fish in the Great Lakes ceded waters continues to exist. That decision is known as the "Fox decision."

Thereafter, all parties in the case—the United States; the State of Michigan, the Bay Mills Indian Community; the Grand Traverse Band of Ottawa and Chippewa Indians; and the Sault Ste. Marie Tribe of Chippewa Indians; and the State of Michigan—began court-supervised negotiations in 1984 regarding allocation, management and regulation of the Great Lakes fishery in the Treaty ceded waters. The following year, a tentative agreement was reached for joint fishery management among the parties, and for allocation of harvest opportunities between tribal and State-licensed fishers. A Consent Decree was entered and signed by the Court in May, 1985.

That Decree remained in effect for 15 years, at which time the United States, the CORA Tribes and the State of Michigan negotiated a successor agreement which covered management, regulation, enhancement and allocation of the Great Lakes fishery in Treaty waters. The successor agreement and Consent Decree was entered on August 8, 2000, and expires in 2020. The parties are currently in negotiations to create another successor management and allocation agreement. The exact terms have yet to be finalized, but what is already quite clear is that the CORA Tribes must create more intensive harvest monitoring and oversight, in order to ensure that stressors on the fishery are identified and management strategies are developed and implemented in a timely and appropriate manner. Fish stocks, environmental indicators (such as water quality and temperature) and invasive species must also be closely monitored to identify

and remediate problems in the Great Lakes fisheries. The CORA Tribes require adequate funding to carry out these activities.

In 2007, a separate agreement was reached by the United States, the CORA Tribes, and the State of Michigan, to acknowledge the continued existences of the Tribes' reserved treaty rights to hunt, fish and gather on the "inland" portion of the 1836 Treaty cession. The agreement was also entered by the U.S. District Court for the Western District of Michigan, with no expiration date. The Decree provides for Tribal regulation of member hunting, fish, trapping and gathering activities and specifies the content of some of them. It also establishes joint management protocols applicable to the CORA Tribes and the State, and allocates harvest opportunity for certain species.

It is important to note that this framework is mandated by order of the U.S. District Court for the Western District of Michigan in the *United States v. Michigan* litigation, and equally important to note that the Federal Government negotiated the terms of the cooperative resource management framework with, and on behalf of, the CORA Tribes.

FY 2021 Budget Request: Rights Protection Implementation

The CORA Tribes receive funding through the "Treaty Fisheries" line item in the Rights Protection Implementation program. Those funds are used to support the following activities; those earmarked as additional activities for which RPI funds are sought to implement the 2020 Great Lakes Consent Decree are identified by use of italics:

- Establishment of conservation-based fishing regulations;
- Biological support services to monitor the fishery;
- Resource protection and enhancement programs;
- Conservation law enforcement activities and Tribal Court staffing for conservation cases;
- Intertribal coordination of activities and policies with federal and state agencies;
- *Additional oversight of harvest activities by biological staff and enforcement personnel;*
- *Monitoring of environmental factors which adversely affect the treaty fishery;*
- *Establishment of remediation projects to address identified environmental factors' impact on fish stocks; and*
- *Invasive species monitoring and controls.*

The CORA Tribes also receive RPI funding to implement the 2007 Consent Decree, relating to the exercise of "inland" treaty rights. Those funds support the following activities:

- Establishment of conservation-based hunting, fishing and gathering regulations;
- Biological support services to monitor wildlife, plant life, and habitat;
- Resource protection and enhancement programs;
- Invasive species monitoring and controls;
- Conservation law enforcement activities and Tribal Court staffing for inland conservation cases; and
- Intertribal coordination of activities and policies with federal and state agencies.

CORA does not, and cannot, support any budget request for *Rights Protection Implementation* in FY 2021 which is less than the sum appropriated for FY 2020. As is outlined here, the need for additional funds to implement the CORA Tribes' obligations under the soon to be completed 2020 Great Lakes Consent Decree is obvious and critical. Less funding, should it occur, will require conservation, monitoring and enforcement activities to be scaled back. Such a reduction would not only require staff layoffs, it would also increase the risk of conflict between Tribes and other communities over resources, and present significant reduction in the protection of the fishery, wildlife and habitat throughout the ceded territory. Such a reduction also makes it more likely that the parties will bring disputes over program changes to the federal court for resolution.

For all of the above reasons, CORA urges Congress to maintain *Rights Protection Implementation* as a budget priority in the FY 2021 Budget, and to increase the CORA Tribes' share to **$7,333,428.** We believe that this funding is minimally adequate to allow the Tribes to successfully work with federal and state agencies to implement the terms of the 2007 and 2020 Consent Decrees.

CORA is also requesting that Congress appropriate an additional $500,000 to the Bureau of Indian Affairs for "Litigation Support" for tribal treaty rights litigation. While "Litigation Support" funds are not used to directly implement tribal treaty rights, they are used by tribes—like the CORA Tribes—to negotiate consent decrees that ensure cooperative resource management and avoid litigation between the United States and state governments over tribal treaty rights. The Tribes have received some Litigation Support funding to negotiate a successor Great Lakes Consent Decree, but lack sufficient financial resources to prepare for both negotiation and possible litigation to create a new allocation/ management regime. Since "Litigation Support" funding is available to any Tribe for any potential litigation, the Bureau of Indian Affairs and the Department of the Interior have more requests for funding than there are funds available. For this reason, the CORA Tribes are concerned that lack of funds within the Bureau will impair and impede the Tribes' efforts to negotiate a new consent decree. It is even more a concern that the lack of a new consent decree by August, 2020, will result in litigation to establish an allocation/ management framework, which the Tribes lack the capacity to fund.

CORA estimates a need for $500,000 in FY 2021 to finalize negotiations for a new consent decree, or to prepare to litigate the scope of our treaty rights beyond 2020.

Conclusion

There is no doubt that the *Rights Protection Implementation* Program is necessary to ensure that the United States continues to meet its obligations under treaties with tribes across the country. TRPI funds are also necessary to ensure that tribes can meet our obligations under Federal Court orders applicable to our reserved treaty rights. For the reasons stated above, the CORA Tribes respectfully request your support for FY 2021 RPI funding for them in the amount of $7,333,428, and to increase the Bureau of Indian Affairs "Litigation Support" line item by $500,000. Miigwetch (thank you) for the opportunity to present our views. I am happy to answer any questions that you might have.

Ms. PINGREE. Thank you all very much for your testimony and for taking the time to come and speak with us here today. Mr. Kilmer, any questions or thoughts?

Mr. KILMER. No.

Ms. PINGREE. Mr. Joyce.

Mr. JOYCE. Thank you all for being here. Certainly, Kevin, I appreciate your comments and understand exactly what you are saying. Certainly CWD isn't limited to your lands. It is something we are fighting in Ohio as well, and I wish we would get some answers to it. We are going to continue to fight CWD on all fronts. Bryan, I understand that there has been a consent decree that has been worked out over the years. Is the U.S. Fish and Wildlife Service continuing to be helpful? Are they being constrained by their present budget in helping you?

Mr. NEWLAND. I can't speak to whether they feel constrained. I mean, really our goal——

Mr. JOYCE. Do you feel they are helping?

Mr. NEWLAND. Actually, to their credit, in the current process of working through the next iteration of management plans in this case, they have been helpful so far. I always make sure to include that qualifier, but really our goal is to work hand in hand with other agencies, including the State of Michigan and Federal agencies, to co-manage the resource because it is shared. But, you know, first and foremost, as a sovereign tribal nation, our goal is to do it well enough to do it alone if we had to, and so that is really what we continue to push for with this funding.

Mr. JOYCE. Again, thank you all for being here. I yield back.

Ms. PINGREE. Mr. Amodei.

Mr. AMODEI. Thank you, Madam Chair. President Newland, thank you for your presentation. Very well spoken. I really appreciate the fact that part of it was reminding those of who were born in the 50s that you were born in the 70s. [Laughter.]

Mr. NEWLAND. The 70s were before I was born, Congressman. [Laughter.]

Mr. AMODEI. Thanks for putting an exclamation mark——

[Laughter.]

Mr. AMODEI. I can see there are some things that there are no cultural differences about. [Laughter.]

Governor Wassana, you have talked about land. You included some stuff in your testimony, and I am just wondering if maybe one of the things that those of us that represent districts in the West where the United States government owns a lot of ground, occasionally we resort to a thing called the Lands Bill. And since none of this is happening very fast, which is not unusual for Indian Country, and we talked about the last panel about that, so I won't put you through that again.

But I am wondering if perhaps maybe your tribes would be a good test case for this committee to say give us the stuff that you think has been in the hopper for however long. Give us the legal descriptions. Tell us what estate you want, and let's do a lands bill, and if that one works, there is probably some interest for some other sovereign nations. And so even if it took 5 years to get through, it would be faster than the present trajectory. And so I am spit balling it here, but, I mean, it might be something to say,

hey, basically, if Congress says we are conveying it to you, you get it in a specific bill.

And so, and let me tell you why I am doing this. It is not because I am a smart guy. It is because I am a guy who shares the frustration in terms of how long it takes the Federal Government to act sometimes even if they agree with you, and so maybe it is something that is worth a try. And I certainly won't speak for the chair, the vice chair, or the ranking member, but it is like, hey, you know, you mentioned the four towns, and this one is 91 acres and that, it is like, mmh, what the heck? I am guessing if it was written the right way, you might get it through, and then we will just see who supports Indian Country and who doesn't. But anyhow, food for thought.

Madam Historic Preservation Officer, when you were referring to those number of tribes and spots and stuff like that and that weren't being funded, who was it that you were referring to that wasn't funding them? Was it Parks? Was it BIA? Who was that?

Ms. GRUSSING. The dedicated funding for tribal historic preservation officers comes from the historic preservation fund.

Mr. AMODEI. Okay.

Ms. GRUSSING. Which is in the Interior bill.

Mr. AMODEI. Okay.

Ms. GRUSSING. It is a——

Mr. AMODEI. So it is the Park Service.

Ms. GRUSSING. Yeah, Park Service. It is a division of that. So state historic preservation officers also get——

Mr. AMODEI. So if we wanted to do something about that, we would go to the Park Service and go, here is this for that.

Ms. GRUSSING. The total amount appropriated for the historic preservation fund comes from here. So there are civil rights grants. There are historically black colleges. There are State historic preservation officers. There are a number of pieces of the pie, but it has gotten, I will be honest with you, disproportionate in the amount of competitive grants. And no one is going to say that something like civil rights grants need less money, but they don't need a 75 percent increase. And then also there is a new pot this year of civil rights grants for all Americans instead of just African-Americans. Our members don't have time to apply for additional competitive grants. They just don't. They need an operating budget, and that is what this is.

Mr. AMODEI. Well, because I got to tell you, I mean, we have got a lot of tribes in Nevada, and we have got a State historic preservation officer in Nevada, and I am not blaming any of them. This is the first time I have heard of a tribal historic preservation officer. So if we want to help you——

Ms. GRUSSING. Right.

Mr. AMODEI [continuing]. That is where we go. Okay.

Ms. GRUSSING. When THPOs get funded, it lessens the burden on CHPOs.

Mr. AMODEI. Got you.

Ms. GRUSSING. It is less work for State historic preservation officers when tribes can do their own work.

Mr. AMODEI. Thank you. I yield back, Madam Chair.

Ms. PINGREE. Thank you all for your presentations. I have learned a lot from you today, and I concur with everything my colleague said. I am on the Agriculture Committee, so we think a lot about diseased animals, and you brought up a lot of good questions. We don't have chronic wasting disease yet in Maine. We have a terrible problem with ticks in our moose and deer, and certainly fully understand the issues that you are talking about, so I am happy to do a little more work on that. And thank you for filling us in more about the lack of funding for historic preservation.

I am extremely sorry about what happened on the border wall and the, devastation there, and I am increasingly interested about this topic. I think we should all be. And I have heard more people discussing it in my home State about who owns tribal artifacts, how to appropriately take care of them in museums. And there are an awful lot of questions that I think should be discussed. So I won't ask you all of them today, but maybe I will give you a call since you are here in Washington, D.C. So thank you both for your articulate testimony. I hope we figure out a way to get that land back.

VOICE. I like the idea, though.

Ms. PINGREE. Yeah. No, it is a good one. And we will dismiss this panel. Thank you very much for being here today.

VOICE. Thank you.

Ms. PINGREE. Okay. We will keep going, and very grateful to have all of you here today. So we will just go ahead with Mr. Johnstone. We will start with you.

TUESDAY, FEBRUARY 11, 2020.

NORTH WEST INDIAN FISHERIES COMMISSION

WITNESS

ED JOHNSTONE, TREASURER, NORTH WEST INDIAN FISHERIES COMMISSION

Mr. JOHNSTONE. Thank you. Thank you, Chair. I want to acknowledge my congressman from the 6th District of Washington State, the 6th District where my grandfather was born in 1877 on Dungeness Spit, Makkalum Indian, with an English father from Victoria. In that year 1877, his folks, his mom and dad both perished, and he was raised by his aunt. 1877 was 12 years before statehood in the State of Washington, and thankfully the United States had a vision of the West. But they learned after they came to this country on the shores of the East Coast and the contact by these people that came to these shores, they were treated, you know, in a good way. But that westward expansion history of the United States is not very good towards our people.

And when they came to the West after Lewis and Clark in 1804 and 1805, they figured they had to do it a different way, and there were still a lot of terrible things happening, and we signed treaties in 1854 and 1855. Isaac Stevens was sent out to do that, and the date and time really resonates with me because of my grandfather's birth in 1877. And Billy Frank, Jr., who sat at this table many times, and others talked about the treaties and what it means to us, and told us at different times that the treaties were

signed so that there could be a State of Washington, that there could be cities and counties, there could be municipalities, there could be colleges and universities. But they forgot about us, us Indians, as Billy's words are always in my ear and in my heart.

In this committee right here, we have done a lot of work over the times, and I was proud to say that I worked with Congressman Norm Dicks for the 6th, and that we saw great changes in the way we would do business around here. And we prevailed in some very tough times in these different Presidents and different congresses. And very happy and proud to say that this committee has stood with Indian Country, stood with us when we looked at the quiet crisis and the broken promises, the renewal of the quiet crisis in December of 2018 that my congressman had a voice in. And your support is very much appreciated.

To the degree that you came out to our homelands and this committee visited us, the chair, and the ranking member, and others came to our villages, to our homelands, and witnessed what we put on paper, this valuable testimony that we write, what you heard from CORA, what you hear from the Great Lakes, what you hear from our tribes. You know, sitting here for a couple of hours, your heart just pours out in crisis for our people, for our food, for our burial grounds, for our subsistence, subsistence that is wound into our request here in our written testimony. Complicated agreements between the United States and Canada, Pacific Salmon Commission. A lot of what we do is heavily laden with technical work that needs to be done, and I am talking about the Pacific Salmon Treaty. I am talking about the young man that talked about rights protection, you know. You are going to see rights protection in here in a couple of places in our testimony.

Pacific Salmon Commission. You are going to see in our written testimony we talked about hatcheries. Hatcheries are more important than ever with the demise of our habitat, hatcheries, habitat, in order for us to have harvest. We get deep into the weeds of management because we are the co-managers of the resource, the co-owner with the State of Washington that those treaties, the United States said here to you, your designation document when you became a State in 1889. That relationship requires us to heavily, heavily regulate it right down the line.

And, you know, what we put in the request is threaded with all these different places that you would see us in U.S. Fish and Wildlife, and Parks, and you would see us in Interior BIA. And, you know, I think what we have learned over time is when you look at the staffs that you employ and the relationships, when we come through and talk to you, it is about how do we work together to relay that information. How do we tell our story, as Billy Frank would say, to connect this, you know, to give you the information where you can stand up for the work that you do in this committee for us Indians, us that rely on that assistance?

I don't have much more of a message from that. You know, I go through these talking points, and I talked about the pools of monies. That is so important: EPA, geographic funds through EPA for Puget Sound. The mass marking, you know, requirements under the treaty with Canada, and assessment work that we can tell what is happening out here where our salmon go to eventually

come home, which is really burdened now by the ever-changing conditions of that habitat. And those things are really troubling where you see that in these documents when they talk about climate.

And I appreciate your time. I really respect everybody that works so hard for us. Thank you.

[The statement of Mr. Johnstone follows:]

Northwest Indian Fisheries Commission

TESTIMONY OF ED JOHNSTONE, TREASURER FOR NORTHWEST INDIAN FISHERIES COMMISSION BEFORE THE HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES ON THE FISCAL YEAR 2021 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS, FISH & WILDLIFE SERVICE AND ENVIRONMENTAL PROTECTION AGENCY

February 11, 2020

Chair McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee, for the record my name is Ed Johnstone and I am Treasurer of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the twenty tribes in western Washington that are party to *United States v. Washington,* which upheld the tribes' treaty-reserved right to harvest and manage natural resources on and off-reservation, including salmon and shellfish. On behalf of the NWIFC, I am here today to speak specifically to our natural resources management and environmental program funding requests for the Bureau of Indian Affairs (BIA), Fish & Wildlife Service (FWS) and Environmental Protection Agency (EPA) Fiscal Year 2021 appropriations. These programs support tribes to carry out their natural resource management responsibilities including the management of Pacific salmon fisheries, which contribute to a robust natural resource-based economy and the continued exercise of tribal treaty rights.

SUMMARY OF FISCAL YEAR 2021 (FY21) APPROPRIATIONS REQUESTS

Bureau of Indian Affairs

- Provide $58.4 million for Rights Protection Implementation (collective request)
  - Provide $17.146 million for Western Washington Fisheries Management
  - Provide $3.423 million for Washington State Timber-Fish-Wildlife
  - Provide $6.255 million for U.S./Canada Pacific Salmon Treaty
  - Provide $3.4 million for Salmon Marking
  - Provide $4.5 million for Climate Change
- Provide $15.0 million for Fish, Wildlife & Parks Projects (non-TPA)
- Provide $953,000 for the Salmon and Steelhead Habitat Inventory and Assessment Program within the Tribal Management/Development Program Subactivity
- Fully Fund Contract Support Costs
- Provide $2.0 million for Western Washington Treaty Tribes' Wildlife Management
- Provide $30.355 million for Tribal Climate Resilience

Fish & Wildlife Service

- Provide $8.0 million for Tribal Wildlife Grants

Environmental Protection Agency

- Provide $96.4 million for General Assistance Program
- Provide $50.0 million for Puget Sound Geographic Program

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- **Provide $58.4 million for BIA Rights Protection Implementation Subactivity**

The 41 tribes in the Great Lakes and Pacific Northwest with similar treaty-reserved rights have collectively identified that no less than $52.0 million for Rights Protection Implementation (RPI) is necessary to support essential tribal treaty-reserved resource management. The NWIFC has also identified an additional need of $1.0 million for a salmon tagging and marking trailer, $4.5 million for RPI Climate Change, plus increases to meet Pacific Salmon Treaty commitments, which brings our total request for RPI to $58.4 million; $16.657 million above the FY20 enacted level of $41.743 million. A summary of the accounts of importance to us within RPI are further identified below. However, please note that a breakdown of these accounts for FY19 is not provided in the Indian Affairs FY20 Budget Justification and the FY21 Budget Justification is not yet available.

- **Provide $17.146 million for BIA Western Washington Fisheries Management**

We respectfully request $17.146 million; an increase of $6.47 million over the FY18 enacted level of $10.676 million. Funding for this program supports the tribes to co-manage their treaty-reserved resources with the state of Washington, and to continue to meet court mandates and legal responsibilities. For example, funding supports harvest planning, population assessments, data gathering for finfish, shellfish, groundfish, and other natural resource management needs.

- **Provide $3.423 million for BIA Washington State Timber-Fish-Wildlife (TFW)**

We respectfully request $3.423 million, which would maintain the FY18 enacted level. Funding for this program is provided to improve forest practices on state and private lands, while providing protection for fish, wildlife and water quality. This funding supports the tribes' participation in the Timber, Fish and Wildlife Agreement – a collaborative intergovernmental and stakeholder process between the state, industry and tribes.

- **Provide $6.255 million for BIA U.S./Canada Pacific Salmon Treaty**

We respectfully request $6.255 million, which would maintain the FY20 enacted level. This request is consistent with that of the Pacific Salmon Commission (PSC) and is necessary to implement the newly revised Pacific Salmon Treaty (PST) agreement. The Pacific Salmon Treaty Act of 1985 charges the PSC with the responsibility for implementation of the bilateral treaty with Canada. Tribes assist the U.S. federal government in meeting its obligations to implement the treaty by participating in fisheries management exercises including cooperative research and data gathering activities. This funding supports our tribes' participation in the bilateral PST process.

- **Provide 3.4 million for BIA Salmon Marking**

We respectfully request $3.4 million; an increase of $2.063 million over the FY18 enacted level of $1.337 million. $2.4 million is requested for ongoing tagging and marking operations, and $1.0 million is requested for an additional automated tagging trailer needed to keep pace with demand. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes and has provided some funding to

implement this mandate. This funding allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations in western Washington.

The NWIFC uses automated trailers to provide effective and efficient centralized tagging and marking services to our 20-member tribes. However, an increasing demand for these important services exceeds our current capacity. An additional automatic trailer is needed to ensure we meet the requirements of salmon marking and tagging at tribal hatcheries.

- **Provide $4.5 million for BIA Climate Change**

We respectfully request $4.5 million for RPI Climate Change for our member tribes. The BIA did not fund this program in FY18 and FY19, however there were many successful tribal projects and programs in FY16 and 17. Funding for this program would provide tribes the capacity to identify, respond and adapt to the impacts of our changing climate on treaty-reserved resources.

- **Provide $15.0 million for BIA Fish, Wildlife & Parks Projects (Non-TPA) for Hatchery Operations and Maintenance**

We respectfully request $15.0 million for Hatchery Operations and Maintenance within the Fish, Wildlife and Parks Projects account; an increase of $5.059 million over the $9.941 million provided for these programs in FY20. More specifically, we request $8.0 million for Hatchery Operations and $7.0 million for Hatchery Maintenance. This funding is provided to tribal hatcheries to support the rearing and releasing of salmon and steelhead for harvest by Indian and non-Indian fisheries in the U.S. and Canada. Without hatcheries, tribes would lose their most basic ceremonial and subsistence fisheries that are central to our tribal culture.

- **Provide $953,000 for BIA Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP) (within the Tribal Management/Development Program)**

We respectfully request $953,000 within the Tribal Management/Development Program for SSHIAP; $343,000 above the FY20 enacted level of approximately $610,000. SSHIAP is a vital program to the western Washington tribes because it provides essential environmental data management, analysis, sharing and reporting to support tribal natural resource management. It also supports our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

- **Fully Fund BIA Contract Support Costs**

We respectfully request that Congress fully fund Contract Support Costs (CSC). We also support the reclassification of CSC as mandatory funding. Funding for this function ensures that tribes and tribal organizations have the capacity to manage federal programs under self-determination contracts and self-governance compacts.

- **Provide $2.0 million for Western Washington Treaty Tribes' Wildlife Management**

We respectfully request $2.0 million for western Washington treaty tribes' wildlife management programs from an account within the Bureau of Indian Affairs Trust – Natural Resources Management Activity. The member tribes reserved the right to fish, hunt and gather natural resources throughout their ceded territories. Part and parcel with the tribes' reserved right to hunt and gather outside of their reservation boundaries, is the necessity to co-manage wildlife resources with the State of Washington. Requested funding will provide capacity to participate

in state-tribal co-management forums, the development of wildlife management plans, development and enhancement of tribal hunting codes, and the design and implementation of applied research projects. These capabilities are fundamental to the protection of our tribes' treaty-reserved rights and resources.

- **Provide $30.355 million for BIA Tribal Climate Resilience**

We respectfully request $30.355 million; an increase of $15.399 million over the FY20 enacted level of $14.956 million. Funding for this program will support tribes to participate in climate change issues that impact treaty-reserved resources, as well as promote resiliency to change.

Fish & Wildlife Service

- **Provide $8.0 million for FWS Tribal Wildlife Grants**

We respectfully request $8.0 million for the nationwide Tribal Wildlife Grants program; an increase of $2.791 million over the FY20 enacted level of $5.209 million. Funding from this competitive grant program supports the conservation of wildlife and their habitat, including species that are culturally or traditionally important to tribes.

Environmental Protection Agency

- **Provide $96.4 million for EPA General Assistance Program (GAP)**

We respectfully request $96.4 million; an increase of $30.924 million over the FY20 enacted level of $65.476 million. We also respectfully request: 1) accompanying bill or report language that would improve flexibility in the GAP to ensure individual tribal priorities and implementation activities would be eligible; and 2) $5.0 million for a regional pilot project that would demonstrate how flexibility to implement individual tribal priorities through a self-governance model can benefit tribes, EPA and the environment. The GAP builds tribal program capacity to begin to address environmental issues, which impact tribes' health, safety, and treaty-reserved resources.

- **Provide $50.0 million for EPA Puget Sound Geographic Program**

We respectfully request $50.0 million; an increase of $17.0 million above the FY20 enacted level of $33.0 million. This Geographic Program provides essential funding that will help protect and restore Puget Sound – an estuary of national significance. Funding for this program is essential for tribes because it supports our participation in a broad range of Puget Sound recovery work, including, scientific research, resource recovery planning, and policy discussions that affect our treaty rights.

CONCLUSION

We respectfully urge the Subcommittee to continue to support our efforts to protect and restore treaty-reserved resources and the communities and economies dependent upon them. We greatly appreciate your attention to our requests and we thank you for your continued commitment to tribes.

Ms. PINGREE. Thank you. Mr. Red Star Wolf.
Mr. WOLF. Jeremy Wolf.
Ms. PINGREE. Jeremy Wolf.
Mr. WOLF. Red Star is my Indian name.
Ms. PINGREE. I see it is either Jeremy Wolf or Red Star, yeah. Go ahead.

TUESDAY, FEBRUARY 11, 2020.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

WITNESS

JEREMY RED STAR WOLF, CHAIRMAN, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Mr. WOLF. I am the vice chair of the Umatilla Tribe, also the chair of the Columbia River Inter-Tribal Fish Commission, and I wanted to thank you for assembling this panel. The Treaty Resource Commission's Inter-Tribal Commission, we have long histories together, and I want to continue those collaborations into the future.

So as the CRITFC tribes, it consists of the Umatilla, the Yakima, the Nez Perce, and the Warm Springs tribes. So the tribes, we are active managers in an area equal to size of State of Georgia, spanning across 3 time zones, so it is quite an endeavor, a challenge that we take on. Collectively, we work obviously on fisheries, but in a more overall sense, it is for our first foods. And we identify our foods with water, fish, deer, roots, and berries, and those also have animals and species that fit underneath them categorically. And there is water which serves as the life food for everything, the fish which are the aquatic species, the deer which are the terrestrial species that live above the ground, and the roots, the plants to grow underneath the ground, and then the berries which survive above.

And so those take us in time and space, and we address those not only culturally and throughout the seasons, but we address those scientifically. So we have been able to identify how these are affected, and that goes into climate change resilience. And how we address these things is not only expressed throughout our culture and how we gather these things in time and space, but how we can define it and communicate that to the contemporary world as well.

Another collective goal that we have is workforce development for our people. So we have over 700 members, 700 tribal employees between the tribes, and it is something that I think goes to say a lot towards what we are trying to accomplish, not only for the employees, but our youth that are up and coming. We want to make sure that we are training our youth as they come up, training our youth not only in the workforce, but we also have a salmon camp that we have every year for the middle school. So that is something that we are trying to address so we can speak on these first foods, speak on the things that are important to us.

So BIA's Columbia River fisheries management budget supports the core fishery program efforts of CRIFTC and our member tribes, which span across 3 time zones, as stated. We request an increase of $5 million over the current levels of a new program at a base

budget of $10.7 million. This increase will prioritize support for enforcement, harvest monitoring, implementation of our four primary agreements, including the negotiations to modernize the Columbia River treaty. The Columbia River treaty is something that I am specifically delegated to as far as CRIFTC goes, and my Umatilla Tribe has been asked to be a part of the most recent Cranbrook negotiations as a technical advisor, and was able to express the first foods that I just briefly described; but also what we have deemed through the regional recommendation, which is a recommendation addressed through not only State, but Federal and tribal, entities.

Fifteen tribes are identified, U.S. tribes identified as Columbia River treaty tribes, also working with the First Nations. But I think it is really important that the tribes themselves be a part of this negotiation as we were not a part of the original negotiation. So that is something that is really important that we move forward because that is going to be the lifeblood. It is going to be the water flows that are necessary in a very unnatural system for the returns and all that we have invested as far as the fish coming back. Ecosystem. Proper ecosystem flows is going to be really important.

So also I am going to just touch on a few things here, but climate change resilience is something I think that is very important for us moving forward. It goes right along with our first foods concepts that we have. And we have had some issues recently concerning first foods, but one thing I guess I wanted to kind of get into is the people that are being affected. And one of the things that goes along with that is the treaty fishing access sites that we have underneath. I want to thank the Congress themselves for Public Law 1699. It is the Columbia River In-Lieu Treaty Fishing Site Improvement Act. So with that, we will be addressing the sites and O&M funding. We recently talked to the BIA about where those would fit and where those funds would best be allocated. But we also want to ensure that the operating and maintenance monies are addressed as well.

So with that, I also wanted to, with the time running out here, I just wanted to say that our chair, Cath Brigham, who was supposed to be here tomorrow, just wanted to say that she gives her regards, but she is not able to make it. We recently had some devastating floods in the Umatilla River, unforeseen in recorded history, so we have a lot of homes that were lost. We had one lady who lost her life in the community. But she will not be able to attend, but we did provide our written testimony for that. But it does go to say that it is a part of the changing climate that we have and why we need to ensure that we are adequately funded to address those issues.

Tribes have proven to be at the forefront of all these issues, so I just want to thank you for your time.

[The statement of Mr. Wolf follows:]



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

[redacted] [redacted]

TESTIMONY OF
Jeremy Red Star Wolf, Chairman
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2021 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
February 11, 2020

Madam Chair and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2021 budget. We have specifically identified the following funding needs and one request for review:

1) **$10.7 million for Columbia River Fisheries Management (CRFM) under Rights Protection Implementation,** to meet the base program funding needs of the Commission and the fisheries programs of our member tribes;
2) **$6.25 million for U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation,** to implement obligations under the recent agreements adopted by the U.S. and Canada;
3) **$8.0 million for Tribal Climate Resilience under Rights Protection Implementation** for treaty-based climate change adaptation and planning;
4) **$3.0 million for under Trust Natural Resources for the Columbia River In-Lieu and Treaty Fishing Access Sites**– to support implementation of P.L.116-99 and to support annual Operations and Maintenance at the 31 In-lieu and Treaty Fishing Access sites; and
5) **$966,000** to support full enforcement of federal laws at In-Lieu and Treaty Fishing Access Sites on the Columbia River.

History and Background: CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States, an area the size of the State of Georgia.

In 1855, the U.S. entered into treaties with the four tribes[1] whereupon we ceded millions of acres of our homelands. In return, the U.S. pledged to honor our ancestral rights, including the right to fish in all Usual and Accustomed locations. Unfortunately, a perilous history brought the salmon

[1] Treaty with the Yakama Nation, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

The CRITFC tribes are now globally recognized leaders in fisheries restoration and management. We are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. Columbia River fish stocks form the core of high value fisheries from the interior West to Southeast Alaska valued in the hundreds of millions of dollars. To achieve these objectives, our actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaboration with state, federal and private entities.

Columbia River Fisheries Management within Rights Protection Implementation: Salmon, returning in the greatest numbers since federal dam construction, tell us we're succeeding. But with success management increases in complexity requiring greater data collection and enforcement. Funding shortfalls are prohibiting the achievement of tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement, and harvest monitoring.

The BIA's Columbia River Fisheries Management budget supports the core fishery program efforts of CRITFC and our member tribes which span across three time zones. We request an increase of $5.0 million over current levels for a new program base of $10.7 million. This increase will prioritize support for enforcement, harvest monitoring, implementation of our four primary agreements including negotiations to modernize the Columbia River Treaty.

CRITFC and our member tribes are principal implementers of actions laid out in three landmark agreements: 1) the recently extended Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin[2], 2) a new 10-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v. Oregon*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty[3]. These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While the Tribes have committed to substantial on-the-ground projects through these agreements with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the Congress recently enacted the Endangered Salmon Predation Control Act, P.L. 115-329, which recognizes that CRITFC and its member tribes assist the region in managing sea lion predation in the Columbia River. The tribes are also addressing unmet mitigation obligations such as fish losses associated with the John Day and The Dalles dams.

Rights Protection Implementation funding takes on even greater importance as funding for State co-management agencies has become inconsistent or decreased. Below are other priority need areas for CRITFC and our member tribes.

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[2] The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory
[3] *See* Salmon Win A Triple Crown" at http://www.critfc.org/text/wana_109.pdf

Workforce Development: CRITFC strives to build a tribal workforce pool of respected and skilled Native American scientists, policy analysts, technicians and managers that serve the tribes' fisheries and natural resource management program needs. CRITFC's Workforce Development Program helps prepare tribal members of all ages for jobs and careers in natural resources management by providing hands-on, culturally relevant experiences in Science, Technology, Engineering and Math (STEM). Since 2010, CRITFC has held a week-long Salmon Camp for middle school students in collaboration with our member tribes using limited funding resources. From 2014-2017, CRITFC was able to offer paid internships and research experiences for college students interested in fisheries and natural resources, but due to lack of funding those opportunities are no longer available.

Columbia River Treaty Modernization: The Treaty reserved rights of CRITFC's member tribes, as well as management authorities and responsibilities, are substantially affected by the Columbia River Treaty. While the Columbia River Treaty is evergreen and continues to provide benefits to both the U.S. and Canada through coordinated flood risk management and hydropower production the Regional Recommendation urges modernization by incorporating Ecosystem Function as a third primary purpose of the treaty. This necessary amendment would enhance the Columbia River Treaty to provide built-in principles in a pro-active, comprehensive manner rather than reacting in a piece meal approach to individual salmon listings under the Endangered Species Act. Increased Rights Protection Implementation funds can allow the Columbia Basin tribes to continue collaborating with the states, federal agencies and regional stakeholders to provide technical analyses in support of the negotiations with Canada being led by the State Department.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation: The U.S. and Canada forged the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. The 2008 agreement, which expired at the end of 2018, represented a step forward in ensuring the conservation and rebuilding of the shared salmon resource. The Parties recently completed revisions to the 2008 agreement. The revised agreement, which builds on past efforts, is in the process of final diplomatic approval and will last through 2028. The revised agreement carries additional data requirement to implement.

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $6.25 million for the twenty-five participating tribes to implement the revised agreement. These funds provide for direct tribal participation with the Commission, panels and technical committees. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities, which protect trust resources. Our FY2021 recommended level for this program is consistent with the FY2020 level and correlates to the U.S. Section's recommendation.

Tribal Climate Resilience under Rights Protection Implementation: The Columbia River Treaty Tribes are feeling the effects of climate change now. Our First Foods are being affected including shifts in salmon run timing and berry and root ripening cycles. In 2015, climate-related stress in the form of historic forest fires and the loss of up to 400,000 sockeye salmon due to

elevated water temperatures are just a few concrete examples of the climate crisis impacts and why there needs to be continued funding to help the tribes collaborate with public, private and the non-profit sector to develop adaptation strategies to protect species at risk.

Columbia River Treaty Fishing Sites – a NEW PROGRAM in Trust Natural Resources - Long term reliability of Operations and Maintenance funding for the 31 federally owned In-lieu and Treaty Fishing Access sites is in jeopardy. A fund to provide long-term O&M was established under an MOU between the U.S. Army Corps of Engineers and BIA. However, the fund will exhaust in 2020, a full twenty-five years short of its projected life due to delayed capitalization, erosion of principle and poor market conditions. This annual appropriation will ensure O&M functions annually and support initial implementation of recently enacted P.L.116-99, the *Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act.*

Public Safety, Criminal Investigations and Police Services: Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31 fishing access sites developed pursuant to P.L. 87-14 and P.L. 100-581 for use by treaty fishers. CRITFC's officers possess BIA Special Law Enforcement Commissions to enhance protection and service to tribal members and federal trust properties along the Columbia River. CRITFC entered into a P.L. 93-638 contract with BIA in February 2011 for enforcement services along the Columbia River. That contract currently provides funding for two enforcement positions.

Our immediate priority is to add two patrol officers, one sergeant, one investigator and one dispatcher. Full funding for this enforcement need is $966,000 which would support a total of four officers, one sergeant, an investigator and a dispatcher.

A Request for Review of Salmon Mass-Marking Programs: CRITFC aspires to a unified hatchery strategy among tribal, federal and state co-managers. To that end, we structure hatchery programs using the best available science, regional expertise. A Congressional requirement to visibly mark all salmon produced in federally funded hatcheries circumvents local decision-making and should be evaluated. We request that federal mass-marking requirements, and correlated funding, be evaluated for compatibility with ESA delisting objectives and with prevailing laws and agreements: *U.S. v. Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords. Salmon managers should be provided the latitude to make localized, case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

In summary, we are proven natural resource leaders. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

Contact: Charles Hudson, Director of Government Affairs, (503) 731-1257, hudc@critfc.org

Ms. PINGREE. Thank you very much. Mr. Isham.
Mr. ISHAM. Isham.
Ms. PINGREE. Isham.
Mr. ISHAM. The nuns would say it that way, but I never corrected them, so. [Laughter.]
Ms. PINGREE. You can't mistake me for a nun.
Mr. ISHAM. I was scared of them.

TUESDAY, FEBRUARY 11, 2020.

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

WITNESS

MICHAEL "MIC" ISHAM, EXECUTIVE DIRECTOR, GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

Mr. ISHAM. [Speaking native language.] Greetings, Madam Chair and committee. My name is Michael "Mic" Isham, Jr. I am a citizen of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, and I am currently serving as the executive administrator of the Great Lakes Indian Fish and Wildlife Commission, or GLIFWC for short. And I want to thank you for the opportunity to testify on behalf of GLIFWC.

For those of you who may not know us, GLIFWC is a natural resource agency that represents 11 member Ojibwe tribes, these areas here in what are now known as Wisconsin, Michigan, and Minnesota. GLIFWC represents over 43,000 tribal citizens, and GLIFWC, with our Federal and State partners, co-manage the resources in over 32-and-a-half million acres of land this land. This land encompasses 60,000 square miles of our ancestral homeland where we continue to hunt, fish, and gather as we have for thousands of years.

And in the mid-1800s, the GLIFWC member tribes entered into several treaties with the United States of America. Our tribes entered into military alliance treaties, not against, alliance, and still to this day we are in the armed forces in large numbers. Besides the military alliance treaties, we also entered into a lot of cession treaties. And in cession treaties, we sold many things to the United States of America, such as billions of board feet of timber, minerals, ports, gravel, and eventually millions of acres of land, which added to, and continue to add to, the United States Treasury. In those treaties, however, we did not sell, and, in fact, specifically retain those rights to use the land as we always have—hunting, fishing, gathering, as you have heard from the other treaty commissions—and also to maintain our traditional life ways, and we never sold our sovereignty.

However, for hundreds of years or so after the signing of these treaties, and as the States became more established, the opposition to the exercise of our off-reservation treaty rights grew. It took court action in the 70s, before chairman was born in the 70s there, 80s and 90s to get our rights reaffirmed. The Gerno case on Lake Superior, the Lac Courte Oreilles v. Wisconsin case, and the Mille Lacs v. Minnesota court cases all were decided in favor of the tribes. The courts all agreed that the tribes' right to hunt, fish, and gather off reservation was guaranteed by treaty.

Another thing the courts all agreed on was that these resources are now shared resources, which also other people had touched on. And so the tribes, along with our State and Federal Partners, must work together to ensure both State and tribal harvest occur in a manner that does not deplete the resources, and that decisions relative to the land use to be done together as well. This is why GLIFWC was formed.

GLIFWC assisted our member tribes in implementing those treaty-retained rights consistent with all those court decrees, such as working with our State and Federal partners on harvest quotas and season parameters, along with land use decisions that will help keep those subsistence harvest free from environmental contaminants. For 35 years since GLIFWC was formed, you, Congress, specifically this committee, has supported GLIFWC and the other treaty commissions with funding through a rights protection implementation line item. On behalf of my family, on behalf of my tribe and all the tribes and families that I represent, I want to thank you all for that support. [Speaking native language.] Big thank you.

Good science and culturally-based natural resource management with a goal of clean and plentiful harvest does not just benefit the tribal citizenry. The people of the North Woods also should be up here thanking you because those programs that GLIFWC administer benefit them as well. The Great Lakes Restoration Initiative, or GLRI, is one program I wanted to specifically thank you for. The GLRI is a very important program for our member tribes, and the congressional language that provides for a distinct tribal program will help ensure that tribes have the flexibility to develop the programs that are highest priorities to their own communities.

This bipartisan effort by Congress to protect and restore the Great Lakes will not get much news, although it probably should because obviously the fighting is what gets the news. But, again, certainly it should get some news. Now, before I left for Washington, D.C., we have a tribal Facebook page, and there was a recent post on there with at tribal harvest of walleye, and the heading read, "We will be eating well tonight." And what was most encouraging in that picture was the fact that it was a grandfather, a father, and a daughter that participated in this harvest. The intergenerational aspect of this activity, coupled with the knowledge gained from our GLIFWC biologists that it is a safe and clean harvest and they can eat it, shows the success of our collective efforts.

Our success is your success, and with continued support our RPI line item, the success will hopefully continue for seven generations and beyond. Megwitch [Speaking native language]. Thank you for listening to me.

[The statement of Mr. Isham follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

• MEMBER TRIBES •

MICHIGAN
Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN
Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA
Fond du Lac Band
Mille Lacs Band

FY 2021 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
MICHAEL J. ISHAM JR., EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

1. **DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, OPERATION OF INDIAN PROGRAMS**

   a. **TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI)** – At least the **$41,743,000** provided in FY20 and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT**.
   b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP):** At least the **$13,146,000** provided in FY20 and the TM/DP requests of GLIFWC's member tribes.
   c. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES:** At least **$9,773,000**, the amount proposed in FY20.
   d. **TRIBAL GOVERNMENT, CONTRACT SUPPORT**: Full funding, estimated to be at least **$266,000,000** in FY20.

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes.[1]

2. **ENVIRONMENTAL PROTECTION AGENCY**

   a. **ENVIRONMENTAL PROGRAMS AND MANAGEMENT, GEOGRAPHIC PROGRAMS, GREAT LAKES RESTORATION:** At least **$320,000,000**, the amount provided in FY20, including a tribal program of no less than **$15,000,000.**
   b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM**: At least $65,476,000, the amount provided in FY20.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); Water Infrastructure Improvements for the Nation Act, Pub. L. 114-322 s. 5005; and treaties cited above.

Funding through these programs fulfills federal treaty, trust and contract obligations to GLIFWC's member tribes, providing vital resources to sustain their governmental programs. We ask that Congress maintain these programs and provide funding at no less than FY20 levels.

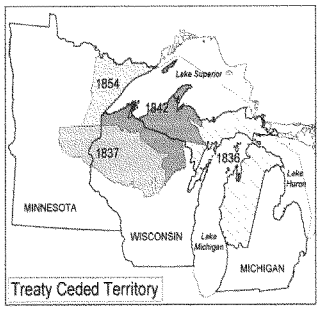
[1] Specifically, the Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC's FY 2021 Funding Request Highlights

1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion as it currently receives.
2. Great Lakes Restoration Initiative funding of no less than $320,000,000, with no less than $15,000,000 for the Distinct Tribal Program.
3. Full funding for contract support costs, as required by the ISDEA Act.
4. Sufficient funding in the Tribal Management and Development line item for GLIFWC's member tribes to fulfill their needs for reservation-based natural resource programs and to fund the Circle of Flight wetlands program.

GLIFWC's Goal – A Secure Funding Base to Fulfill Treaty Purposes and Legal Obligations

For over 35 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) protect public safety; 2) ensure member tribes are able to implement their treaty reserved rights to hunt, fish, and gather throughout the ceded territories; 2) ensure a healthy and sustainable natural resource base to support those rights; and 3) promote healthy, safe communities. These programs also provide a wide range of public benefits, and facilitate participation in management partnerships in Wisconsin, Michigan, and Minnesota.



GLIFWC's Programs – Promoting Healthy Communities and Educating Tribal Members Through Treaty Rights Exercise

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in Minnesota, Wisconsin, and Michigan.[2] GLIFWC employs over 80 full-time staff, including natural resource scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists.

GLIFWC strives to implement its programs in a holistic, integrated manner consistent with the culture and values of its member tribes, especially in light of tribal lifeways that the exercise of treaty rights supports. This means not only ensuring that tribal members can legally exercise their rights, but supporting community efforts to educate them about the benefits (physical, spiritual, and cultural) of harvesting and consuming a more traditional diet, as well as promoting inter-

[2] GLIFWC's programs do not duplicate those of the Chippewa-Ottawa Resource Authority or the 1854 Treaty Authority. GLIFWC also coordinates with its member tribes with respect to tribal treaty fishing that extends beyond reservation boundaries by virtue of the Treaty of 1854 and the reservations' locations on Lake Superior.

generational learning and the transmission of traditional cultural and management practices. These programs, in turn, promote safe and healthy communities by encouraging healthy lifestyles, intergenerational connections, and cultural education.

GLIFWC and its member tribes thank Congress, and particularly this Subcommittee, for its continuing support of these treaty obligations and its recognition of the ongoing success of these programs. There are two main elements of this FY 2021 funding request:

BIA Great Lakes Area Management (within the RPI line item): A proportionate share of the $41,743,000 as provided in 2020 for the RPI line item. The FY 2020 increase of $112,000 for all commissions is greatly appreciated. GLIFWC continues to support allocating increases to the RPI line item in the historically proportionate amounts.

There is a long history of federal funding for treaty rights protection and implementation programs. For more than thirty years, Congress and each Administration have appropriated funding for these programs. GLIFWC has testified about the fact that the need is consistently greater than RPI funding, and the impacts that underfunding has on treaty rights programs. The federal government, as a treaty signatory, is required to uphold treaty rights. It has appropriately chosen to invest in our programs as efficient, cost-effective service delivery mechanisms at the governmental level most appropriate to implement federal court orders and to protect and restore the natural resources on which the treaty rights are based.

GLIFWC's holistic approach to protecting treaty rights and the natural resources that support them requires that we undertake a variety of activities that promote tribal lifeways and inform natural resource management activities. These include scientific, technical and policy analyses, promotion of healthy foods, and language revitalization. To this end, maximum flexibility should be provided to GLIFWC and its tribes to define for themselves the science and research activities best suited to the needs of their member tribes and the particular issues within their region. GLIFWC would be pleased to accept funds from the RPI account in the same proportion as it received in FY 2020.

EPA Environmental Programs and Management: $320,000,000. GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) as an important non-regulatory program that enhances and ensures coordinated governance in the Great Lakes, fulfillment of international agreements, and substantive natural resource protection and restoration projects. GLIFWC supports the FY20 increase in funding for the GLRI to $320 million.

GLIFWC appreciates the directive in the Consolidated Appropriations Act, 2020's explanatory statement that EPA should follow the guidance in House Report 116-100. That report directs the EPA and other federal agencies to fund tribal activities at not less than $15,000,000. GLIFWC continues to work with those agencies to develop and implement the Distinct Tribal Program. This program will help ensure that tribes have the flexibility to develop the programs that are of the highest priorities to their communities, fulfills the spirit of self-determination, meets treaty obligations, and carries out federal trust responsibilities.

Sustained funding for the GLRI allows GLIFWC to maintain its participation in interjurisdictional governance structures, including the implementation of the revised Great Lakes Water Quality Agreement (GLWQA). With GLRI funding, GLIFWC has been able to provide active support on numerous implementing Annexes, including the Lakewide Action and Management Plan, Aquatic Invasive Species, and Chemicals of Mutual Concern Annexes.

Sustained GLRI funding also allows GLIFWC to augment and leverage its current natural resource protection and enhancement activities. This includes enhancing GLIFWC's participation in interagency efforts to assess the impacts of mining waste (stamp sands) on an important whitefish and lake trout spawning reef in Lake Superior, and to explore remediation options and strategies.

RESULTS AND BENEFITS OF GLIFWC'S PROGRAMS

1. **MAINTAIN THE REQUISITE CAPABILITY TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS:** While more funding would increase program comprehensiveness, sustained funding at the FY 2019 level supports tribal compliance with various court decrees and intergovernmental agreements that govern the tribes' treaty-reserved hunting, fishing and gathering rights. Funding for science and research enhances GLIFWC's capability to undertake work and participate in relevant partnerships to address ecosystem threats that harm treaty natural resources, including those related to climate change.

2. **REMAIN A TRUSTED MANAGEMENT AND LAW ENFORCEMENT PARTNER, AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION:** GLIFWC has become a respected and integral part of management and law enforcement partnerships that conserve natural resources and protect public safety. It brings a tribal perspective to interjurisdictional Great Lakes management fora and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.

3. **MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS:** Over the years, GLIFWC has become a recognized and valued partner in natural resource management. Because of its institutional experience and staff expertise, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources; ii) maximize each partner's financial resources and avoid duplication of effort and costs; iii) engender cooperation rather than competition; and iv) undertake projects that achieve public benefits that no one partner could accomplish alone.

4. **ENCOURAGE AND CONTRIBUTE TO HEALTHY TRIBAL COMMUNITIES.** GLIFWC works with its member tribes' communities to promote the benefits of treaty rights exercise. These include the health benefits associated with a more traditional diet and the intergenerational learning that takes place when elders teach youth. In addition, GLIFWC sponsors a camp each summer where tribal youth build leadership skills, strengthen connections to the outdoors, and learn about treaty rights and careers in natural resource fields.

Ms. PINGREE. Thank you very much. Thank you all very much. Mr. Kilmer, do you have any questions?

Mr. KILMER. Thank you, Madam Chair, and, Mr. Johnstone, I want to thank you and the North West Indian Fisheries Commission for your terrific leadership in protecting treaty rights in our region, and for the time you spent with Ranking Member Joyce and with Chairwoman McCollum when they came out to the district. The work you are doing is just so vital in recovering our salmon populations, and I actually do want to thank our chair and ranking member for taking the time to come out and really take the time to understand some of the challenges we face. In your written testimony, you wrote about the salmon and Steelhead Habitat Inventory and Assessment Program, and I was hoping you could just take a second and talk about how that helps to inform the recovery efforts that the Indian Fisheries Commission is taking the lead on.

Mr. JOHNSTONE. Thank you, Congressman, especially for mentioning the North West Fish Commission, which I failed to do when I opened up this panel. What it does is it is a shop that is housed at the North West Indian Fish Commission, and it is tied directly with our GIS programming. And, you know, the dynamics of that, you know, I can tell what the outcome is, but the inner working is we do an assessment on those watersheds. I mean, that is what that inventory talks about, and salmon and steelhead. And so that gets into the basic ecology piece of those individual streams.

And then we take that into our shop, and we use that GIS programming and we use our planning, and put it together. It is called the "State of the Watershed." It is a document about this, and we are just about ready to roll out the third iteration. And in our Puget Sound area in the coast is the document, now that the State agencies, the WDFW, ecology, so forth. In the Federal Government, it is the bible. We have done the work, you heard Mic say, and Jeremy, and others that our work is top notch. And once that is assembled and we put out that document, others don't even try to do it anymore. That is the go-to document. Real critical, and you see that in that request.

And we had a little bit of trouble maintaining that, and now we have got it well placed in BIA. And, you know, it is very important, and we appreciate that we are on kind of firm ground right now.

Mr. KILMER. Thank you. I will also just thank you for referencing the great leader, Billy Frank, Jr. I have a painting that is just of his face that is in my office, and I am conscious that he is watching us, so thank you. I yield back.

Ms. PINGREE. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair. Thank you all for being here, and, Mic, thank you for your support on the Great Lakes Restoration Initiative. I was wondering if you could tell us how GLRI has helped the tribal community there, how the funds are allocated, and who makes the decisions.

Mr. ISHAM. Some of it is capacity, so we can——

Mr. JOYCE. Also whether you are happy with the process. [Laughter.]

Mr. ISHAM. We are happy with the process. Some of it is capacity money, which allows us to hire some experts that, you know, can work on Great Lakes issues. It also helps us get to the table where

decisions are made. You heard talk about consultations earlier or listening sessions. When you are actually at the table when the decisions are being made, that helps a lot. You know about the project up in Michigan, the Buffalo Reef restoration project. We have a lot of money invested in that from our budget, but the biologists and people that work on it we kind of fund with some GLRI money.

Now, the new language, the congressional language that is in there talks about a distinct tribal program, and so although it is not up and running yet, we are working on it, and hopefully that funding will allow us to kind of tweak the program to kind of fit our own needs instead of trying to fit into what the EPA needs are. You know, all the lakes are different. We are up in Lake Superior, and it is pretty clean up there, so how do you get funding when things are clean? You got to mess it up to restore it, so we pushed for protection and things like that, but we will see where it goes. We are very hopeful with that new language in the bill.

Mr. JOYCE. Thank you all for coming.

Ms. PINGREE. Mr. Amodei.

Mr. JOYCE. Thank you all for coming, and I appreciate your time.

Mr. AMODEI. Thank you, Madam Chair. Mr. Isham, I appreciate you answering that question because some of our colleagues accuse my colleague here from Ohio of being a one-trick pony for the Great Lakes, in good fun. And so now I can help protect him to say, well, I have been in a hearing where, by gosh, you know, blah, blah, blah. So I appreciate your helping him out a little bit on that. And beyond that, I have nothing of more substance than that. So, Madam Chair, I yield back.

Ms. PINGREE. That is great. Well, I just appreciate all of your testimony. Thank you so much for talking about issues that are so vital to all of us and for acknowledging the committee's support. I think you would find on both sides of the aisle we are very concerned about all of the issues that you brought up with us today, and look forward to working with you. Thank you very much.

VOICE. Thank you.

Ms. MCCOLLUM [presiding]. Perfect. Thank you for coming. I think we have all the paperwork in order now. Welcome, and thank you. This is our last panel of the day, and so I am sure you heard Ms. Pingree when she was chairing. I just remind people we have a timer, and it is for 5 minutes. And when it goes yellow, you have 1 minute remaining, and so if you start thinking about wrapping things up. And then when it is red, and I want to thank you for your patience and everything because with the votes and all that, I know you waited a while to testify. So thank you so much for that.

So with that, to speed things up a little bit, I will let Mr. Whitehead introduce himself and go right into his testimony, and then we will go right down the line. Mr. Whitehead?

TUESDAY, FEBRUARY 11, 2020.

ASSINIBOINE AND SIOUX RURAL WATER SUPPLY SYSTEM

WITNESS

BILL WHITEHEAD, BOARD OF COMMISSIONERS CHAIRMAN, ASSINIBOINE AND SIOUX RURAL WATER SUPPLY SYSTEM

Mr. WHITEHEAD. All right. Madam Chair and members of the committee, my name is Bill Whitehead. I am the chairman of the Board Assiniboine and Sioux Rural Water System created by——

Ms. MCCOLLUM. We are going to turn your mike on there. Thank you, sir.

Mr. WHITEHEAD. I hope I don't have to repeat that. [Laughter.]

Ms. MCCOLLUM. You are good.

Mr. WHITEHEAD. Okay. Yes, we were recruited by the Fort Peck Tribal Council. I am also joined by the general manager of the project and our general trainer, Major Russell. Our project was authorized by Public Law 106 in December 2000. We are completely fixed with running of the project. We are on budget and close to the finish line. Our project will be the first in the Nation of a reauthorized rural water project to finish construction. I have been informed that our project is highly regarded by the Bureau of Reclamation due to it adherence to budgets, schedules, Federal rules, and quality of construction.

Actually, my board will oversee all the functions of the project within Fort Peck Indian Reservation. We operate a safe and reliable drinking water system for 31,000 residents of northeastern Montana in an area larger than New Jersey, and just smaller than Massachusetts, which also covers four counties in northeastern Montana.

When completed, our water treatment plant will deliver water through 3,200 miles of pipeline on the Fort Peck Indian Reservation and throughout the adjoining Dry Prairie Rural Water System. The project uses our water rights in the Missouri River as confirmed by a water compact with the State of Montana in 1989. Dry prairies are operated and they have been with us for 25 years. Together we have improved the understanding of our cultural differences, and we work hand in hand in a historic relationship for a common purpose.

I always maintained that our water project through our treaty rights enables us to provide water for Indians, non-Indians, Democrats, and Republicans——

Ms. MCCOLLUM. Great.

Mr. WHITEHEAD [continuing]. You know, in one of the most cooperative manners that I have ever experienced. Dry Prairie shares in the cost of operating state-of-the-art facilities in rural communities to secure funds for the project. We meet quarterly on project construction and operating issues. Rural Water is very committed is very committed to maintaining the state-of-the-art infrastructure, which is held in trust by the United States. When Dry Prairie is delivering drinking to a joint system valued at $350 million to meet our responsibility to the Assiniboine and Sioux Rural Water Supply System, employs 19 highly-skilled tribal members, includ-

ing certified operators for the water treatment plant and the pipeline district niche system.

All Federal and State standards for water quality are consistently met. We [Audio malfunction in hearing room] to ensure there is no disruption in service and are proud of that record. As a community organizer for the last 50 years, I recognize and applaud the example our employees are setting for your young people on the reservation where opportunity has been wanting. Our employees are reliable, dedicated, and highly skilled with modern technology. They are advancing the hopes and dreams of our community's next generation.

The project is a success at every level, and we have a responsibility to keep it that way and make perpetual improvements for the benefit of the tribal members and other residents of northeastern Montana rely upon this all-community approach we need for continued success of the project. We were never short of funds thanks to the work of this committee. In 2021, the amount needed $3.2 million. We thank you for recognizing our needs for the past 10 years of operation and for the time you are spending with us.

I would be remiss if I didn't mention that upon this successful attaining of funds that you have helped us with, our congressional delegation, we have evolved to a point of understanding. When we first started 20 years ago, we didn't recognize that Keystone pipeline was coming along, and we are very concerned about that when you take in consideration the 13 schools, four hospitals, and the 30,000 people there. It may not seem like much when you live in an urban area, but out there where we live at, it is so valuable. And I just wanted to put that on record that we are concerned about whatever happens. You know, pipes will break, and I just wanted to leave that with you. Thank you very much.

[The statement of Mr. Whitehead follows:]

TESTIMONY OF BILL WHITEHEAD, CHAIRMAN
ASSINIBOINE AND SIOUX RURAL WATER SYSTEM
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
BUREAU OF INDIAN AFFAIRS: CONSTRUCTION ACCOUNT
February 11, 2020

FORT PECK RESERVATION RURAL WATER SYSTEM ($3,280,000)

The Assiniboine and Sioux Rural Water Supply System (ASRWSS) submits this testimony in support of continued Operations, Maintenance, and Replacement (OMR) Costs associated with the Fort Peck Reservation Rural Water System. The Assiniboine and Sioux Rural Water Supply System Board is the tribally chartered entity charged with the planning, design, construction, operation, maintenance and replacement of the Assiniboine and Sioux Rural Water Supply System, which is the part of the Fort Peck Reservation Rural Water System that is on the Fort Peck Indian Reservation. We are strong partners with Dry Prairie Rural Water System (DPRWS), which operates the part of the Project that is off the Reservation.

The most basic of governmental function is the delivery of clean, safe drinking water and we are honored to provide water and service in northeastern Montana to an area of 7,750 square miles connected by 3,200 miles of pipeline when completed in 2023 The year following full project funding). The project provides safe, adequate, and reliable drinking water to an area larger than New Jersey and just smaller than Massachusetts.

ASRWSS wants to thank the Subcommittee for the full funding of Operations, Maintenance, and Replacement (OM&R) costs of the Water Project at $3.210 million in FY 2020.

As the Project works toward completion of construction, our OM&R needs continue to increase. Thus, for FY 2021 will need an additional $70,000 for total level of funding at $3.280 million in appropriations to the Bureau of Indian Affairs (BIA) Construction account.

The funding increase of $70,000 is necessary to:

i) safely operate, maintain, repair and replace system features,
ii) employ the necessary level of qualified and certified staff
iii) purchase chemicals for treatment
iv) purchase power for pumping and treatment facilities.

The Congress (Energy and Water Subcommittee) will appropriate $320 million to complete the project in today's dollars. The project is 86% complete and full funding will be available to complete the project in FY 2022. It is imperative for ASRWSS, through Interior appropriations and the DPRWS cost share, to maintain the investment in our infrastructure valued at $220 million and held in trust by the United States. The DPRWS cost share covers the OMR cost of common facilities use by Dry Prairie as agreed upon between ASRWSS, DPRWS and the Secretary and is paid monthly and timely by DPRWS.

ASRWSS will provide drinking water to more than 21,000 residents in Northeast Montana in 2020, 22,000 residents in 2022, and 31,000 residents as the population of the region continues to grow over the next several decades. The population served at the end of 2016 was less than 10,000, and OMR funding needs have been increasing accordingly. The project also serves social and governmental agencies, including the BIA Agency Office, schools, clinics, hospitals, Medicine Lake National Wildlife Refuge, Fort Union Trading Post National Historic site, U.S.- Canadian border stations, as well as the towns of Poplar, Wolf Point, Frazier, Culbertson, Medicine Lake, Scobey, Nashua, Fort Kipp and Brockton.

The Fort Peck Reservation Rural Water System was authorized by the Fort Peck Reservation Rural Water System Act of 2000, Pub. L. 106-382. The enactment ensured a safe, adequate, and reliable municipal, rural and industrial water supply for the residents of the Fort Peck Indian Reservation and the residents of Roosevelt, Sheridan, Daniels, and Valley Counties outside the Reservation. As noted in the President's previous budget requests: "*Groundwater from shallow alluvial aquifers ... for the municipal systems . . . is generally poor with concentrations of iron, manganese, sodium, sulfates, bicarbonates and total dissolved solids above recommended standards.*" This project provides a perpetual remedy to historic water quality issues that impaired health and stunted economic growth.

The Project called for the construction of a single treatment plant on the Missouri River near Wolf Point, Montana, that will distribute water through 3,200 miles of pipeline to both the Reservation Tribal system and through three interconnections to the Dry Prairie system. A single water source on the Missouri River replaced nearly two dozen individual community water sources and ensured a clean, plentiful and safe water supply.

The Federal legislation authorizing the Fort Peck Reservation Rural Water System requires that the OMR of the ASRWSS – the facilities on the Reservation that are held in trust by the federal government – be fully funded by the BIA. This is consistent with the federal trust responsibility to the Tribes who were promised a permanent home when the Assiniboine and Sioux Tribes agreed to move to the Reservation. A permanent home requires safe drinking water. The funding request ASRWSS to deliver superior drinking water meeting all federal and state standards to all of the people, towns, and federal, tribal, state, public and private agencies, and businesses.

Thus, the $3.280 million requested in FY 2021 for the OMR of this vital infrastructure project is critical. The increased funding of $70,000 over the FY 2020 level for the OM&R of the Project is needed as the Project buildout increases the service population and requires additional personnel, power, chemicals, repairs, replacements and improvements to operate the water treatment plant and other facilities, including the intake, pipelines, pumping stations and reservoirs, to continue to meet this expanded service.

Again, we thank the Subcommittee for the continued support of OMR funding for ASRWSS as authorized by PL 106-382.

Ms.MCCOLLUM. Thank you. Mr. Francis.

TUESDAY, FEBRUARY 11, 2020.

UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND

WITNESS

KIRK FRANCIS, PRESIDENT, UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND

Mr. FRANCIS. Good afternoon, Chairwoman McCollum, Ranking Member Joyce, and my home State congresswoman, Ms. Pingree. It is great to see you again. My name is Kirk Francis. I am currently serving as the president of the United South and Eastern Tribes Sovereignty Protection Fund representing tribes from Maine to Florida to Texas. I am also the chief of the Penobscot Indian Nation.

We are here today, as we are every year, with the Federal Government's failings in delivering upon the obligations to tribal nations and native people. This failure has persisted regardless of changes in Administration or Congress despite numerous reports, investigations, recommendations, and consistent advocacy from Indian country, and, of course, the great work of people like that around this committee.

In 2003, the U.S. Commission on Civil Rights issued "The Quiet Crisis Report," which found that, "Measured by honor of funding commitments, none of the agencies reviewed met its obligations to tribal nations." In 2003, Congress and the Administration had that information and the opportunity to reverse course, yet the "Broken Promises Report" issued in December 2018 by the commission found that, "The funding of the Federal trust responsibility and obligation remains grossly inadequate in a barely perceptible and decreasing percentage of agency budgets." By some measures, since 2003, we have actually lost ground on tribal sovereignty and self-determination.

This is not a question about addressing poverty and needs across Indian Country. Our relationship with the United States is ultimately about honor, fulfilling commitments and its promises. So when will we truly pay the debt to tribal nations owed in perpetuity for the extensive lands and resources ceded by our ancestors? Deep and chronic failures require bold, systematic changes.

The solutions we offer involve a fundamental shift in Federal Indian policy and funding. They will allow Indian Country to realize its great potential and create lasting, positive change for tribal nations and our people. Additionally, an appropriately strong and just domestic investment into Indian Country benefits America as well.

It is critical that the Administration propose and Congress demand budgets containing full funding for all Federal Indian agencies and programs. Given our history and unique relationship, this funding can no longer be subject to the instability of discretionary spending. In the short term, we are urging the passage of legislation providing advanced appropriations for IHS and BIA. In the long-term, we must achieve full and mandatory funding for all Federal Indian agencies and programs.

The processes under which OMB develops budgets and policies that impact us also require reform. We believe a strong tribal affairs office should be created at OMB. In concert with this office, OMB must be required to produce a full, detailed accounting of the funding distributed to Indian Country, including only what tribal nations access, not what funds were technically available for them. As are other agencies, OMB must also be subject to the consultation requirements. As Congress once again discusses an infrastructure package, it must include the rebuilding of tribal nation infrastructures and economies similar to the U.S. investment in rebuilding post-world War II Europe in the Marshall Plan. The legislative and executive branches should commit to the same investment to rebuild tribal nations given that our current circumstances are a direct result of the acts and policies of the United States.

Regarding our priorities for Fiscal Year 2021, we urge the prioritization of the trust obligation in the 302(b) allocation for Interior. For BIA, our region's funding priorities are included in our written testimony. We continue to be frustrated by the Administration's refusal to include a calculation of BIA's unfunded obligations in the budget formulation process. In addition, we join others throughout Indian Country in advocating for funding within the Interior and CJs bills for risk management measures to protect tribal sovereign immunity.

For IHS, again, our regional priorities are in our written testimony. We are working with other tribal advocates, though, and the IHS to calculate the true unfunded obligations of the Agency. We are projected to be far lower than the current figure of approximately 50 percent. Finally, we urge the subcommittee in the strongest possible terms to provide separate and indefinite appropriations for 105(l) leasing. Our healthcare should not suffer due to the Agency's inability to accurately predict these costs.

So in closing, it is time for a comprehensive overhaul of the trust relationship and obligations, one that results in promises kept to tribal nations. Keeping promises starts with ensuring that Federal spending better reflects trust and treaty obligations. I want to thank you all again for having me here, and on behalf of our organization, we are happy to answer any questions.

[The statement of Mr. Francis follows:]

Testimony of President Kirk Francis
United South and Eastern Tribes Sovereignty Protection Fund
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
FY 2021 Native American Public Witness Hearings, February 11, 2020

Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee, thank you for opportunity to provide testimony regarding the federal government's failure to fully uphold its fiduciary trust and treaty obligations to Tribal Nations. My name is Kirk Francis. I serve as the President of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF). I am also the Chief of the Penobscot Indian Nation, located at Indian Island, Maine. My testimony will focus on funding for federal Indian programs at the Bureau of Indian Affairs (BIA), the Indian Health Service (IHS), and beyond. While we appreciate this Subcommittee's longstanding commitment to holding Tribal Public Witness hearings and note this year's truncated timeline for Congressional action, USET SPF finds it problematic that the timing of this hearing did not allow for witnesses to review the President's Fiscal Year (FY) 2021 Budget Request.

USET SPF advocates on behalf of 30 federally-recognized Tribal Nations from the Canadian Border to the Everglades and across the Gulf of Mexico. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains Region of the Bureau of Indian Affairs and the Nashville Area of the Indian Health Service, covering a large expanse of land compared to other regions. Due to this large geographic area, USET SPF Tribal Nations have great diversity in cultural traditions, land holdings, and resources.

As this Subcommittee is aware, Native people have suffered many injustices as a result of federal policy, including actions that sought to terminate Tribal Nations, assimilate our people, and erode Tribal territories learning, and cultures. This story involves the cession of vast land holdings and natural resources, oftentimes by force, to the U.S. out of which grew an obligation to provide benefits and services in perpetuity to Tribal Nations. These resources are the very foundation of this nation and have allowed the U.S. to become the wealthiest and strongest world power in history. Federal appropriations to Tribal Nations and Native people are simply a repayment on this perpetual debt.

The chronic underfunding of federal Indian programs continues to have disastrous impacts upon Tribal governments and Native peoples. As the U.S. continues to break its promises to us, Native peoples experience some of the greatest disparities among all populations in this country—including, but not limitec to, those in health, economic status, education, and housing. Indeed, in December 2018, the U.S. Commission on Civil Rights issued the Broken Promises Report, following years of advocacy from Tribal Nations and organizations seeking an update to the 2003 Quiet Crisis report. The Commission concluded that the funding of the federal trust responsibility and obligations remains "grossly inadequate" and a "barely perceptible and decreasing percentage of agency budgets." The report confirms what we in Indian Country already know—with the exception of some minor improvements, the U.S. continues to neglect to meet its "most basic" obligations to Tribal Nations. Though these chronic failures have persisted throughou changes in Administration and Congress, it is time that both the legislative and executive branches confron and correct them.

Despite the findings and recommendations within the Broken Promises and Quiet Crisis reports, no Administration has ever submitted a budget request that would fully deliver upon the federal trust responsibility and obligations. And at the Congressional level, funding for Indian Country continues to fall victim to issues unrelated to the trust obligation. While increases in funding for federal Indian agencies and programs have been enacted over the years, nothing has come close to reflecting the true depth of the U.S. obligation to Tribal Nations, fully upholding our governmental status, or even keeping pace with inflation. This is not about addressing poverty and needs across Indian Country. Our relationship is much more than this. This is ultimately about honor, about fulfilling commitments and promises. A nation's exceptionalism is grounded in these principles.

Inadequate and unstable Indian Country funding needs to be viewed as unfilled treaty and trust obligations. This funding is not delivered on the basis of poverty or for social welfare purposes. In exchange for Tribal lands and resources, the U.S. is legally and morally obligated to provide benefits and services in perpetuity—a debt that must be paid. At no point has the government fully delivered upon these obligations. In order to begin delivering upon the recommendations of the Broken Promises report, the Administration must propose and Congress must demand budgets containing full funding for Indian Country.

Funding Levels and Mechanisms Must be Reflective of the Trust Obligation. The 2018-2019 federal government shutdown, the longest in U.S. history, had a negative impact on Indian country and has renewed calls for legislative action to insulate the federal fiduciary trust responsibility and obligations from Congressional inaction and political stalemates. The vast majority of funding for Indian programs appears on the discretionary side of the budget. That our funding is vulnerable to governmental inaction and political bickering is a failure of the federal government to honor its sacred duty to Tribal Nations. In the short-term, all federal Indian funding must be protected from shutdowns and continuing resolutions through advance appropriations legislation. We strongly urge this Subcommittee and all Congress to work to enact this legislation immediately, as well as provide advance appropriations authority for both the Bureau of Indian Affairs and Indian Health Service via Budget Resolution.

While we strongly support advance appropriations in the short-term, in the long-term USET SPF is calling for a comprehensive reexamination of funding delivered to Indian Country across the federal government. Because of our history and unique relationship with the U.S., the trust obligation to Native people, as reflected in the budget, is fundamentally different from ordinary discretionary spending and should be considered mandatory in nature. Recently, some in Congress have called for mandatory funding for IHS. USET SPF strongly supports this proposal, which is more consistent with the federal trust obligation, and urges that this be expanded to include all federal Indian programs.

Reforming the Office of Management and Budget. The Office of Management and Budget (OMB) asserts that over $21 billion in federal dollars is appropriated to Indian Country annually. From the perspective of Tribal advocates, this number seems to be widely inflated, with far less actually reaching Tribal Nations and Tribal citizens. We suspect that OMB arrives at this figure by tallying the amount for which Tribal Nations and entities are "eligible", regardless of whether these dollars actually reach Indian Country. Regardless, this represents less than 1/10 of 1% of the annual value that the U.S. enjoys from federal lands and the natural resources derived off of these lands, which once belonged to Tribal Nations. Both USET SPF and the Tribal Interior Budget Council (TIBC) have asked OMB for a full accounting of federal funding distributed to Indian Country. To date, OMB has not responded to this request. This information is absolutely essential to the measurement of the federal government's own success in meeting its obligations and the work of Tribal Nations. Congress must hold OMB accountable and require the agency to provide the necessary detail to support this funding claim on an annual basis. In the long-term, we are seeking reforms to OMB that would include a consultation requirement, as well as a dedicated Tribal Affairs position.

Invest in and Rebuild Tribal Infrastructure. For generations, the federal government – despite abiding trust and treaty obligations – has substantially under-invested in Indian Country's infrastructure. As Congress once again considers action on infrastructure, it is critical that this body recognize that while the U.S. faces crumbling infrastructure nationally, there are many in Indian Country who lack even basic infrastructure. According to a report released in 2017 by National Congress of American Indians, there exists at least $50 billion in unmet infrastructure obligations across Indian Country. Much like the U.S.

investment in the rebuilding of European nations following World War II via the Marshall Plan, the federal government should commit to the rebuilding of Tribal Nations, as our current circumstances are, in large part, directly attributable to the shameful acts and policies of the U.S. At the same time, any infrastructure build-out, in Indian Country and beyond, must not occur at the expense of Tribal consultation, sovereignty, sacred sites, or public health.

Constitutionality of Federal Indian Programs. Several times now, this Administration, Members of Congress, and even the courts have called into question the constitutionality of programs or targeted accommodations for Native people. As this Subcommittee well knows, all federal Indian programs are based on a political, government-to-government relationship between the U.S. and Tribal Nations. And funding for these programs and services is provided in perpetuity in exchange for the vast lands and natural resources ceded, often times by force, to the U.S. In addition, the Executive and Legislative Branches, regardless of party, have a long history of policy-making that includes exemptions or accommodations from federal actions for Tribal Nations and Native people.

Bureau of Indian Affairs (BIA). Without the President's FY 2021 Budget Request in hand, USET SPF cannot react to its specific proposals. However, under this Administration, the Department of the Interior (DOI) has never acted to insulate BIA from its own spending caps, deficit reduction, or cuts. Rather, it has consistently proposed budgets containing deep cuts to and the elimination a variety of lines and programs, despite trust and treaty obligations. This is compounded by the fact that though it is the only agency within DOI charged with direct services to people, BIA has, historically, received lower percentage increases than other agencies at DOI. Further, the spending caps and 302(b) agreements for FY 2020 resulted in BIA receiving just a 4% increase and reductions in lines over FY 2019. With this in mind, we urge this Subcommittee to reject any cuts within the President's FY 2021 Budget and to prioritize funding for the federal trust obligation within its 302(b) allocation.

Working in partnership with the BIA, the yearly budget formulation process now offers a much more comprehensive look at the priorities of Tribal Nations across the many lines and accounts found within the BIA budget. However, it remains unacceptable that this Administration refuses to include a component or calculation of BIA's unfunded obligations in order to measure performance. Due to space constraints, we offer the Eastern Region's top priority in eight different strategic funding categories:

- Strengthening Tribal Communities: **Social Services (TPA)**
- Trust-Natural Resources Management: **Natural Resources (TPA)**
- Trust-Land & Water Rights Management: **Trust Services (TPA)**
- Public Safety & Justice: **Tribal Courts (TPA)**
- Economic Development: **Economic Development (TPA)**
- Education: **Johnson O'Malley (TPA)**
- Construction: **Education Facilities Improvement & Repair**
- Resource Management Construction: **Engineering & Supervision**

Sovereign Immunity Funding. As a part of our overall efforts to affirm and protect Tribal sovereign immunity, we urge the inclusion of appropriations language providing a funded directive in the FY 2021 Interior and CJS Appropriations Bills for risk management measures aimed at preserving sovereign immunity in tort cases.

Indian Health Service (IHS). While USET SPF is similarly unable to comment on the President's FY 2021 Budget Request for IHS, we continue to advocate for the highest increases possible and provide Nashville

Area priority line items and hot issues. Though we understand the Subcommittee is constrained by its 302(b) allocation, we continue to assert that as long as IHS is so dramatically underfunded, the root causes of recent agency failures will not be addressed and the U.S. will fail to live up to its obligations.

In addition to providing a robust funding stream for current operations that reflects medical inflation, Nashville Area Tribal Nations identified our top 5 priority line items for increases in FY 2021: **Hospitals and Clinics, Purchased/Referred Care (PRC), Alcohol/Substance Abuse and Mental Health Services**, **Health Information Technology**, and **Health Education.** Nashville Area priorities and hot issues also include funding for Urban Indian Health Program Support, continued support for newly federally recognized Tribal Nations, culturally appropriate substance abuse treatment aftercare and housing programs, and Hepatitis C prevention and treatment.

It is also critical that we draw the Subcommittee's attention to the inaccuracy of IHS' current "level of need funded" (LNF) calculation. The Indian Health Care Improvement Fund Workgroup has recently determined that IHS' LNF has been grossly overestimated due to a benchmark that does not include all authorities under the Indian Health Care Improvement Act. Formerly reported to be approximately 59%, the new LNF is expected to be significantly lower. IHS is working with Tribal advocates to begin work on an accurate LNF in order to arrive at the total funding obligation for the Agency. This number is essential to the federal government's understanding of how well it is delivering upon trust and treaty obligations, as well as what it would take to fully fund IHS.

Urgent Need for Separate, Indefinite 105(l) Lease Appropriation. USET SPF continues to advocate for a separate, indefinite appropriation for 105(l) lease costs, much like Contract Support Costs, in order to avoid impacts to other lines in the BIA, BIE, and IHS budgets. For FY 2019, IHS recently announced the reprogramming of approximately $72 million within the agency's Services account in order to make these legally mandated payments. For FY 2020, the $125 million appropriation for 105(l) leases at IHS represents over 50% of the total increase for the agency, an increase that already does not fully account for medical inflation. While the appropriation may help avoid a large reprogramming of other lines of the IHS budget, it impacts the IHS budget overall by consuming a majority of new monies. The current situation is untenable and unfair. While IHS is working to convene a workgroup to better predict 105(l) lease estimates, immediate Congressional action is necessary. Our funding should not be held hostage to poor agency tracking. Extending "such sums as may be necessary" language to costs associated with section 105(l) leases would provide the certainty and insulate other IHS lines.

VOCA Tribal Set Aside. USET SPF urges the preservation of the 5% Tribal set aside from the Crime Victims Fund in the FY 2021 Commerce, Justice, Science appropriations bill. Despite earlier distribution issues, we are encouraged by recent framing questions for DOJ's consultation on a formula for future distribution. We urge continued oversight of this process to ensure all appropriated funding is reaching Indian Country.

Other Selected Lines and Programs. Though not an exhaustive list, USET SPF strongly supports the continued funding and increases for the following lines and programs: Good Health and Wellness in Indian Country (CDC), Rural Community Facilities (ACF), Tribal Opioid Response Grants (SAMHSA), Community Development Financial Institutions Fund grants, the Indian Community Development Block Grant, USDA Rural Business Development grants, EPA state and Tribal assistance grants, BIA Tribal Climate Science Centers, Tribal Historic Preservation funding, and Native American Housing Block Grants.

Ms.MCCOLLUM. Thank you. Mr. Carlson.

TUESDAY, FEBRUARY 11, 2020.

INTERTRIBAL BUFFALO COUNCIL

WITNESS

ERVIN CARLSON, PRESIDENT, INTERTRIBAL BUFFALO COUNCIL

Mr. CARLSON. Good afternoon, Madam Chair, honorable members of the Committee and the Subcommittee on Interior, Environment, and Related Agencies. My name is Erwin Carlson, and I am member of the Blackfeet Nation and president of the InterTribal Council. I am here today to respectfully request an increase of $12,600,000 in funding for the Tribal Buffalo Restoration and Management. This amount added to the current funding level of $1,400,000 will increase funding for Fiscal Year 2021 to $14 million.

Buffalo are sacred to American Indians. Historical records can indicate that American Indians relied heavily on buffalo for survival. Buffalo provided us food, shelter, clothing, and essential tools. In the early 1800s, the buffalo population in North America exceeded 30 million, and the American Indian population was near 7 million. By the turn of the century, only 500 Buffalo survived, and the Indian population was reduced to 250,000. With confinement of Indians to reservation lands, Indians lost their primary food source, lifestyle, and independence.

Recovery from this devastation began in earnest in 1991 when a handful of Indian tribes organized the InterTribal Bison Cooperative, now the InterTribal Buffalo Council. To begin restoration of buffalo with the Indian tribes, today the ITCB is comprised of 69 tribes with populations totaling 1 million tribal members across 19 States with 55 buffalo herds, collectively, the largest herd in the United States. ITBC has received Federal appropriations since 1992 in the form of earmark, inclusion in the President's budget, or through DOI administrative action. Funding has been stagnant for many years now with $1 million for herd development grants and $400,000 for administration. Actually for the past 10 years.

The Bureau of Indian Affairs has had discretion over the actual amount of funding allocated to ITBC from various line items in the BIA budget. ITBC has worked to create a permanent buffalo restoration and management program within the Bureau of Indian Affairs with an authorization for an annual appropriation. Representatives Don Young, Deb Haaland, Tom Cole, and Norma Torres introduced the Indian Buffalo Management Act, and the hearing was held last week before the House Resources Subcommittee for indigenous people. The Administration testified that it agreed with the authorization for an annual appropriation for buffalo restoration and management.

At the request of, and I must say, at the request of the Department of Interior, ITBC compared its funding with other wildlife programs, and primarily the fish commissions, exceed $140 million from various branches of the Federal Government last year. This level of funding is largely based on the well-known Boldt decision

that awarded co-management over salmon to tribes and States, and that declared the security of ending fishing rights. A review of the Boldt decision supports all American Indians having a right to their traditional foods, including the return of buffalo to tribes.

ITBC seeks Federal Government commitment through meaningful, full funding for tribes to restore, manage, and consume buffalo. Additionally, the Fort Laramie Treaty of 1868 guaranteed tribes access to buffalo so long as buffalo may range. Meaningful funding for buffalo restoration and management provides an opportunity for the Federal Government to honor this treaty provision. Recently, the United States Supreme Court upheld another provision in the Fort Laramie Treaty regarding hunting rights in the Herrera case. Increased funding will enhance ITBC's herd development grants to tribes for tribal infrastructure, including job creation, fencing corrals, handling facilities, and supplemental feed, all to provide buffalo to a larger segment of the Indian community. The act will also allow ITBC to enhance technical services to tribes, create marketing opportunities, and for ITBC to serve as a more meaningful partner with other Federal agencies in national buffalo management issues.

For tribes, the restoration of buffalo signifies much more than simply conservation of the national mammal. Tribes restore buffalo to counteract the near extinction that was similar to the tragic history of American Indians. The killing of the buffalo was an effort to exterminate the Indians. However, buffalo survived, and we are still here. The he Indians are still here.

Now we need meaningful funding for the Buffalo to again provide food and economic opportunities for Indian tribes. And I thank you for allowing me once again to testify in front of you for buffalo and increased for them. Thank you.

[The statement of Mr. Carlson follows:]

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
American Indian and Alaska Native Public Witness Hearings
Presented by Ervin Carlson, President, InterTribal Buffalo Council

INTRODUCTION AND BACKGROUND

My name is Ervin Carlson and I am a member of the Blackfeet Nation in Montana and serve as the President of the InterTribal Buffalo Council (ITBC). Please accept my sincere appreciation for this opportunity to submit testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment, and Related Agencies. My testimony involves funding requests from the Department of Interior (DOI) (specifically the Bureau of Indian Affairs (BIA)), the National Park Service (NPS), and the U.S. Fish and Wildlife Service (USFWS) and the Indian Health Service (IHS).

ITBC was granted a federal charter in 2009 pursuant to Section 17 of the Indian Reorganization Act and is comprised of sixty-nine (69) federally recognized Indian Tribes in nineteen (19) states with fifty-five (55) buffalo herds. This past year, ITBC added the Forest County Potawatomi Community, Seminole Nation of Oklahoma, and the Sac & Fox Tribes of the Mississippi in Iowa to its membership. ITBC represents approximately 1,000,000 tribal members.

American Indians have a long-standing spiritual and cultural connection with buffalo that has not diminished with the passage of time. Historically, buffalo provided the Tribes with food, shelter, clothing, and essential tools for survival. The near extinction of buffalo was analogous to the tragic history of American Indians in this country. However, today's resurgence of buffalo on Tribal lands, largely through the efforts of ITBC, signifies survival of the revered Tribal buffalo culture. ITBC Member Tribes strive to restore buffalo to Tribal lands to rekindle the cultural, traditional and spiritual relationship between buffalo and Tribes and to utilize buffalo to promote the health, and economic well-being of Tribal populations.

On behalf of the Member Tribes of ITBC, I am requesting an increase of $12,600,000 to our current $1,400,000 FY2020 funding level for a total funding award for FY 2021 of $14,000,000 from Department of Interior funds to allow the organization to: 1) increase funds for the Tribal herd development grant program, 2) to fund ITBC efforts to serve as a meaningful buffalo management partner to federal agencies, and 3) to fund scientific research on the benefits of buffalo meat for the prevention and treatment of diet related diseases.

FUNDING HISTORY

ITBC has been funded through various methods from the Department of Interior Bureau of Indian Affairs including the President's budget, Congressional earmarks, or administrative action since 1992. ITBC's funding history illustrates Congressional and Administrative support for ITBC's restoration and management program and the Tribal buffalo herds. Annual funding of ITBC provides evidence that buffalo restoration and management is not a limited or one-time "project" but a "recurring program." ITBC has most recently been funded from the BIA, Natural Resources, Tribal Management/Development Projects line item.

The ITBC has worked for several years on the Indian Buffalo Management Act to create a permanent buffalo restoration and management program in the Department of Interior Bureau of Indian Affairs. This Act would authorize an annual appropriation for Tribal buffalo programs and allow ITBC to expand technical services to its member Tribes. The Indian Buffalo Management Act was introduced by Representatives Don Young, Deb Haaland, Tom Cole and Norma Torres and a hearing was held on February 5, 2020 in the House Natural Resources Committee. Subcommittee for Indigenous Peoples. The Department of Interior provided testimony that it agreed with the authorization for an appropriation.

FEDERAL COMMITMENT TO TRADITIONAL FOODS

At the request of the Department of Interior, Bureau of Indian Affairs, ITBC prepared a written comparison of the funding provided to tribal fish commissions and the funding provided ITBC, primarily due to the fact both entities were funded out of the same line items of the Department of Interior budgets. This analysis of public records, historical documents and case law revealed that seven fish commissions receive federal funding in an amount exceeding $140,000,00 annually from various federal agencies at Department of Interior, Department of Commerce and the Environmental Protection Agency. The seven fish commissions cover 52 tribes over 12 states, and an approximate population of 525,000 enrolled tribal members. A single fish commission employs 10 times the staff and operates two additional offices.

The level of federal funding to fish commissions is largely due to the well-known *Boldt* decision that awarded fishing Tribes co-management authority over salmon with the States, access to half of the returning fish each year, and declared the security of Indian fishing rights was a trust obligation of the United States. While the *Boldt* decision focused on Tribal access to fish, the ruling supports all American Indians having a right to their traditional foods. This decision supports an argument that the Federal Government's trust responsibility extends to the return of buffalo to Tribes.

Article XI of the 1868 Treaty of Fort Laramie guarantees Tribes access to buffalo "so long as buffalo may range." Unfortunately like many other treaty provisions, the Federal Government has failed to live up to this promise. Recently, the United States Supreme Court examined the 1868 Fort Laramie Treaty and upheld Tribal off-reservation hunting rights in the *Herrera* decision. Adequate funding for Tribal buffalo restoration provides an opportunity for the Federal Government to honor the 1868 Treaty language and a commitment for Tribes to access a traditional food source.

An increase in funding to ITBC will enhance the necessary infrastructure to provide buffalo to a larger segment of the Indian community. This in turn will lead to greater self-determination and food-sovereignty opportunities for Tribes through production of their own traditional foods and creation of economic opportunities. I respectfully request an increase in the Tribal Management and Development Program and the Fish, Wildlife, and Parks and Natural Resources Tribal Priority Allocation Programs in the BIA, and in the IHS, NPS, and USFWS to increase the allocations for buffalo restoration and management.

FUNDING INCREASE JUSTIFICATION

ITBC's primary objectives are to restore buffalo to Tribal lands, and to conserve and manage existing Tribal herds through the promotion of traditional buffalo handling practices and beliefs. ITBC strives to aid Tribes to meet the needs and desires of individual Tribal programs. ITBC attempts to balance the varying interests of Member Tribes from maintaining herds for spiritual purposes to utilizing buffalo as viable economic development endeavors. ITBC accomplishes these objectives as follows:

Increase in Herd Development Grant Funds

ITBC distributes $1,000,000 of its funding directly to ITBC Member Tribes via Herd Development Grants (HDG). The HDG funding has been stagnant despite the continued growth of the Tribal membership of the organization. In FY 2020, unmet needs for ITBC members exceed $14 million. Yet, many members do not make requests every year because they know ITBC has limited funding. ITBC members use these funds for a variety of purposes including water development, range management, fence construction and repair, corrals, purchasing handling equipment, supplemental feed, and administrative costs. These funds will create new jobs in Indian Country, create sustainable Tribal buffalo herds, and allow Tribes to utilize buffalo for economic development. I am requesting an increase of $7,000,000 to provide ITBC members with this desperately needed aid.

Funding for Federal Agency Partnerships

ITBC is a member of various Federal and State working groups organized to address buffalo issues. ITBC collaborates with NPS, the U.S. Forest Service, and the USDA Animal and Plant Health Inspection Service to address regarding Yellowstone buffalo. However, ITBC cannot participate to its full potential and serve as a meaningful partner due to a lack of funding for these collaborative efforts.

Since its inception, ITBC has partnered with the NPS on buffalo management efforts including population management through roundups and distribution of buffalo to Tribes. Badlands, Theodore Roosevelt, and Wind Cave National Parks have surplus buffalo that need to be moved from the parks to ensure that those ecosystems remain intact. This also allows NPS to avoid slaughtering these surplus buffalo which negates likely public outcry with needless slaughters. ITBC bears the costs of transporting these surplus buffalo but has not been funded for its role in these activities. Additionally, the USFWS does not provide funding programs to Tribes for buffalo restoration efforts. I would request the Committee appropriate funds to support ITBC's role in protecting NPS's wildlife and provide buffalo restoration in the USFWS in the amount of $2,000,000.

Health Related Research and School Lunch Programs

ITBC has a long-term objective to prevent and treat diet related diseases in Native populations through the reintroduction of buffalo meat into daily diets. ITBC has eight Member Tribes serving Tribal raised buffalo in their school lunch programs to address health concerns of school-age children. ITBC anticipates expanding this program to 20 Tribes in the next three years with increased funding.

However, these efforts to coordinate with health care providers have been limited by the lack of scientific evidence of the health benefits of natural, grass-fed buffalo diets. ITBC believes research to develop concrete evidence of these health benefits will facilitate ITBC partnerships with health programs to prevent and treat diet related diseases in Native populations. This critical research will support ITBC's efforts to provide buffalo meat to school lunch programs as a healthy alternative to other meat products. ITBC wants to partner with IHS to fund this research to promote traditional, healthy tribal diets. I am requesting $100,000 to promote and fund this research.

Technical Assistance, Education, and Outreach

ITBC assesses current and potential Tribal buffalo programs to determine technical service and infrastructure needs. After this assessment, ITBC then provides technical assistance in the areas of wildlife management, ecological management, range management, buffalo health, cultural practices, and economic development. Further, ITBC assists with construction of fencing and corrals, facility design, water development, and equipment research. ITBC provides annual training sessions (national and regional) designed to enhance Tribal buffalo handling, management. However, current funding levels do not allow ITBC to be responsive to the needs of the growing ITBC Membership. ITBC only has two technical services providers which limits the frequency our member-Tribes receive this support. The hiring of more technical services providers would assist Tribes with reaching goals of self-sufficient herds.

Additionally, ITBC staff provide educational presentations to school-age youth, tribal buffalo managers, and others. The topics of these presentations range from buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians. However, current funding limits outreach, educational efforts, and staff training. Additional funding in the amount of $500,000 would allow more American Indian youth to benefit from the important history of buffalo and Tribal.

ITBC Marketing and Infrastructure Programs

Indian buffalo herds are grass-fed and, hormone and antibiotic free. This creates a lean final product that would fulfill a niche in meat production markets. ITBC strives to develop these markets for buffalo meat and products for interested member-Tribes at the local and national level. However, ITBC is currently unable to create the infrastructure to implement these programs. ITBC would like to create a centralized herd—made from the member-Tribes' buffalo—to create a steady source of buffalo for markets. This herd can also be used to exchange buffalo among the member-Tribes to enhance each herd's genetic diversity. A centralized herd requires the purchase of land and appropriate facilities. An increase in funding in the amount of $3,000,000 will enhance these marketing and infrastructure efforts.

CONCLUSION

ITBC has existed for over two decades to assist Tribes with restoration of buffalo to Tribal lands for cultural purposes. No other program exists to assist Tribes with buffalo restoration and protection. ITBC and its Member Tribes have created a new Indian Reservation industry that includes job creation and new revenue for the Tribal economies. ITBC ultimately hopes to restore Tribal herds large enough to support local Tribal health needs and generate sufficient revenue to achieve economically self-sufficient herds.

ITBC and its Member Tribes are appreciative of past and current support from Congress and the Administration. However, I urge the Committee to increase ITBC funding to a total of $14,000,000 which is a level commensurate with the growth of the Tribal Buffalo Programs and other Tribal wildlife programs. This increase will demonstrate Congressional respect for the national mammal and allow ITBC to fulfill its responsibilities to restore, protect, and manage buffalo.

I would like to thank this Committee for the opportunity to present testimony and I invite you to visit ITBC Tribal buffalo projects and experience firsthand their successes. Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Ms. Majel Russell, Legal Counsel, at (406) 259-8611.

Ms.MCCOLLUM. Thank you. Mr. Desautel.

TUESDAY, FEBRUARY 11, 2020.

INTERTRIBAL TIMBER COUNCIL

WITNESS

CODY DESAUTEL, BOARD OF DIRECTORS, INTERTRIBAL TIMBER COUNCIL

Mr. DESAUTEL. Good afternoon, Madam Chair and members of the subcommittee. I am Cody Desautel. I am the natural resource director for the Colville Tribe, also a member there. And I am here to speak on behalf of the Intertribal Timber Council, who represents tribes across the United States and Alaska. It is a 44-year-old organization that represents 18.7 million acres of woodlands and tribal forests.

So from the outset, the ITC appreciates the committee's recognition of the importance of tribal force management. Your investment in Indian forest management directly improves the lives of Indian people in every region of the United States. Specifically, Indian forest management creates $3 for every dollar of Federal funding invested. It employs nearly 20,000 people and manages wildlife habitat, provides clean water and air, and provides sources of culturally-important food and medicine for Indian people. Management of Indian forests also generate significant revenue for tribal governments to fund essential government search services, such as healthcare, law enforcement, and education. For example, my tribe specifically generated $15 million from stumpage revenue a couple years ago, so a significant amount of money.

You might be surprised that 80 percent of all timber produced from the Department of interior lands come from Indian forests, yet this harvest level is only half of the sustainable annual target set by tribal governments. Imagine what tribes, big and small, would be able to do with twice the revenue and economic activity they see from current funding levels.

Indian forestry literally multiplies investments from Congress and makes lives better. Chronic underfunding, however, limits the social, environmental, and economic potential of Indian forestry. Indian forests are funded at one-third of the per acre level of the U.S. Forest Service. As such, tribes have forgone over $700 million in stumpage revenue since 1991. For several years, this committee has made modest, but much-needed, increases to BIA forestry. Last year, the committee recommended, and Congress enacted, $118,000 reduction BIA forestry funding, and yesterday the Trump Administration released its Fiscal Year 2021 budget justification, which recommends a $1.3 million reduction in Indian forest management. ITC is concerned about the change in funding direction.

Our full funding requests are in the written statement, so I will just mention a few highlights here. The BIA forestry account is divided into two parts: the tribal priority allocation and forest projects. We recommend a $5 million increased each of those. For TPA, a $5 million increase could hire 67 new foresters and increase tribal timber harvests by up to 295 million board feet, creating about 15,000 jobs based on our current harvest levels. For BIA for-

est projects, a $5 million additional investment could reduce the backlog of forest thinning and reforestation that plagues Indian lands. These backlogs deprive Indian communities of vitally-needed jobs and income and forest health.

I can personally tell you that large wildfires and subsequent replanting will add to the thinning backlog over the next 15 years. At Colville, we had, as our chairman stated to the committee earlier today, we burned 255,000 acres just on our 1.4 million acre reservation in 2015. So substantial forest fires investment are needed now. Reforestation. The BIA reports it has a backlog of 263,000 acres. But talking with the chief forester and staff, they are not completely confident in that number, so the number may be more. Every acre that remains on this backlog detracts from the tribe's ability to sustainably manage its forest for ecosystem services and revenue. Indian forests are also impacted by large wildfire suppression and recovery priorities. Tribes have historically struggled to obtain funds fast enough to rehabilitate their forests after wildfire. There is generally a 5-year window to replant after a fire. If that doesn't happen, those lands remain unproductive and become part of the reforestation backlog I just mentioned.

ITC recommends a $10 million set aside within the Department of Interior for burned area rehabilitation, specifically for Indian forests that are burned. Again, as my chairman mentioned earlier, that pot is about $3.2 million nationally now. In just Washington and Oregon, Idaho, in 2015, we saw what was projected by the Department of Interior to be about a $55 million need for that year alone. For RTRL, the ITC also supports increasing DOI fuels management to $206 million. The Administration's for Fiscal Year 2021 budget justification appears to request a $35 million increase that would bring the fuels account to $228 million. Within this program, the ITC supports the continuation of the Reserved Treaty Rights Lands Program. Tribes use these funds for proactive fuels and forest health projects on neighboring Federal lands. To make this program more flexible, we would request that these funds to be usable on both Federal and trust lands.

And in conclusion, I want to thank the committee, and you personally, for the attention you have paid the Indian forest management, and its potential to improve the lives of Indian people across the Nation. Thank you.

[The statement of Mr. Desautel follows:]

TESTIMONY OF CODY DESAUTEL, BOARD MEMBER
INTERTRIBAL TIMBER COUNCIL
PRESENTED TO THE
HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON
FY 2021 APPROPRIATIONS FOR THE B.I.A., DoI WILDLAND FIRE MANAGEMENT, AND THE U.S. FOREST SERVICE,
FEBRUARY 11, 2020

Introduction and Summary

Madame Chair, members of the Subcommittee, I am Cody Desautel, Board Member of the Intertribal Timber Council (ITC) and Natural Resources Director for the Confederated Tribes of the Colville Reservation in Washington State. The ITC is a 44-year-old association of forest owning tribes and Alaska Native organizations dedicated to improving the sustainable ecological and economic management of our 18.7 million acres of timberland and woodland held in BIA trust.

The ITC offers the following recommendations for FY 2021 Indian forestry-related activities in the Department of the Interior's (DOI) Bureau of Indian Affairs (BIA) and Office of Wildland Fire Management (OWFM), and the USDA Forest Service (USFS):

BIA
1) An increase in BIA Forestry (TPA) by $5 million for the directed hiring of 67 additional foresters to increase harvest levels and improve tribal employment, economies, and forest management. ITC also requests that the Committee examine BIA's dysfunctional hiring policies, practices and procedures, particularly as they relate to Forestry positions.
2) Increase BIA Forestry Projects Forest Development by $5 million ($2 for thinning, $3 million for replanting) to reduce BIA backlogs, provide hundreds of immediate jobs, and strengthen long-term tribal economies.

OWFM
3) Provide $10 million in OWFM Burned Area Rehabilitation specifically for Indian trust forests burned in 2015.
4) Increase Fuels Management funding to $206 million; allow RTRL funds on tribal lands.

U.S. Forest Service
5) Clarify 2018 Farm Bill authority for tribal participation in Good Neighbor Authority

Madame Chair, Committee members, the ITC appreciates the Committee's recognition of the importance of tribal forest management to directly improve the lives of Indian people in every region of the United States. Indian forest management creates $3 for every $1 of investment. Indian forestry employs nearly 20,000 people. It manages wildlife habitat and sources of food and medicine for Indian people. Management of Indian forests also generates significant revenue for tribal governments to fund social services, such as healthcare, law enforcement, and education.

You might be surprised that 80% of all the timber produced from Department of Interior lands come from Indian forests. Yet, this harvest level is only half the sustainable annual targets set by tribal governments. Imagine what tribes – big and small – would be able to do with twice the revenue and economic activity they see from current funding levels.

Indian forestry literally multiplies investments from Congress and makes lives better. Chronic underfunding, however, limits the social, environmental and economic potential of Indian forestry. Indian forests are funded at one-third of the per-acre level of the U.S. Forest Service. As such tribes have forgone over $700 million in stumpage revenue since 1991.

For several years, the ITC appreciated that this Committee made modest but much-needed increases in BIA forestry. Last year, the Committee recommended --and Congress enacted-- a $118,000 reduction in BIA forestry funding. The ITC would like to answer any questions or concerns the Committee may have about its investment in tribal forestry.

BIA

1) With BIA's lack of Forestry personnel – both unfunded and unfilled positions – constraining tribal timber harvest levels to about 50% of approved tribal forest plans, ITC recommends an increase in BIA Forestry (TPA) by $5 million for the directed hiring of 67 additional foresters to increase harvest levels and improve tribal employment, economies, and forest management. ITC also requests the Committee examine BIA's dysfunctional hiring policies, practices and procedures, particularly as they relate to Forestry positions.

Indian forests and woodlands comprise 18.7 million acres, or one third, of the total 57 million acres of Indian land held and managed in trust by the BIA. More than 300 tribes have forest resources, which for many tribes are a principal renewable resource.

Six million acres of tribal trust forests support commercial use. Sustainable annual harvest targets set by tribal governments total approximately 750 million board feet. But lack of BIA trust management capacity, combined with increasingly complex federal regulation, has caused actual annual harvest levels to fall steadily over the past forty years, to a current level only about half that amount.

As I mentioned, BIA receives only one-third of the per-acre funding that is provided to the Forest Service. Consequently, each BIA forester administers more acres than any other federal forester. Lack of BIA personnel directly constrains our timber harvest. $5 million added to BIA TPA Forestry directing the expedited hiring of 67 foresters (@ $75,000 each) could increase tribal harvest by up to 295 million board feet and create more than 15,000 rural jobs.

As a corollary, the ITC asks the Committee to examine BIA's hiring policies, procedures and practices, particularly regarding Forestry. BIA's continuing difficulties with filling Forestry positions is costing tribes millions in foregone revenue and jobs.

2) Increase BIA Forestry Projects Forest Development by $5 million ($2 million for thinning, $3 million for replanting) to reduce BIA backlogs, provide immediate jobs, and strengthen long-term tribal economies.

For decades, insufficient BIA support has allowed significant thinning and replanting backlogs to accrue on tribal trust forest land. In recent years, the thinning backlog has remained around 10% of tribal trust forest acreage, and the replanting backlog has stayed around 4%. With these backlogs, parts of our forests are either underproductive or out of production altogether, depriving our communities of vitally needed jobs and income. The backlogs also contribute to poor forest health, particularly for thinning, where dense stands grow slowly and are especially susceptible to fire, disease and insects. In addition, acres successfully planted for fire rehabilitation will significantly add to the thinning backlog within the next 15 years.

Between FY2016 and FY2019, Congress has provided additional funds to reduce BIA thinning backlog[1]. However, the enacted FY2020 level reduces funding for this effort.

DOI Office of Wildland Fire Management

3) Provide $10 million in OWFM Burned Area Rehabilitation specifically for Indian trust forests burned.

Tribes have struggled to obtain sufficient funds in a timely manner to rehabilitate their forests from wildfire. If not accomplished within 5 years, un-recovered areas are simply added to the already underfunded reforestation backlog. Tribes should not have to pull from their own discretionary funds to fulfill the government's responsibility to rehabilitate burned lands. Therefore, we ask the Committee to provide $10 million in OWFM Rehabilitation for ongoing fire recovery, and that the funds be distributed to participating tribes in multiyear agreements.

4) Increase Fuels Management funding to $206 million; allow RTRL funds to be used on tribal lands.

For FY 2020, ITC urges, as it has for many recent years, that DOI Fuels Management funding be restored to its FY 2010 $206 million level (it was funded at $189 million for FY19). Proactive reduction of fuels is a proven method to reduce risk to our nation's forests and is a sound investment to reduce the cost of future suppression and rehabilitation. ITC also strongly supports the continuation of $10 million for Reserved Treaty Rights Lands (RTRL) landscape restoration. Currently, tribes can use these funds for proactive fuels and forest health projects on neighboring federal forests to protect tribal treaty assets. To make these RTRL funds more flexible and efficient, we ask that they be authorized for use on both tribal lands and off-reservation lands.

U.S. Forest Service and Bureau of Land Management

5) Clarify 2018 Farm Bill authority for tribes to participate in Good Neighbor Authority

[1] In FY 2016, Congress initiated an effort to reduce the BIA's thinning backlog. The Committee has maintained this effort with $2 million in FY 2017. In FY 2018, the Committee provided a $238,000 increase for general forestry projects, which can also be of help to the thinning and replanting backlogs. The FY19 bill provided an additional $714,000 to BIA forestry.

For several years, this Committee has included report language encouraging the Forest Service and BLM to work with tribes on implementing authorities that address cross-boundary forest health projects.

I am happy to report that the ITC is actively working with the Forest Service, BLM and BIA to better implement the original Tribal Forest Protection Act, as well as enhanced TFPA authority provided in the 2018 Farm Bill and the tribal biomass demonstration program authorized elsewhere by Congress.

However, the Forest Service believes that the 2018 Farm Bill did not adequately authorize tribes to participate in the Good Neighbor Program. Congress clearly attempted to add tribes and counties to the program, which otherwise allows states to develop and implement cross-boundary forest health projects with federal agencies and on federal land.

If possible, we ask that this Committee use the appropriations process to re-assure the Forest Service that Congress in fact intended to give tribes Good Neighbor Authority. The ITC stands ready to provide technical assistance for this request.

That concludes my statement. Thank you.

Ms.MCCOLLUM. Thank you very much. Ms. Pingree, I know you have a meeting coming up. Do you want to take the first question?

Ms.PINGREE. Thank you very much. Thank you all for your testimony. You are all talking about resources that I think we feel committed to support, and I hope the chair and ranking member will pull in a considerable amount of money so we can fund more of these things. And I particularly appreciate Kirk Francis, Chief Francis, being here today. Thank you for the great work that you do in Maine. And I really enjoyed hearing your testimony because you didn't hold back, and you were there in the strongest of terms about all of the obligations that we are not meeting at this point. And we know the devastation and damage that does. So I think we will work very hard this year to see what we can do, and thank you again for being here.

Mr. FRANCIS. Thank you.

Ms. MCCOLLUM. Mr. Joyce.

Mr. JOYCE. Thank you all for being here, and, I, too, President Francis, appreciate and am curious about your commentary on reforming the OMB. You probably have some friends up here on the panel who agree with you on that proposal.

Ms. MCCOLLUM. Yeah.

Mr. JOYCE. I was just wondering how you think we can make them account for the funding to show that they are being fair to Indian Country? Maybe an annual GAO report would be helpful, but I am curious to hear your insight on this.

Mr. FRANCIS. So, you know, one of the things we have been trying to do at USET is work very hard on, you know, just trust modernization, but also being able to quantify what is exactly getting into Indian Country. How are the resources you all are working hard to appropriate, how are those being used? And when you look at the $3 billion BIA budget, for example, and we have an Interior right now that refused to participate and doesn't think it is their responsibility to show that they are impacting tribes in a positive way, or meeting their treaty obligations, trust obligations rather. So that is concerning in not being able to understand where the unfunded need are and all of that.

But to your question, at OMB, we will get a cross-cut from them that will say $21 billion went to Indian Country, for example. That is not really reflective of exactly what is getting to Indian Country because you might have $3 billion of that that went to States in block grants or other things that tribes didn't know about. Now, in our region at USET, this is prevalent because relationships in the northeast with states and tribes is one that is growing still. And so I think tribes may not even understand those resources are in the State, so they may not be getting access to those.

So we would just like a more detailed accounting from them of exactly what tribes are accessing, not what they were eligible for. And their stance on consultation is the executive orders don't apply, and so it has been challenging to sit down and really get that kind of accounting. And so I think we need more focus on exactly, and I am sure the committee would be concerned about between BIA and IHS, you know, where is the $9 billion going. We know it is not enough, but we need to know exactly how you are

spending it to meet the needs of Indian people, and that is not happening right now.

Mr. JOYCE. Well, I wholeheartedly agree with you that we need to have better oversight of how the money is being spent, and I think we can find some agreement here that we would like to work with you and the OMB in trying to get some bottom lines so we can better analyze where the money is going and how it is being spent. Thank you all again for being here.

Ms. MCCOLLUM. Mr. Whitehead, I just have to admire your suit coat there. My grandfather had one, but it was black, and used to take me perch fishing up and around Fort Peck. So thank you for being here, and congratulations on all the work that you have done in the community to provide water for not just tribal nations, but for your neighbors. And we see your needs list here, so thank you for that.

And I think, Mr. Joyce, you kind of summarized what I was going to say to Mr. Francis here. We know if your allocation, for example, our subcommittee's allocation, doesn't get any bigger this next year, we are going to be fighting just to keep on what we have and that we don't get cut. And that is not something that makes the members on this committee, as you know, both Democrats and Republicans, very happy because we want to see progress moving forward. The idea of really putting numbers down and seeing where they are going, I think, would be very helpful to this committee as well, too. When we ask questions, when we ask for school lists, when we ask for construction projects, we find ourselves not receiving the information we have requested. And then consultation as well, too. I am not a big fan of executive orders either, so I share your pain with those.

Mr. Carlson, you are adding more school lunches with the buffalo. Congratulations.

Mr. CARLSON. We are trying to do that and get it out to [Audio malfunction in hearing room.]

Ms. MCCOLLUM. I do my share of eating buffalo when I am back in Minnesota. We had a hearing on chronic wasting disease, and right now it does not seem like it is affecting buffalo herd. But just knowing that it is in Minnesota kind of going west, is that anything that you feel that more research or anything needs to be done on?

Mr. CARLSON. Well, you know, I think it would really help. It would really help, you know. You know, it hasn't affected any of our animals yet.

Ms. MCCOLLUM. Right.

Mr. CARLSON. But you never know. I mean, it is moving west, and it would be a concern, you know, and be a devastating effect if it got into our herds.

Ms. MCCOLLUM. So far, so good. None in buffalo, but as we know, sometimes these diseases sometimes all of a sudden will spring a surprise on you and cross over.

Mr. CARLSON. Yeah.

Ms. MCCOLLUM. One of the things that I asked some of the other people on forestry is climate change is a concern. Climate change and invasive species sometimes go hand in hand. Sometimes it is just invasive species on their own. What you brought up with fire,

I think, was a little surprising to me. I am going to look more into the backlog on that. So could you go over again what happens, you have got 5 years to replant, and then it goes into a backlog? What is special about those 5 years that it didn't go into a backlog right away?

Mr. DESAUTEL. So BIA has allocated a certain amount of funding for burn area rehabilitation, but you are only eligible for that funding for 5 years past the containment date. If it isn't accomplished during that 5 years, then it just gets added to the BIA backlog, and that can be reforestation or thinning. But we have seen across the West, and it compounds every year, so if you have a big year like you did in 2015, there is $3.2 that were allocated for that year, but the BIA speculated that there was a $55 million need. And if you look at that $3.2 million over the next 5 years to support that, you still would not have had enough money, and that assumes you don't have any fires over those next 4 years.

So what we tend to see is a compounding of unmet needs in Indian Country, and for those forested acres that were forested and don't see post-fire rehab, they tend to come back to something else other than forest, and they just don't contribute to the natural resource goals of many tribes. They want those to be perpetually productive forests, providing clean water, clean air——

Ms. MCCOLLUM. Right.

Mr. DESAUTEL [continuing]. Cultural plants, all the things that are important to tribes.

Ms. MCCOLLUM. That is good to know because the fire effects part of what we want to do is fix some of the other things that the Forest Service kept borrowing from. And as you know, forestry has a bit of a foot in this committee and also on the Ag Committee, so Ms. Pingree and I on the Ag Committee, as well, too. So we will be watching to see how that balances out. Thank you for bringing that to my attention. I didn't realize that. So that is what I love about these hearings. I always learn something.

So thank you all for coming. Thank you again for your patience. It is not fun waiting around while we are off on the floor voting. So this concludes the afternoon hearing, and we stand adjourned until tomorrow morning begins at 9:00 a.m. Thank you.

WEDNESDAY, FEBRUARY 12, 2020.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2

WITNESSES

TERRY RAMBLER, CHAIRMAN, SAN CARLOS APACHE TRIBE
TIMOTHY NUVANGYAOMA, CHAIR, HOPI TRIBE
MICHELLE DEMMERT, CHIEF JUSTICE, CENTRAL COUNCIL TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
TAMRA TRUETT JERUE, NATIVE VILLAGE OF ANVIK

Ms.MCCOLLUM. Good morning, and welcome to the second day of public witness hearings on tribal programs under the jurisdiction of the Interior, Environment, and Appropriations Subcommittee.

Once again, in the hopes of having a more in-depth focus on issues facing Indian Country, we have organized witnesses according to the following topics: healthcare, land, trust, national resource management, including climate change, public safety and justice, education, tribal government, and human services. Yesterday we heard from witnesses about the urgent need for healthcare and the important issues facing and impacting land, trust, natural resources, and climate change. This morning, we will begin with panels on public safety and justice issues, and conclude with witnesses on educational issues. This afternoon, we will welcome native leaders to discuss tribal government and human service issues.

I welcome today's distinguished elected tribal leaders and non-elected tribal leaders, all who play an important role in educating others on native issues and challenges. The issues we will be hearing about this morning, once again, are part of treaty and trust obligations that the United States owes to Native Americans. Although the subcommittee has been focusing on increasing funding for public safety and justice issues, we know how much more is needed to address the unique challenges facing Indian tribes, such as being in rural, isolated areas, insufficient staffing, and salary challenges, and inadequate buildings. This morning, we will learn more about these needs.

Unfortunately, the situation is the very same when it comes to education. We have a responsibility to provide a quality education and safe buildings to all students, and this is not happening in Indian Country with dilapidated buildings, teacher recruitment, and retention challenges, and, I might add, roads that are so bad, they cause delays, longer bus rides, and damaged equipment. These are just a few of the examples creating challenges to the education of

Native American children. And similarly, tribal colleges have unique challenges compared to other colleges and universities. Yet these schools continue to operate and successfully graduate students, native and non-native, despite the obstacles they face.

So I am eager to learn more about your priorities today along with the rest of the committee. We look forward to our discussions on these issues because I believe it will help inform us as we begin to develop our 2021 appropriations bill.

Mr. Joyce will be joining us shortly, and out of respect for the people who have testified, he wishes for us to start so we don't delay people. And I thank Mr. Joyce for that courtesy to the committee and to all of you.

So here are some logistics. I will call each panel of witnesses to the table. We have our first panel of distinguished witnesses already here. Each witness will have 5 minutes to present testimony, and we will use a tracker to track the time. So when the light turns yellow, you have 1 minute left, and when the light blinks red, I will lightly tap the gavel and ask the witnesses to conclude their remarks so the witnesses can begin. And I do mean lightly. I was maybe a little too light yesterday. So when you hear that, that is the light "tap, tap, tap." I don't want to swing it down hard and cut you off mid-sentence as you are closing.

Each witness, your full statement is in the book. We have access to it. We thank you for that, and I know sometimes you elaborate on other things important to your tribe and your region. We thank you for that information as well. So don't feel pressured to cover everything, and you are going to be getting some questions from us, too.

I would like to remind our guests in the hearing room that committee rules prohibit the use of cameras and audio equipment during the hearing by individuals without a House-issued press credential. So when this morning's hearing concludes, we will adjourn. No, we will recess.

VOICE. We will adjourn.

Ms. MCCOLLUM. We are going to adjourn? Okay. We got into this whole thing about recess and adjourning yesterday. I want to get it right. We are all in agreement. We are going to adjourn. We are going to adjourn and reconvene and 1:00 p.m. for the hearing this afternoon. With that, I am happy to yield to Mr. Kilmer, who says he wants to get right into testimony, so we will do that. We will not have any votes this morning, so that is why we won't be recessing. We will go straight to adjournment at 1:00 when we are done. So that is fabulous news for all of us.

We will start with Mr. Rambler to introduce yourself. We won't count that against your time, and then we will start, just after your introduction, start right into your testimony. We found we gained time, and we didn't run as far behind rather than doing a double introduction with me doing one and then you doing one. Is that okay with everybody? Okay. Great. Mr. Rambler, will you lead us off?

Mr. RAMBLER. Okay. Good morning. My name is Terry Rambler. I am the chairman of the San Carlos Apache Tribe located in Southeast Arizona. We are about 16,900 tribal members strong, and we are located in Gila and Graham and Pinal Counties. Our

environment is very unique in that half of our area is desert environment and the other half is pine country, so it is very unique.

The current size of our reservation is 1.8 million acres. I appreciate this opportunity to testify. My verbal testimony focuses on the following: one, the dire need for BIA to replace Building 86, which house our police department and tribal courts before BIA condemned it in 2009 without an adequate replacement. Two, the need to increase funding for BIA public safety and justice operations. Three, the need to support education for juvenile detainees. And four, the need to ensure that IHS can demolish its old hospital on our reservation without appropriations language preventing this.

The BIA built Building 86 in the 1970s to house our police department and courts. The BIA owns Building 86 and had the responsibility to maintain it. In 2009, the BIA condemned it and tried to hand us the keys. BIA renovated a nearby Federal building and moved its investigators there. However, BIA left our police department and courts in this condemned building. Six years later, BIA finally moved our police department and courts into a modular building with the promise to permanently replace the facility. The BIA modular is not functional. The electricity and A/C go out consistently. The water and sewer doesn't work. The doors don't lock, and the walls and floors are flimsy. Here is a picture of our police officers in front of the modular building.

Ms. MCCOLLUM. If you could move it a little closer. I thank you for bringing it.

Mr. RAMBLER. I would ask you to walk in their shoes. What would you do if you and your staff had to work in 120 heat with no air conditioning, no running water, disgusting port-a-johns, and little workspace? What would you do if your constituents, including elderly and children, had to also deal with these conditions at the facility when they are already going through traumatic situations? We request an increase in funding for the replacement of public safety facilities in fiscal year 2021, and continue direction to BIA to replace condemned non-corrections facilities, including Building 86.

Our committed law enforcement personnel risk their lives daily. Last year, the San Carlos Police Department handled almost 54,000 dispatch calls resulting in 32,000 calls for service and 3,000 arrests. Police patrolled over 323 miles. Our police officers work 12-hours shifts and overtime regularly. They endure extreme situations made worse by the lack of an adequate facility. To give you a sense of the conditions our officers face, here is a picture of our police officers blocking off a major road while working to contain a gang shooting, which also involved drugs and a hostage situation.

We request an increase in funding in Fiscal Year 2021. The volume of law enforcement needs increases every year as we face countless rising costs. On our own, we provide classroom instruction for our most at-risk youth and have made much progress on a shoestring budget. Thank you for providing BIA with funding for juvenile detainee education. BIA has told us that it will only provide this funding to direct service tribes, not 638 tribes like us, who have worked to improve our self-governance on detention needs. We seek the committee's assistance so that we can access this funding. There is another picture there, an example of what can be

done to turn young lives around. Here is a photo of a young man who earned his GED at the detention center. We are proud of how far he has come.

IHS built a hospital on the reservation in 1962. Over time, this facility became antiquated and needed to be replaced. It took 30 years, but a replacement healthcare facility finally opened in 2015. Here is a picture of the old hospital. The old hospital is centrally located in a busy area and has sat vacant for over 5 years. It poses safety hazards, and we are worried about the potential for criminal activity there. IHS planned to demolish the old hospital this year. However, the final Fiscal Year 2020 appropriations package contain a sentence that prevents IHS from proceeding with demolition projects that cost over $500,000.

IHS reports that the demolition of the old hospital will cost more than that given the size of the compound, a remote location, and rising costs. We request the committee support for IHS' efforts to demolish the old hospital, and that language preventing IHS from doing this does not make its way into the final appropriations bill.

In closing, my elders have instructed me to remind the committee that we are not here asking for welfare handouts. Instead, we are here asking the Federal Government to honor its obligations to my people under our treaty of 1852 for the many things done to my people. And I thank you for your time.

[The statement of Mr. Rambler follows:]

Terry Rambler, Chairman, San Carlos Apache Tribe
House Interior and Related Agencies Appropriations Subcommittee (2/12/2020)

My name is Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe (Tribe), representing 16,500 enrolled members, on the San Carlos Apache Reservation (Reservation) in rural southeast Arizona. The U.S. entered into the ratified Apache Treaty of Santa Fe in 1852 to end hostilities. The original Reservation boundaries were established by President Grant on Nov. 9, 1871. The current Reservation boundaries span 1.8 million acres. The U.S. Calvary, through brutal military campaigns, forcibly removed Apache bands to the Reservation in the latter half of the 1800's, including the Coyoteros, Mimbrenos, Mongollon, Aravaipa, Yavapai, San Carlos, Chiricahua, Warm Springs, and Tonto Apaches. Famous Apache leaders who were located at San Carlos included Geronimo, Cochise, Loco, Eskiminzin, Nachie, Chatto, and others. We are deeply connected to our traditions and the land that we have called home since we were first put here.

My testimony today focuses on the following: (1) the need for BIA to replace its law enforcement facility, Building 86, which it condemned on the Reservation in 2009; (2) the need for increased BIA funding for tribal law enforcement and justice; (3) the need for increased funding for juvenile detention education and the need for an MOU between BIA and IHS to jointly work to address health care needs of tribal detainees; and (4) the need for Congress in FY21 Interior appropriations legislation to ensure that IHS is permitted to proceed with demolition of its vacated Hospital on the Reservation, which presents health, safety and environmental hazards, without imposing the unrealistic $500,000 demolition cap contained in the final 2020 Consolidated Appropriations Act.

Need for BIA to Replace Building 86. Last year, I testified that the BIA, over 11 years ago, condemned Building 86 on the Reservation without providing an adequate replacement facility. It is unacceptable that the BIA has not replaced Building 86 in violation of its treaty responsibilities and given the gravity of the work that our law enforcement personnel perform involving life and death situations. Replacement construction for Building 86, which the BIA condemned in 2009, remains our highest priority.

Our committed law enforcement personnel risk their lives on a daily basis to provide law and order on our Reservation, but no justice system can function properly without a safe and secure facility to house our dedicated public safety personnel. For example, the San Carlos Apache Police Department (SCAPD), which has a 638 contract with BIA, in FY19 received 53,974 calls to the dispatch center, resulting in 31,543 calls for service with 2,731 criminal arrests. Officers in FY19 patrolled a total of 323,654 miles on the Reservation, 58 miles of highways and 108 miles of BIA routes. SCAPD also supervises the Tribal Security department and patrolled 69,642 miles with assignments to all Tribal buildings, district water pump stations, ceremonial dances, community events and many other events to assist sworn personnel. Drug evidence sent to the Arizona crime lab for scientific analysis totaled 193 cases in FY19, up from 129 last year. SCAPD personnel work 12-hour shifts and overtime on a constant basis. Response times to calls for service average one hour due to our limited staffing and long distances that officers must travel, often alone, on our vast rural Reservation. Our law enforcement personnel regularly endure extreme situations and these situations are significantly exacerbated by the lack of an adequate public safety facility.

In the 1970's, the BIA constructed Building 86 to house our police department, tribal courts, prosecutors, public defenders, domestic violence advocates, and evidence room on the Reservation. The BIA sited the facility in a flood plain, and Building 86 suffered repeated damage during heavy summer monsoon rains. However, the BIA—as owner of the facility—failed to properly maintain the building, which over time posed significant safety and health risks to our public safety and justice personnel.

In 2009, the BIA abruptly notified the Tribe that Building 86 was condemned for failure to meet safety and health requirements and building codes and standards and ordered all occupants to vacate the building even though it knew that there was no other building on the Reservation that could adequately house the Tribe's law enforcement services. The BIA later told the Tribe that its 638-contracted police officers and tribal court personnel could stay in the building while relocating BIA criminal investigators into another BIA-owned building that was not offered to Tribal police and court officials. Our police department and tribal court personnel continued to work in the condemned building for six years—often without electricity and AC (in the up to 120-degree summers)—until the BIA moved our police and courts into temporary modulars in 2015 with a promise to permanently replace the facility.

While the modulars provided a slight improvement at the time, they are simply not safe or secure to serve the public safety functions of law enforcement investigations and court proceedings and the administration of both critically important governmental functions. Nearly 5 years after moving to the modulars, the structure has rapidly deteriorated: the Chief of Police works in an office with a crack in his wall where he can see the outside; the generator routinely malfunctions and does not provide AC throughout the unit; water and sewer service is intermittent; it lacks space for evidence storage; the floors do not securely support storage safes that include cash, drugs, and other evidence; the BIA maintains the building only once a week; and, there is not enough parking for our justice officials and the many visitors to the structure.

Rep. Tom O'Halleran visited the modulars in August 2018. During the visit, his staff needed to use the restroom, but the water was out. We had portable toilets behind the modulars, but the 120-degree heat that day made them unbearable. The smell of sewage was palpable as he crossed the stained carpets near the broken restrooms. Later during his visit, in the midst of his discussion with our Chief Judge, the power went out, and we had to complete our meeting using phone flashlights. This unfortunately is not unique, but instead is a near daily occurrence.

We appreciate the Subcommittee's efforts to ensure that the FY20 appropriations package contained $25.5 million for the BIA Public Safety and Justice (PSJ) Construction and Facilities Replacement Program. The funding built upon the $18 million appropriated in FY18 and FY19 for this sorely needed program.[1]

In FY18 and FY19, the BIA refused to allocate any of the PSJ construction funding to non-corrections facilities. In the FY20 appropriations package, Congress directed BIA to submit a report on **all** its law enforcement buildings in poor condition, such as BIA's condemned Building 86.

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[1] Prior to FY18, there was no funding for this critical need since the 2009 ARRA. With the exception of the 2009 ARRA, BIA has not received funding for new public safety/justice construction since FY2000.

The Joint Explanatory Statement for "Division D – Department of the Interior, 2020," at pages 32-33 states: "The agreement directs BIA to submit the report describing the facilities investments required to improve the direct service and Tribally operated detention **and** public safety facilities in Indian country that are in poor condition, including cost estimates, as provided in Division B of H.R. 3055, as passed by the Senate on Oct. 31, 2019." (emphasis added).

Further, the Senate Appropriations Committee highlighted the need for Building 86 to be replaced when it stated in its committee report:

> The Committee understands the demand for public safety and construction funding remains high and the backlog to replace these facilities has grown exponentially. The Committee is aware there are many **condemned** facilities across the country including the Hopi, White Mountain Apache, and **San Carlos Apache** detention **and justice facilities**. For this reason, the Committee directs the Bureau to report back in 90 days after enactment of this act with a comprehensive list of condemned facilities that need to be replaced.... Senate Report 116-123, September 26, 2019, p. 60 (emphasis added).

We thank the House Appropriations Committee for emphasizing the need to replace all dilapidated public safety and justice facilities in its committee report, stating:

> Eligible Facilities.—The Committee has heard from tribes that Indian Affairs considers funding made available for facility replacement/new construction for public safety and justice facilities as only available for detention facilities. The Committee directs Indian Affairs to consider **all** public safety and justice facilities as eligible for funding under this program and to include such facilities in the master plan that the Committee has directed Indian Affairs to maintain. The Committee directs Indian Affairs to provide the master plan to the Committee within 90 days of enactment of this Act. House Report 116, June 3, 2019, p 61-62. (emphasis added).

The BIA has indicated that the agency is gathering information and reviewing options relating to the FY20 PSJ replacement construction funding. We continue to reach out to the BIA in hopes that it will allocate a portion of the $25.5 million in FY20 to replace Building 86, 11 years after the agency condemned the facility. We seek your assistance to help ensure this happens.

For FY21, we urge you to increase replacement PSJ construction to $30 million. We further respectfully request that the Subcommittee consider including the following language in its committee report:

> "Eligible Facilities.—The Committee again directs Indian Affairs to allocate funding for the public safety and justice facility replacement/new construction to all public safety and justice facilities, including facilities that house tribal police and courts. The Committee is aware there are many condemned **public safety** facilities across the country, and we direct Indian Affairs to replace these condemned facilities, including Building 86. The Committee further directs Indian Affairs to include such facilities in the master plan that the Committee has directed Indian Affairs to maintain. The Committee directs Indian Affairs to provide the master plan to the Committee within 90 days of enactment of this Act."

Need to Increase Funding for BIA PSJ Operations. We thank the Committee for providing $434.326 million for BIA PSJ programs. We respectfully request that the Committee consider increasing this funding in FY21. The volume of public safety needs on the Reservation increases

every year as we face countless rising costs with limited personnel. Some of the challenges we face are discussed above on page 1. One bright spot was SCAPD was able to hire 3 new police officers certified with the state of Arizona this past year who bring extensive knowledge and experience that will benefit our community. Unfortunately, there is now a $15,000 per cadet fee that the Southern Arizona Law Enforcement Training Center (SALETC) is now assessing for its 18-week basic police academy. This training is required under our 638 contract with BIA. SCAPD does not have the funds to cover these significant fees and is looking for other programs to train our officers.

Education of Native Youth in Custody and Health Care for All Inmates. Our Tribe is fortunate to have a BIA-funded adult and juvenile detention and rehabilitation center that serves at-risk youth. Through a funding agreement with the neighboring town, we provide classroom instruction for our most at-risk youth. Working on a shoestring budget, we have significantly reduced recidivism among our juveniles. We receive consistent positive reports back from families of youth that leave our center. We thank the Committee for supporting tribal juvenile detention education with $500,000 in FY20. These limited funds greatly assist in helping heal at-risk Native youth. We have submitted a request to BIA for this funding. We ask the Committee to consider increasing this funding in FY21, mandating flexibility with other programs so that resources can be pooled to improve services for tribal detention juveniles. We further urge the inclusion of report language to allow for the use of BIA corrections and IHS funding for *all* health needs in tribal detention facilities for adults and juveniles and direct the BIA and IHS to enter an MOU for the provision of health care at tribal detention facilities.

Need for Demolition of Antiquated, Vacated IHS Hospital on Reservation. The Tribe worked tirelessly with IHS to replace its hospital built in 1962. Finally, after 30 years, IHS opened the San Carlos Apache Healthcare Corporation in 2015. The facility, operated by the Tribe under a 638 contract, serves approximately 14,000 American Indians residing in our service delivery area, which includes parts of Cochise, Gila, Graham, and Greenlee counties. Throughout our efforts to secure a replacement IHS health care facility, we regularly discussed with IHS the need for IHS to demolish/dispose of various buildings comprising its old IHS hospital compound (Old Hospital), which poses safety, health, and environmental hazards. The Tribe seeks to use this site for other essential purposes given it is centrally located on the Reservation. The Old Hospital is located across the street from the Mitchell Hoffman Tribal Administration Building and the Tribe's Elders Center and near the San Carlos Apache Tribal College. The Tribe has designated this site as the location for the BIA replacement law enforcement facility discussed above. IHS estimates that the cost for demolition for the Old Hospital is @$1.2 million and that it has the funding to demolish the Old Hospital.

The FY20 House Interior appropriations bill passed on June 25, 2019, and the FY20 Senate Interior appropriations bill passed on October 31, 2019, did not contain any restrictions that would have barred demolition of the Old Hospital. However, the 2020 Consolidated Appropriations Act, P.L. 116-94, contained a sentence stating "that not to exceed $500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings." $500,000 is an unrealistic cap that is barring IHS from demolishing the Old Hospital and other vacated facilities in Indian Country.

We request that the Committee support IHS's efforts to demolish the Old Hospital and further request that the Committee work to ensure that any language that would impede demolition of the Old Hospital does not make its way into the final FY21 Interior appropriations bill.

Ms. MCCOLLUM. Good morning, sir.

Mr. NUVANGYAOMA. Good morning. Let me get that going. Okay. There we go.

Ms. MCCOLLUM. I forgot to——

Mr. NUVANGYAOMA. And I just read the instructions, and I overlooked it, so it is my fault. [Laughter.]

Good morning. My name is Timothy Nuvangyaoma. I am the chairman of the Hopi Tribe, and we are located in northeastern Arizona, and I am glad to be here to offer testimony this morning.

And good morning, Chairwoman McCollum, Congressman Kilmer. My name is Timothy Nuvangyaoma, and I have the honor of serving as chairman of the Hopi Tribe. My testimony will focus on the needs related to the Hopi Arsenic Mitigation Project, the Hopi Detention Center, and the Hopi Unified School District.

First, the Hopi Tribe requests the subcommittee provide funding for the completion of the Hopi Arsenic Mitigation Project, or HAMP. During my testimony before this subcommittee last year, I discussed the issue of arsenic contamination in the Hopi Tribe's water supply. The water for eight of the tribe's villages is contaminated with high levels of naturally-occurring arsenic, levels that exceed the EPA's safe drinking water standards by as much as 3 times the allowable contaminants. This troubling situation led the tribe to create the HAMP, whose mission is to find a solution to the arsenic contamination. Since I appeared before the subcommittee last year, there have been some positive developments. First, the tribe greatly appreciate the subcommittee staff, along with Indian Health Service's representatives visiting us to tour HAMP. We are pleased to report that HAMP is now ranked as a priority project by IHS and the EPA. This designation provides full funding for Fiscal Years 2020 and 2021 through Safe Drinking Water Act Program allocations. However, those funds are contingent upon receiving the respective annual budget appropriations.

In addition to HAMP, we are working with the BIA on the Hopi Regional Water Expansion Project. This project would extend the HAMP water system to schools, residences, and institutional facilities. The estimated project construction cost is approximately $7.5 million. The tribe is also working with the Bureau of Reclamation on a regional water master planning project. These critical water safety projects are not funded beyond the planning phase and are dependent on future congressional support.

The Hopi tribe's second request may also be familiar to the subcommittee; that is, to help ensure timely completion of the permanent Hopi detention center. In response to the abrupt condemnation and closure of the Hopi detention center in 2016, the BIA worked with this subcommittee to identify and ultimately approve $5 million for the construction of a permanent detention facility, quoting a July 17 letter from the Interior Department to the subcommittee. "Once initiated, project completion could be accomplished within 7 to 9 months."

As of today, 2-and-a-half years after that letter, there is still no shovel in the ground. The BIA was supposed to install a pre-fabricated building because it was the quickest to deploy. However, without consulting the tribe, the BIA switched to a design build. Currently, an architect is designing a new detention center, but it

is unclear when any actual construction will begin. To say that the tribe is frustrated is an understatement. Even yesterday, the BIA informed the tribe it was changing the size of the facility from 80 beds to 60 beds. This was a unilateral decision by the BIA without consultation. We cannot wrap our heads around the fact that this subcommittee approved the $5 million 2-and-a-half years ago, and we have no broken ground, only a broken promise.

Finally, the Hopi Tribe is asking for the subcommittee's support as we work to unify our seven tribally-controlled schools under a single school district. Our seven schools were originally operated by the BIE and the BIA. From 1991 to 2014, the Hopi Tribe gradually took over management of these schools under the Tribally-Controlled Schools Act. However, the schools remain individually operated by local school boards with little communication between the schools, our students struggled to achieve academic success.

In order to address this issue, the tribal council enacted a new Hopi education code in August 2019. The code creates a new unified Hopi school system that will improve collaboration, consistency, and educational services within our schools. As we transition to a new unified Hopi school system, we will need assistance for several components of this undertaking, including funding to manage the transition and construct the central administration office. We have already identified the site for the administration building, and estimated total construction costs will be $2 million. Two, funding for new school construction. Four of our schools, including the nearly 100-year-old Hopi Day School, are in very poor condition.

And finally, more flexibility. Under the Tribally-Controlled Schools Act formula, once the tribe is under a unified school system, application of the current formula would reduce our administrative cost grant by 25 percent. This will result in the annual loss of over $1 million to Hopi schools.

The Hopi Tribe appreciates any support the subcommittee can lend to this positive transformation of our school system. I want to thank you for the opportunity to testify, and I am happy to answer any questions.

[The statement of Mr. Nuvangyaoma follows:]

Testimony of Chairman Timothy Nuvangyaoma
Hopi Tribe
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 12, 2020

Summary of Budget Requests:

I. Hopi Arsenic Mitigation Program – Provide funding to complete the Program
II. Hopi Detention Center – Ensure timely completion of the permanent detention center
III. Hopi Unified School District – Funding to implement the Hopi Education Code

Introduction & Background

Good morning Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Timothy Nuvangyaoma and I have the honor of serving as Chairman of the Hopi Tribe.

The Hopi Reservation, located in the northeast corner of Arizona, is approximately 2.5 million square miles. The Tribe has over 14,000 enrolled tribal citizens, over half of whom reside in the Reservation's 12 villages. Unfortunately, the residents of the Reservation suffer from a 60% unemployment rate due, in part, to the lack of economic development opportunities caused by the remote and landlocked nature of the Reservation.

Thank you for the opportunity to testify regarding the Tribe's funding priorities within the Subcommittee's jurisdiction. My testimony today will focus on the continued needs related to the Hopi Arsenic Mitigation Project, and the Hopi Detention Center, and the Hopi Unified School District.

I. Hopi Arsenic Mitigation Program (HAMP)

During my testimony before this Subcommittee last year, I discussed the issue of arsenic contamination in the Hopi Tribe's water supply. As you may recall, the Hopi Tribe has been suffering with arsenic contamination in its water supply since the 1960s when the BIA first installed its drinking water system. The water for eight of the Tribe's villages is contaminated with high levels of naturally occurring arsenic. These levels exceed the Environmental Protection Agency's (EPA) safe drinking water standards by as much as three times the allowable contaminants.

This troubling situation led the Hopi Tribe to create the Hopi Arsenic Mitigation Project (HAMP) whose mission is to find a solution to the arsenic contamination. The HAMP proposal has two phases. The first phase of HAMP only delivers water to Hopi villages, and the second would increase the system capacity of the initial phase through the construction of water main extensions and pressure upgrades to increase the range of pumped water.

Since I appeared before the Subcommittee last year, there have been some positive developments on this project. First, I would like to thank Chairwoman McCollum and other members of the Subcommittee for realizing the severity of this issue. In addition, the Tribe greatly appreciates Subcommittee staff, along with Indian Health Service representatives, coming to Hopi for a tour of HAMP.

We are pleased to report that HAMP is now ranked as a priority project by the Indian Health Service and the Environmental Protection Agency. This designation provides full funding for Fiscal Year 2020 and Fiscal Year 2021 through Safe Drinking Water Act program allocations. The Tribe understands that the HAMP funds are fully committed by the agency programs. However, those funds are contingent upon receiving their respective annual congressional budget appropriations. Therefore, the Hopi Tribe urges the Subcommittee to ensure such funds are made available.

In addition to HAMP, Hopi Utilities Corporation is working with the BIA on the Hopi Regional Water System Expansion Project. This project would extend the proposed HAMP water system to schools, residences and institutional facilities between Polacca and Keams Canyon. The estimated project construction cost is approximately $7.5 Million. The Tribe is also working with the Bureau of Reclamation on a regional water master planning project. These critical water safety and reliability development projects are not funded beyond the planning phase and are dependent on future congressional support for design and construction funding.

II. Hopi Detention Center (HDC)

I would also like to provide an update to the Subcommittee on the Hopi Detention Center. In December 2016, the Hopi Tribe declared a state of emergency following the abrupt condemnation and closure of the Hopi Detention Center ("HDC") by the Bureau of Indian Affairs ("BIA"). The closure left the Tribe with no place to process or hold suspects, let alone to incarcerate prisoners. The police department was forced to transport suspects and prisoners over 80 miles to the closest detention facility. This required valuable public safety resources to be redeployed for transportation purposes, leaving the Tribe, its citizens, and reservation residents vulnerable.

In response, the BIA worked, along with this Subcommittee, to identify and approve funding for the construction of a permanent detention facility. Ultimately, the Subcommittee approved the Department of the Interior's request to reprogram $5 million within Indian Affairs' Public Safety & Justice Construction appropriation to address the emergency situation by allowing for the construction of a detention facility to replace the condemned building. "Once initiated, project completion could be accomplished within seven to nine months," stated a July 2017 letter from the Interior Department to this Subcommittee.

As of today—two and a half years after the BIA informed the Tribe that it would take seven to nine months to complete the detention center—there is still no shovel in the ground. To make matters worse, we still have a long way to go before ground is broken on this project. Currently, an architect firm is designing the facility, which is expected to take a few more months. Once the design is 100 percent complete, then there will be a process to select a contractor to construct the

facility. Finally, the completion of the Hopi Detention Center will depend on how quickly the selected contractor can finish the job.

To say that the Tribal Council, the Hopi citizens, and myself are all frustrated is an understatement. We cannot wrap our heads around the fact that this Subcommittee approved the $5 million reprogramming request two and a half years ago and we have no broken ground, only a broken promise. Until the permanent detention center is completed, public safety concerns on the Hopi Reservation will remain. We urge the Subcommittee to exercise its authority to ensure that the BIA completes the Hopi Detention Center as quickly as possible.

III. Hopi Unified School District

The Hopi Tribe is asking for the Subcommittee's support as we work to unify our seven Tribally Controlled Schools under a single school district on the Hopi Reservation. Our seven schools were originally operated by the Bureau of Indian Education (BIE) and the Bureau of Indian Affairs. One by one from 1991 to 2014, the Hopi Tribe exercised its sovereignty over the education of our youth and took over management of these schools under the Tribally Controlled Schools Act, 25 U.S.C. §§ 2501-2511. Even with this progress, the schools were all individually operated by local school boards with little communication between the schools and students struggled to achieve academic success.

To address these issues and better support education of our youth, in August 2019, the Hopi Tribal Council enacted a new Hopi Education Code (Code). The Code creates a new unified Hopi School System that will improve collaboration, consistency, and educational services within our schools. We are the first tribe to undertake such a significant effort to create a unified school district from seven individual Tribally Controlled Schools.

The Tribe believes that these changes will finally provide the school system that our Hopi youth and other tribal youth deserve. However, we acknowledge that change does not happen overnight and that we will need significant funding to carry out this mission. As we transition to a new unified Hopi School System, we will need funding for a central administration office building, funding to manage the transition, flexibility in current appropriations laws, and funding for school re-construction.

Funding is needed to provide a Central Administration Office that will be home to most of the administrative staff for the new Hopi School System and our seven Tribally Controlled Schools. The Hopi Tribe currently has a shortage of office buildings and no office space which can accommodate the new Central Administration Office. Having a technologically equipped and well-designed facility would help ensure the success of the Hopi School System and provide the administrative support necessary for the schools, teachers, staff, and most importantly, our students. We have already identified the site for the building and estimate total construction costs at $2,000,000 for a 6,500 square foot building and site work.

In addition, the Tribe will need funding to manage the transition to our new unified Hopi School System, which will take three years. For each of these three years, we will need to fund all aspects of the transition, including but not limited to: the transition teams who are leading the transition work; election of our new Hopi Board of Education; and hiring of critical staff positions, for

example, the Chief School Administrator, human resources director, business manager, and facilities director.

The Hopi Tribe will also need more flexibility in appropriations laws so that we can effectively make the transition. The Tribally Controlled Schools Act provides administrative funds to tribes to cover administrative costs of operating their schools. 25 U.S.C. § 2008. To determine these amounts, the Act requires calculation of an administrative cost formula. Once the Hopi Tribe is under a unified school system, this formula will apply a consolidated rate and reduce our administrative costs grant by 25%. This will result in the loss of over $1 million dollars to Hopi schools every year. Therefore, we ask the Subcommittee to provide an exception from this consolidated rate calculation and continue to calculate the administrative cost grant for the schools as individual schools.

Finally, we are in significant need of new school construction. Currently, four of our schools are in very poor condition: Hopi Day School (nearly 100 years old), Hotevilla Bacavi Community School, Keams Canyon Elementary School, and the Moencopi Day School. We ask the Subcommittee to fully fund the BIE school re-construction program.

By enacting the Hopi Education Code, we are making changes to restore our self-determination over the education of our youth. The actions we are taking are a major transformation for our schools and will provide improved educational opportunities for our youth, better administrative efficiency and management of school resources, increased accountability and support for our educators and staff, and allow greater focus on Hopi culture and language. We would appreciate the Subcommittee's support in this vast undertaking.

Thank you for the opportunity to testify to the Subcommittee today. I am available to answer any questions that the Subcommittee may have regarding my testimony.

Ms. MCCOLLUM. Thank you. Ms. Demmert.

Ms. DEMMERT. Good morning. My name is Michelle Demmert. I am a citizen of Central Council, Tlingit and Haida Indian Tribes of Alaska, and I am the elected chief justice of our supreme court. I am also the violence against woman co-chair for the National Congress of American Indians.

So today I would like to speak to the public issue safety issues in Alaska, which suffers as a result of the complex jurisdictional structure, the vast geographic challenges, and Public Law 280 issues. In addition, I will be making a suggested amendment to an appropriations statute from the 90s regarding legislating background checks. We desperately need this amendment for all of Indian Country.

The 2013 Indian Law and Order Commission issues the report, "A Road Map for Making Native Americans Safer," and devoted a chapter to the unique issues in Alaska. The report found the absence of an effective State justice system has disproportionately harmed Alaska native women who are continually targeted for all forms of violence. Alaska Native women are overrepresented in the domestic violence victim population by 250 percent. They comprise 19 percent of the State population, but are 47 percent of reported rape victims. The report further stated that decentralized law enforcement with the State puts women at risk? Why is decentralized law enforcement? Because of Public Law 280.

In the September 2019 report, Alaska ranked first as the State with the highest homicide rate among female victims killed by male offenders, 3 times the national rate. In the victims murdered, 40 percent were Alaska Native or American Indians. These staggering statistics have to stop. There are many barriers that make it difficult for Tlingit and Haida to adequately protect our Alaska Native women residing in what are often remote villages. The crux of the problem is that Alaska is a mandatory PL 280 State, which, in the 1950s, required the State to assume criminal and civil jurisdiction in matters involving Indians, an unfunded mandate.

The National Institute of Justice has observed the impact of PL 280. The act violates tribal sovereignty by giving States concurrent criminal jurisdiction. The act is often cited as a rationale for denying PL 280 tribes funding for law enforcement. Public Law 280's impact on crime is largely unknown. This is because crime in an associated jurisdiction is often underreported or not reported at all. Forty percent of our communities in Alaska lack any law enforcement whatsoever.

Legal scholars point out the issues. Although data is difficult to obtain from the BIA, we did determine that for Fiscal Year 1998—this is how long ago they have even looked at this issue—mandatory Public Law 280 tribes receive less than 20 percent per capita of what non-Public Law 280 tribes received. So we need direct funding to tribes who are providing the solutions in their communities. We need regular funding for this effort that we can count on from year to year.

In addition, funding barriers regarding domestic violence programs. While U.S. DOJ has attempted to direct funding towards domestic violence and sexual assault, many Federal programs do not allow us to spend money to serve perpetrators. If we can't get

our perpetrators healthy, then we are setting them up for failure and more abuse of our women and children. Finally, we need equal access to the National Database for legitimate governmental purposes. In 2015, DOJ created the Tribal Access Program, also known as TAP, which provides eligible tribes with access to the Criminal Justice Information System.

There are two issues with this access. One, we need a dedicated funding stream created for expanding the TAP Program and making it available to all interested tribes. Two, we need an amendment to what was originally an appropriations statute. Public Law 92–544 has been codified in 34 U.S. Code 41101. This statute allows States to legislate for legitimate governmental purposes to access the criminal database. We need to be included in this statute and need a technical fix. Right now, we can only access the database through a State or Federal purpose. We cannot legislate for our needs. Tribes have the same legitimate governmental needs for access to these records for possible elected official background checks, a person overseeing the tribe's finances, or caretaking for our elders. We need to be able to create these laws and put them in place to ensure the safety and health of our communities like any other sovereign.

Instead, tribes have to use FBI channelers, non-governmental agencies who have access to these databases, for these legitimate governmental purposes. Tribes should not be prejudiced. I have copies of the proposed fix with your staff. It is two amendments with three words, and I am told that the Department of Justice supports this amendment.

So in summary, fully fund all tribal governmental needs, regardless of whether a tribe is located in a Public Law 280 State. Expand grant programs that take into account the unique circumstances of Alaska tribes. Direct DOJ to create funding for perpetrators of gender-based violence, and amend 34 U.S. Code 41101. Gunalcheesh Haw'aa. Thank you taking the time to listen to our concerns. We look forward to the results of this committee.

[The statement of Ms. Demmert follows:]

Central Council
Tlingit and Haida
Indian Tribes of Alaska

[redacted]

Public Safety and Justice, February 12, 2020 at 9:00 a.m.
Department of Justice, Office of Violence Against Women, Office of Victims of Crime, Justice Services and Federal Bureau of Investigations, Criminal Justice Information Services

My name is Michelle Demmert, and I am an enrolled citizen of the Central Council of Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida), and the elected Chief Justice of our Supreme Court. I am also the co-chair of the National Congress of American Indians' Task Force on Violence Against Women and the Alaska Native Women's Resource Center's Law and Policy Director. Public Safety in Alaska continues to suffer as a result of many factors, the largest factors being the complex jurisdictional structure, the vast geographic challenges and Public Law 280 issues. I plan to address the issues created as a result of PL 280. In addition, I will be making a suggested amendment to an Appropriations statute from the 90's regarding legislating background checks.

The 2013 Indian Law and Order Commission (ILOC) issued the Report, "A Roadmap for Making Native America Safer" and devoted a chapter to the unique issues in Alaska.[1] The Report found that the absence of an effective justice system has disproportionately harmed Alaska Native women who are continually targeted for all forms of violence. The Commission found that Alaska Native women are over-represented in the domestic violence victim population by 250%; they comprise 19% of the state population but are 47% of reported rape victims. And among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country.

An instructive statement contained in the ILOC report states: "The strongly centralized law enforcement and justice systems of the State of Alaska . . . do not serve ***local*** and Native communities adequately, if at all. The Commission believes that devolving authority to Alaska Native communities is essential for addressing local crime. Alaska Native governments are best positioned to effectively arrest, prosecute, and punish, and they should have the authority to do so—or to work out voluntary agreements with each other, and with ***local*** governments and the State on mutually beneficial terms."—Indian Law and Order Commission Report, 2013 (emphasis added). Historically, Alaska tribes have been treated differently than lower 48 tribes, confusing the fundamentals of tribal court jurisdiction resulting in recognized disparities.

[1] *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013), *available at* http://www.aisc.ucla.edu/iloc/report/.

While violence against Native American women occurs at higher rates than in any other ethnic group in the United States, it is even worse in Alaska. According to the Alaska Native Tribal Health Consortium, 50% of Alaska Native women experience physical or sexual violence in their lifetime. In 2017, Alaska ranked first as the state with the highest homicide rate among female victims killed by male offenders in single victim/single offender incidents. Its rate of 3.96 per 100,000 was three times the national rate and of the victims murdered, 40 % were Alaska Native or American Indian.[2] These staggering statistics have to stop; they need to reside in the past.

There are many barriers that make it difficult for Tlingit & Haida to adequately protect our Alaska Native women residing in what are often remote communities. These include extreme weather, limited police and public safety protection, lack of access to necessary resources and limited counseling and support services. This situation is compounded by insufficient and restrictive federal funding opportunities that do not even begin to meet the needs of Alaska Natives. We suffer from inadequate data reporting that makes it difficult to tailor programs to the needs of our women. We face a challenging lack of coordination between state and tribal officials, and a lack of training and resources in villages where neighbors are often the first, and only, responders who lack training beyond their compassionate hearts.

The geographical remoteness, extreme weather, and the lack of adequate transportation present serious challenges in responding to crime in Alaska Native villages and in accessing state judicial systems in a timely matter. Tlingit & Haida serves 20 villages and communities spread over 43,000 square miles within Southeast Alaska. Our service population is among the largest, most isolated, and most geographically dispersed tribal population in Indian Country.

To make matters worse, Alaska is a mandatory Public Law 83- 280 (PL 280). It enabled states to assume criminal, as well as civil, jurisdiction in matters involving Indians.[3] PL 280 drastically altered criminal justice in American Indian and Alaska Native communities. The National Institute of Justice has observed the impact of PL 280.

"PL 280 has had a number of negative consequences for tribes:

- The act violates tribal sovereignty by giving states criminal jurisdiction.
- The act is often cited as a rationale for denying PL 280 tribes funding for law enforcement.
- The act gives nontribal law enforcement greater authority on tribal reservations. For example, prior to PL 280, minor crimes committed by American Indian and Alaska Natives were the responsibility of the tribes. Under PL 280, minor crimes can be penalized under state laws as well.

Public Law 280's impact on crime is largely unknown. This is because crime in associated jurisdictions is often underreported or not reported, according to a study released in 1998."[4]

The State of Alaska realizes that it has a problem but with each session, new initiatives get advanced and few succeed. For example, there is current State legislation for the 2020 session to

[2] "When Men Murder Women: An Analysis of 2017 Homicide Data," The Violence Policy Center (2019)
[3] 18 U.S.C. § 1162, 28 U.S.C. § 1360
[4] https://nij.ojp.gov/topics/articles/tribal-crime-and-justice-public-law-280

address untested victim sexual assault kits. There is an estimate that there are nearly 2000 untested kits. There is a pending State bill that would require these to be tested with a 6 month limit for testing to be complete.[5] While these issues are promising, it goes to show the disservice to our communities and just how ineffective PL 280 has been to Alaska.[6]

Legal Scholars point out the issues with PL 280:

> the Department of the Interior largely failed to include tribes in Public Law 280 states in its growing support for tribal police and courts during the 1970s and 1980s, leaving Public Law 280 states unable to rely on tribal agencies to shoulder the financial responsibility....
> Although data were difficult to obtain from the BIA, we did determine that for FY 1998...mandatory Public Law 280 tribes received less than 20% per capita of what non-Public Law 280 tribes received.[7]

The reality is that no matter how much the Tribe's advocate on the Federal level, our State is failing us. The answer is to empower the Tribes in the rural communities to care for themselves. The Law and Order Commission recommended just this solution. Direct funding to Tribe's who are providing the solutions in their communities. Even with some of the State bills up for 2020, we are such a divided legislature that we are not likely to see much make it through. The feds are in a unique position to show through multiple micro projects that Tribes are successful at caring for their people. We need regular funding for this effort that we can count on from year to year.

One specific suggestion is to find a creative way to fund law enforcement in rural communities – another recommendation is to fund fully trained advocates to be paired with law enforcement for data collection and case management for victims and their families. The Office of Victims of Crime has such a grant program available. However, because our Village Public Safety Officers (VPSO) do not qualify as "Law Enforcement" we are ineligible for this funding.[8]

While U.S. DOJ has attempted to direct funding towards domestic violence and sexual assault, many federal grant programs do not allow us to spend money on prevention, enforcement, or policing and few programs are available to help us provide counseling services to victims of domestic violence and child witnesses. No Funding is allowed to serve the perpetrators.

In 2015 DOJ announced the Tribal Access Program ("TAP") for the National Crime Information Center ("NCIC"), which provides eligible tribes with access to the Criminal Justice Information Services systems. There are now around 50 tribes participating in TAP, and Tlingit and Haida is one of the 2020 selectees, which will greatly facilitate our ability to enter protection orders and ensure those that are caring for our most vulnerable, our children are safe. However, a dedicated funding stream should be created for expanding the TAP program and making it available to all interested tribes who meet the requirement. All tribes should have the ability to access federal

[5] https://www.usatoday.com/videos/news/2019/06/23/alaska-most-dangerous-state-women/1440272001/

[6] https://www.usatoday.com/videos/news/2019/06/23/alaska-most-dangerous-state-women/1440272001/

[7] Goldberg and Singleton, "Final Report Law Enforcement and Criminal Justice Under Public Law 280, (May 2008)

[8] https://www.ovc.gov/grants/pdftxt/FY19_Law-Enforcement-Based-Victim-Specialist-Program.pdf

databases not only for obtaining criminal history information for criminal or civil law purposes, but also for entering protection orders, missing person's reports, and other relevant information, including National Instant Criminal Background Check System disqualifying events, into the databases. In addition, we need an amendment to what was originally an appropriations statute—PL 92-544, but has been codified in 34 U.S.C.A. § 41101. This statute allows states to legislate for legitimate government purposes to access the criminal database. We need the following amendment: (additional language is underlined)

> The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used hereafter, in addition to those uses authorized thereunder, for the exchange of identification records with officials or federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State or Tribal statute and approved by the Attorney General, to officials of State, Tribal, and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation. 34 U.S.C.A. § 41101, Formerly cited as 28 USCA § 534 note, § 41101. Funds for exchange of identification records.

Tribes have the same legitimate governmental needs for access to these records, whether it is a possible elected official, a person overseeing the finances, or caretaking for our elders, we need to be able to create these laws and put them in place to ensure the safety and health of our communities like any other sovereign!

Recommendations for Protecting Alaska Native Women and Children

In Summary, we recommend the following:

1. Fully fund all tribal governmental needs regardless of whether a tribe is located in a PL 280 state.
2. Expand grant programs that take account of the unique circumstances of Alaska Tribes.
3. Direct DOJ to create funding for perpetrators of gender-based violence.
4. Amend 34 U.S.C.A. § 41101

Gunalchéesh – Háw'aa- Thank you-for taking the time to listen to our concerns. We believe in the continuation of building alliances to enhance and promote the voice of Alaska Native survivors, advocates, and tribal leaders at the village, state, federal, and international levels. By working together we stand stronger in our advocacy efforts for equal access to justice, local village-based solutions to local village problems, and access to services and advocacy designed by and for Native women. We look forward to the results of this committee.

Ms. MCCOLLUM. Good morning.

Ms. JERUE. Good morning. My name is Tami Truett Jerue. I am a citizen of the Anvik Tribe on the lower Yukon in Alaska. We are a Deg Hit'an Athabascan tribe, extremely remote. [Speaking native language.] I have just recently actually moved out of Anvik and moved to Fairbanks recently to take over the direction of the Alaska Native Women's Resource Center that I am also the executive director of.

The Anvik Tribe has asked me to speak today regarding the following House appropriations considerations: support of the authority of the Alaska Native tribal governments to design and carry out local, culturally-relevant solutions to public safety and justice by appropriating funds, and specifically for Alaska tribes; develop and strengthen tribal law enforcement and judicial responses.

For the past 3 years, we have seen new Department of Interior Office of Justice Services tribal justice support appropriations for tribes in Public Law 280 States. In the past year, there was a $10 million appropriation regarding tribes and tribal courts in Public Law 280 States. We thank the committee, and we ask that you continue funding this program and consider an increase, and support comprehensive tribal justice services as defined by the Alaska Tribes Beyond Funding Only Tribal Courts.

Provide dedicated Federal funding through the Department of Justice and Department of Interior's various laws enforcement programs for Alaska tribal law enforcement; training officers for Alaska Native tribal governments since the State of Alaska has seriously underfunded and actually cut State funding for the VPS, Village Public Safety Officers, to ensure the greatest accountability; continue appropriating increased tribal funding under 42 U.S.C. Chapter 110, the Family Violence Prevention and Services Act, within the Department of Health and Human Services for life-saving shelter and supportive services to ensure adequate shelter services are accessible in the villages for native women.

Current appropriations for the tribal governments are 10 percent funding stream, plus the $7 million that was appropriated. Thank you very much for that extra appropriation. Continue appropriating dedicated tribal funding under the Victims of Crime Act to support much-needed tribal crime victim services designed and managed by tribal governments. I think that is imperative, designed and managed by tribal governments.

The Anvik Tribe is a Deg Hit'an Athabascan community with a rich history. We are located on the west bank of the Yukon River in the interior of Alaska. We are an isolated tribe with 378 enrolled members, with only 100 members living on our tribal traditional lands. Access to Anvik is by small plane, boat, or snow machine, depending on the season. With permission and support of the Anvik Tribal Council, I am here today to testimony on the harsh realities that we fact every day.

When we talk about public safety and justice for Alaska tribes, it is a very complex discussion. Chapter 2 of the 2013 Indian Law and Order Commission report to Congress and the President documents very well our challenges and barriers. Like over half of Alaska's tribes, Anvik does not have law enforcement and continues to not have law enforcement. This absence of law enforcement, com-

bined with other challenges facing Alaska tribes, results in an unacceptable lack of public safety and justice.

Lack of resources, such as safe shelter, sexual assault advocacy, crisis services, jails, treatment, and other interventions continue to impact victims, survivors, and their families, their community, and the perpetrators. My home has often been the safe house in our community in many instances. For victims and their children of violence, some villages have these safehouses, and some do not have that opportunity. My husband was a former chief for 28 years, and other tribal citizens who are the intervenors in basically in anything that happens oftentimes in terms of crisis, including the dangerous ones. Given the lack of law enforcement and resources, we respond to violence, search and rescue, medical emergencies, and deaths.

Is there law enforcement? Not law enforcement as defined by the State or Federal Government, but tribal citizens have had to maintain order as best they can to keep women and children and other safe. This is a common occurrence in our rural communities in Alaska, and unfortunately has become a normal part of village life. At this point in time, Anvik does not have law enforcement, again. The only other law enforcement options are the Alaska State troopers, who are located in Antiak, a hub community that is an hour-and-a-half by airplane away from the community, and their responsible for 46 other remote and rural communities, and they take two week on, two week off, so there is never more than two troopers at the post at one time.

Anvik often has impassable weather for days, leaving victims vulnerable and crimes neglected. This seems like an unending complaint, but in reality, we are repeating ourselves. To help understand the unique conditions that exist in Alaska and all over the U.S., demand that we become creative and resourceful in our ability to provide that response. As I just shared, there has been a consistent pattern in adequate State law enforcement response and a lack of Federal appropriations for tribal justice responses, including the lack of comprehensive systemic infrastructure to address safety and accountability for the extreme levels of domestic and sexual violence in Alaska's villages.

Please review the findings and recommendations from the U.S. Commission on Civil Rights 2018 briefing report titled, "Broken Promises: Continuing Federal Funding Shortfall for Native Americans." I will go ahead and cut this short a little. I do want to repeat a quote that my daughter——

Ms. MCCOLLUM. I am doing that because I was going to pull it out and made sure you read it. Please.

Ms. JERUE. My daughter had the opportunity to provide testimony at the 2019 Annual Violence Against Women Government to Government Tribal Consultation. She said, "As a young girl, I had never imagined that I would have to be here today pleading to have adequate funding and assistance to protect my sisters, my aunts, and my cousins. I had sworn that I wouldn't get into this line of work because I saw the toll it took on my mother and my family. I have seen how hard our advocates work with little resources that they have. I have seen how hard our people are trying to make a change. I am honored, but I am also saddened that I am

here as the next generation to provide my testimony on the realities that we face day in and day out.″

And as her mother, of course, I am very proud of her, but I really am not proud that she has to continue telling this same message. Thank you.

[The statement of Ms. Jerue follows:]

Testimony of Tamra Truett Jerue, Anvik Tribe

Before the US House of Representatives, Committee on Appropriations, Sub House Committee

on Interior, Environment, and related agencies.

Public Safety and Justice panel
Feb. 12, 2020

Mr. Chairman and Members of the Committee, it is an honor to testify before you.

Ade', Tami Truett Jerue. Hello, my name is Tami Truett Jerue, I am a tribal citizen of the Anvik Tribe and represent the Tribe here today. I recently moved from the village of Anvik and currently reside in Fairbanks, Alaska where I work for the Alaska Native Women's Resource Center.

The Anvik Tribe is a Deg Hit' an Athabascan community with a rich history. We are located on the west bank of the Yukon River in the Interior of Alaska. We are an isolated Tribe with 378 enrolled members and less than 100 members living on our traditional lands. Access to Anvik is by small plane, boat or snow machine.

With the permission and support of the Anvik Tribal Council, I am here today to testify to the harsh realities that we face every day.

When we talk about public safety and justice for Alaska tribes, it's a complex discussion. Chapter 2 of the 2013 Indian Law and Order Commission Report to Congress and the President documents very well our challenges and barriers. Like over half of Alaska's tribes, Anvik does not have law enforcement. This absence of law enforcement combined with other challenges facing Alaska tribes results in an unacceptable lack of public safety and justice. Lack of resources such as safe shelter, sexual assault advocacy and crisis services, jails, treatment and other interventions continue to impact victims, survivors and their families, the community and the perpetrators.

My home has often been the safe house in the community in many instances, for victims and their children of violence. Some villages have these safe houses and some do not. My husband, former Tribal Chief for 28 years and tribal citizens often must respond to crises, including dangerous ones, given the lack of law enforcement and resources. We respond to violence, search and rescue, medical emergencies and deaths. Is there law enforcement? Not law enforcement as defined by the state or federal governments, but tribal citizens have had to maintain order as best they can to keep women and children safe. This is a common occurrence in our rural communities in Alaska and unfortunately became a normal part of village life.

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At this point in time Anvik does not have law enforcement. The only other law enforcement option are the State Troopers who are located one and half hours away by airplane, where 3 Troopers are responsible for responding to calls for 46 villages. Anvik often has impassable weather for days, leaving victims vulnerable and crimes neglected. This seems like an unending complaint, but in reality, we are **repeating** ourselves to help you understand that the unique conditions that exist in Alaska and all over the US demand that we become creative and resourceful in our ability to provide a response.

As I just shared, there has been a consistent pattern of inadequate state law enforcement response and lack of federal appropriations for tribal justice responses, including the lack of comprehensive, systemic infrastructure to address safety and accountability for the extreme levels of domestic and sexual violence in Alaska's villages. Please review findings and recommendations from the U.S. Commission on Civil Rights' 2018 briefing report titled *Broken Promises: Continuing Federal Funding Shortfall for Native Americans.*

Since the U.S. purchased Alaska from the Russians in 1867 to today, the federal government has not fulfilled its trust responsibility to Alaska tribes, including the failure to fulfill the federal fiduciary obligations to Alaska tribes for the last 153 years. The competitive grant programs for public safety and justice do not fulfill the federal trust responsibility. Out of 229 of Alaska's tribes, approximately 1/3 to ½ may access these grants. Without federal funding, public safety and justice remain out of reach for most of Alaska's Tribes. Further, the federal competitive grant process poses difficult challenges to building infrastructure for tribes for various reasons including the limited grant periods of 2 or 3 years which is not enough time to significantly change and implement tribal justice responses, crisis and long term healing services and accountability for perpetrators.

Alaska has 18 state funded shelters, including two Tribal Shelters located in the rural communities of Emmonak and Kotzebue. We thank them for all the hard work they do, but that number is far too low to properly serve all 228 Tribes in Alaska. These shelters are almost always at capacity, therefore we cannot protect our people if we have nowhere for them to go, if we have no resources for them to access.

The Anvik Tribe recommends the following for House Appropriations' consideration:

1. Support the authority of Alaska Native tribal governments to design and carry out local, culturally relevant solutions to public safety and justice by appropriating funds specifically for Alaska tribes to develop and strengthen tribal law enforcement and judicial responses. The past 3 years, we've seen new appropriations for Alaska tribal courts which need to continue, but we also need tribal justice funding to support other tribal justice efforts as defined by Alaska tribes.

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2. Provide training and funding directly to Alaska Native tribal governments for the Village Police Officers and Village Public Safety Officers.

3. Continue appropriating increased tribal funding under the Family Violence Prevention and Services Act within the U.S. Dept. of Health and Human Services for life-saving shelter and supportive services to ensure adequate shelter services are accessible in the villages for Native women.

4. Continue appropriating dedicated tribal funding under the Victims of Crime Act to support much needed tribal crime victim services designed and managed by tribal governments.

This is a quote from my daughter who provided testimony at the 2019 annual Violence Against Women government-to-government Tribal Consultation, "As a young girl, I had never imagined that I would have to be here today, pleading to have adequate funding and assistance to protect my sisters, my aunts, my cousins. I had sworn that I wouldn't get into this line of work because I saw the toll it took on my mother and family. I've seen how hard our advocates work with what little resources they have. I've seen how hard our people are trying to make a change. I am honored but also saddened that I am up here as the next generation to provide my testimony on the realities we face day in and day out." As her mother, I am also sad that history is still repeating itself and inadequate resources to address the many issues we face as Alaska Native people.

Dogidhn, Thank you.

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Ms.MCCOLLUM. Thank you. And thank you for sharing that. That was very powerful when I read it. I have read it twice. And when we do our final vote on the passage for Women Against Violence Act, I am going to submit that as part of my statement to the record. Thank you for sharing that. Thank your daughter for her work. My daughter has been in similar lines of work, but not facing the same challenges that you and your daughter and your sisters are facing. So thank you.

Ms. JERUE. Thank you.

Ms. MCCOLLUM. Mr. Kilmer, do you have a question, concern?

Mr. KILMER. No. Thank you for your testimony.

Ms. MCCOLLUM. Mr. Joyce, welcome. I told people you wanted us to get going so that we didn't hold anybody up. Thank you for your professional courtesy.

Mr. JOYCE. Well, I appreciate your moving forward. I apologize for being late. I was at a breakfast with tribal members that Congressman Cole was hosting, and even though I said I was getting out on time, we kept chatting. So I appreciate the opportunity for all of you being here. Chairman Rambler, I missed your testimony, but I know that you have a very interesting initiative on juvenile justice. Could you explain why the BIA is refusing to fund that?

Mr. RAMBLER. On that issue, what we have learned is that on the juvenile detainees is that in spite of the services being in our scope of work within our 638 contract, in spite of that, the BIA is only funding direct service tribes and not 638 tribes like us. You know, Congress intended us to grow as a people to empower ourselves and to enhance our sovereignty by providing this opportunity to contract through the Self-Determination Act. So that what is we have done. And it seems like we are being penalized to enhance our growth, and these funds are just reserved for the direct service tribes. And whatever is there, I know it is not sufficient as it is, too.

Mr. JOYCE. I am sorry to hear that. Maybe it is something we could talk about further.

Ms. MCCOLLUM. Mm-hmm.

Mr. JOYCE. I look forward to working with you all, and thank you all for being here and your powerful testimony.

Ms. MCCOLLUM. Chairman Rambler, the language that you referred to with a cap is something that we sought to remove on the House side. If you would talk to our colleagues in the Senate, I think that is something that we are hopeful could be removed. It is awkward to say, but I am going to say it. I don't think the Senate understood the impact of that language. We do, and if you could share that with either their counsel or with some of the members both on the Appropriations or the authorization, think we can see that go away.

Mr. RAMBLER. I sure will.

Ms. MCCOLLUM. Okay. The EPA under the President's budgets had severe cuts in the Clean Drinking Water Program. That was the President's, you know, he proposed that. We are going to protect clean drinking water out of this subcommittee. We did last Congress, bipartisan. We will do it again this Congress. So we hope to be able to see your project move forward, so thank you for sharing with that.

And then, you know, this time and time again is very frustrating for us. We make it very clear that we expect the BIA, Department of Interior, the Bureau of Indian Education, IHS, we expect all of them to do meaningful, deliberate, thoughtful, fully participatory consultation. And it is a great frustration to all of us when they hear that they are not doing that. And we have been trying to get their attention, and we are going to have to maybe figure out a way to really make sure that we have their attention. And I know this is something that our Senate colleagues feel frustration with, too. Repeating a broken promise to us on consultation is something we don't want to hear. We want to heart that, so thank you for sharing that.

The public laws that you, who spoke on behalf of our sisters, whose lives are under, you know, threat and intimidation, they have to go through either the authorizing committee. Maybe we can start either in the justice committee or we can start in the authorization for natural resources. We would like to work with you on that because they are not even public laws that I on this committee with my colleagues, you know, directly are involved with. For us to put something like that in an appropriation bill could be a fool's errand because it could end up coming out on the floor because of jurisdictional issues. And then I don't want to start down a road that is not going to have a good ending for us. So we would like to work with you to resolve that, but that is something at this time that we would find very difficult.

The TAP funds, I will bring that up to our colleague, and I know Mr. Joyce will bring it up with the ranking member of that appropriations committee, too. And thank you for sharing that, though, because they don't have the public witness for Native American improvements the way that we do, so this gives us an opportunity to have a conversation with our colleagues.

So thank you all for your testimony. We took lots of notes, and we look forward moving together to make sure that Indian Country has the justice it deserves. Thank you.

VOICES. Thank you.

Ms. MCCOLLUM. If the second panel would please come up, and we will switch out the nameplates.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 2

WITNESSES

RODNEY BORDEAUX, PRESIDENT, ROSEBUD SIOUX TRIBE
DAVID BEAN, CHAIRMAN, PUYALLUP INDIAN TRIBE
RICHARD PETERSON, CHAIRMAN, RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA
TRACEY TREPPA, VICE CHAIRPERSON, HABEMATOLEL POMO OF UPPER LAKE

Ms. MCCOLLUM. Good morning. So once again, the green light will start after you start your testimony, so please introduce yourself. Start your testimony. The light will go on for 5 minutes. The yellow will mean 1 minute remaining, and then the red means

please conclude. So if you would lead us off, sir. Thank you, and welcome.

Mr. BORDEAUX. Good morning, Chairwoman McCollum and members of the committee. My name is Rodney Bordeaux. I am president of the Rosebud Sioux Tribe. I want to thank you, Chairwoman, for coming out to Rosebud last October. We appreciate it, and we were glad to host you.

The Rosebud Sioux Tribe is amongst the top 10 land-based tribes in the United States. Our land consists of approximately 1 million acres. We have close to 35,000 enrolled tribal members, 30,000 of which live on or near our reservation. Through our 1851 and 1868 treaties with the United States, we have ceded millions of acres of land, and remain steadfast and resolute in our pledge of peace in exchange for the U.S. agreeing to ensure that our lands will remain livable and peaceful.

A key responsibility of the Rosebud Sioux Tribe and the U.S. is provide public safety and justice services to our tribal members, others living and working on our lands, as well as the general public visiting and traveling through our reservation. Some of our main priorities are our adult correctional facility and the juvenile detention center. Our ACF, which is adult correctional facility, is a 220-bed facility and houses 130 inmates on the average. Eighty-nine percent of the population is meth related, I mean, in terms of arrests. The facility is in need of $600,000 in additional funding for personnel, food, transport, training, and counseling services. Our JDC, juvenile detention center, has 21 employees and has a need for 30. This facility has a lot of structural problems, and we basically need a new facility.

Our law enforcement services covering the 1 million acres responds to 22,000 service calls every year. We only have 25 officers and four criminal investigators, so we need an additional 20 officers at a cost of approximately $1 million, and we need to acquire 20 additional police units at an approximate cost of $800,000. To give you an idea of the magnitude of our meth problem, last week, our officers confiscated and busted a young lady, and we recovered 3 pounds of meth, marijuana, and opioids. The street value of the meth alone came to about $240,000. So we are really aggressive in our busts, and we are leading all the tribes in our area in regard to busts.

So despite our funding levels, we are working with local counties, sheriffs departments, city officers, and we are developing memorandums of agreement. We are also working within southcentral South Dakota. We are working with Cherry County in Nebraska law enforcement, and we have good relationships with them. We share information, and we are going forward. And those departments are vastly underfunded as well, so they don't bring nothing to the table, just sharing information and working together. So despite that, we are building a good relationship.

Although we are opposed to the Keystone XL pipeline that will be coming through our territories, there is a likelihood that it may begin construction in August 2020. With that comes the man camps, so we must protect our women and children, and we support the Violence Against Women Act reauthorization with enhanced tribal jurisdiction. Our tribal courts, we have a current

budget of $1.5 million with BIA and other grant funding. The grant funding is conditional. It is very limited. So we request another $500,000 to keep our current level of funding. A new courthouse. It is a facility built in the 80s, and it is just seen its day, so we need a new courthouse facility. And we working with an A&E firm on trying to get some figures in that regard.

Another big service that provides needed ambulatories are our ambulance service. It was founded in 1968, and it was first American Indian ambulance service in the country. It serves over 30,000 tribal members 24 hours a day and responds to 6,000 calls on the average per year. It remains chronically underfunded, and the Indian Health Service does not provide any funding for medical transports. Mental health patients, it is kind of dangerous for our crews, so we are working with IHS to resolve that issue, and it is their job to do that, and they don't provide the funding for that.

So in conclusion, we need a detox facility, a new JDC facility, a new courthouse/justice center, and a new ambulance facility as well as increased law enforcement and court personnel costs. We would like for you to explore options to combine public safety-related funding from the Interior, Health and Human Services, and the Justice Department, that would allow tribes on a need-based criteria. Thank you.

[The statement of Mr. Bordeaux follows:]

WRITTEN TESTIMONY OF THE ROSEBUD SIOUX TRIBE
PRESIDENT RODNEY M. BORDEAUX

BEFORE THE U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

FISCAL YEAR 2021 PUBLIC SAFETY & JUSTICE PRIORITIES
FEBRUARY 12, 2020

SUMMARY OF ROSEBUD SIOUX TRIBE FUNDING PRIORITIES:

1. ***Alcohol and Drug Detoxification Center:*** BIA/IHS should fund an Alcohol and Drug Detoxification Unit for the Rosebud Sioux Tribe because 95% of our Crime is Drug and Alcohol Related and Offenders are becoming more violent: $3 Million.
2. ***BIA Public Safety &Justice:*** Increase funding to at least $573 million - (a) Law Enforcement Services: 10% increase over FY2021; (b) Detention Construction: $50 million base funding; and (c) Tribal Courts: provide an increase of at least $83 million for Tribal Courts with annual step increases until tribal courts are fully funded.
3. ***I.H.S.:*** (a) Facilities: 50% increase for Detox Facilities and Support; and (b) Alcohol & Substance Abuse: 50% increase to support patient transport services.

INTRODUCTION

My name is Rodney Bordeaux, President of the Rosebud Sioux Tribe in South Dakota. I am pleased to submit testimony before this Committee to share our Fiscal Year 2021 appropriations priorities concerning public safety & justice. We appreciate the 6.2% increase in the FY 2020 BIA budget for law enforcement ($434.4M), a $22.8 million increase over FY 2019. Due to our pressing personnel and operational needs, discussed below, we support an additional increase in FY 2021of at least 10% over FY 2020. And, due to the severity of our public safety facility needs, we are greatly encouraged by the significant increase (21.2%) in FY 2020 public safety construction funding ($42.8M), a $7.5 million increase over FY 2019. We support base funding of at least $50 million for FY 2021, in order to address projects currently in the queue, and to include direction on how to fund additional projects on a needs-criteria basis. And, finally, my testimony provides remarks on the need to enhance our detox and ambulance services, which we believe should be supported and funded by the Indian Health Service (I.H.S.).

I want to acknowledge the hard work and diligence of this Committee in understanding the legal underpinnings necessitating federal funding to support and nurture Indian reservation economies. Through treaties, Indian tribes have ceded millions of acres and have remained steadfast and resolute to our pledge of peace, in exchange for the United States agreed to ensure that our reservations remain a permanent livable homeland for our people. The very essence of that solemn treaty pact is the promise of public safety. A key responsibility of the Rosebud Sioux Tribe and the United States is to provide public safety and justice services to our tribal members, others living and working on our Reservation, as well as to the general public visiting or traveling through our Indian lands. I know many members of this Committee have travelled to Indian Country and to Rosebud to learn more about our public safety needs. We appreciate your outreach and providing

increased public safety funding in the appropriations process. We need more funds to help us tackle the public safety crisis that is harming and killing our people.

PUBLIC SAFETY PRIORITIES

The Rosebud Sioux Tribe is amongst the top ten large land-based tribes in the United States. The Rosebud Sioux Reservation consists of nearly a million acres of federal/tribal trust acreage in South Central South Dakota, roughly the size of state of Rhode Island. The current tribal enrollment is: 34,586 enrolled members, with 29,628 members living on the Reservation.

While our Tribe continues to make gradual economic development progress, we continue to struggle with the growing public safety crisis primarily fueled by the pernicious drug and alcohol abuse and addictions plaguing our communities. Consequently, our Rosebud Law Enforcement Services is handling a large workload and is in need of additional personnel and resources. Our Tribal Court is confronted with a massive caseload and backlog and is in need of a new courthouse. Similarly, our outdated Tribal Detention facility is in need of replacement, as well as additional personnel and resources. Related to detention are the offenders who are in need of detox services, and prisoners, who need transport services to facilities off the Reservation. We need more personnel and assistance from the Indian Health Service (I.H.S.), especially with respect to transport services personnel and funding. Our Rosebud Ambulance Service is also in dire need of additional support and resources or may be in danger of having to retrocede the program to the I.H.S. Below is a discussion of these pressing needs.

- **Rosebud Sioux Tribe Adult Corrections and Juvenile Detention Center**

The Rosebud Sioux Tribe adult corrections facility (RST ACF) is a 220-bed facility that houses 130 inmates on average. Facility administration reports that 60% of the inmates they house are being held for meth-related charges. The RST ACF averages about 220 bookings per month. Most inmates need mental health treatment, substance abuse treatment, and physical health education. There is also a dire need for substance abuse detox services.

The RST ACF is short-staffed and needs ten more correctional officers. The facility currently operates with four to five officers per shift when the actual need is ten to twelve officers per shift. It is not uncommon to have four to five officers overseeing approximately 120 inmates. If all positions were filled at the facility, they would have fifty-three employees that would consist of seven administrative level positions, four sergeants, thirty-six correctional officers (COs), three cooks, and three maintenance workers. The facility presently operates with twenty-six Cos and has ten vacancies due to lack of funding. The ratio of COs to inmates is a security concern. An increase in BIA funding is needed for additional personnel, food, and transportation. The shortage of funding exacerbates the already high levels of stress within the facility and increases in stress result in an elevation in staff turnover. The effects of increases in stress can be within the inmate population as well. There have been recent suicide attempts by inmates. Witnessing the suicide attempts by the inmates only amplifies the stress levels already experienced by corrections staff and inmates. There is a need of around $600,000 in additional funding, for additional personnel, food, transport, education and counselling services.

The Rosebud Sioux Tribe juvenile detention center (RST JDC) currently has twenty-one employees but has an actual need for thirty-six employees. Juveniles are required to be housed in different classes; however, staff often feels that there is not enough staff to effectively oversee all minors. The RST JDC needs mental health and addiction clinician to treat the underlying cause of criminal behavior to decrease recidivism. In addition to a need for increased funding for personnel, the RST JDC needs a new roof due to extensive water damage.

- **Rosebud Sioux Tribe Law Enforcement Services (RST LES)**

The Rosebud Sioux Tribe Law Enforcement Services (RST LES) is charged with ensuring law & order within the boundaries of Rosebud Reservation and to trust lands in Mellette, Trip, Lyman, and Gregory counties. RST LES responds to over 18,500 calls for service every year. RST LES serves an area of approximately one million acres or roughly 1560 square miles with only twenty-five patrol officers and five criminal investigators. The national average of officer to person ratio is 3.5 officers per every 1000 persons; whereas, the RST LES officer to person ratio is one officer per every 1000 person.

The Rosebud Sioux Tribe declared a state of emergency due to the Methamphetamine epidemic plaguing the Rosebud Reservation. The RST LES responds to a high volume of violent crimes in which illegal narcotics, alcohol or both are a contributing factor around 95% of the time. RST LES administration has repeatedly called for a request in base funding. An increase in funding would be utilized to hire twenty more sworn and certified officers and acquire twenty additional patrol units. The additional officers and patrol units will significantly reduce response time and provide RST LES personnel with more time to investigate open cases.

- **Rosebud Sioux Tribal Court (RSTC)**

The Rosebud Sioux Tribal Court (RSTC) was established in 1975 and is a court of general jurisdiction. The RSTC system consists of a Tribal Court, a Supreme Court, and a Juvenile Court. Statistics provided by the court indicate that the court handled 5,096 new criminal cases in 2018. Due to the on-going meth epidemic plaguing the Rosebud Reservation, these numbers will continue to increase, and the amount of cases requires adequate staffing to ensure everyone has an equal chance at justice. RSTC personnel have identified an unmet need of $212,456.31. This funding is needed for staff and to ensure existing court personnel continues to remain employed. Moreover, in the past year, our Tribe has become compliant under the Tribal Law & Order Act (TLOA) to render enhanced sentencing up to three years per offense, and we are vigorously pursuing non-tribal offenders covered by the VAWA authorization. These arrests and prosecutions will increase the already over-burdened case load of our RSTC.

As noted in our prior testimony, the BIA Office of Special Justice assessed the Rosebud Sioux Tribal Court in September 2015 and issued, among other findings and recommendations, the following recommendations:

- ✓ There remains a real need for sustainable funding for all staff, however, and at least one to two additional clerks to assist with the transition to electronic case-management, another process server, and additional probation staff.

- ✓ Strategic planning for a new courthouse is imperative. This is the key to sustaining the Court's development and improvement, and to addressing the Court's security, accessibility, and overall administrative needs.

In addition to the funding needed to ensure adequate court personnel, we need a new courthouse or justice center. Repairs needed to the existing courthouse to ensure continuity of services at the current facility include a new metal roof which will cost $111,683.50 and three 7.5-ton rooftop air conditioning/heating units which will cost $18,808.

- **Rosebud Ambulance Service (RAS)**

The Rosebud Sioux Tribe Ambulance Service (RAS), founded in 1968 as the first tribal ambulance program in the United States, provides vital 911 emergency medical services addressing the public safety needs throughout our Reservation. RAS is funded through a P.L. 93-638 contract and serves more than 10,000 tribal members 24 hours a day. RAS's service area is larger than the state of Rhode Island and currently operates with only enough staff for three ambulances, sometimes less.

Ambulance crews, who are tasked with protecting the public safety by responding to a myriad of emergencies from motor vehicle collisions and drug overdoses, to cardiac arrests and alcohol-related emergencies, must balance an obligation to provide long-distance patient transfers for the local I.H.S. hospital. At any given the time of day, an ambulance is on a patient transfer, leaving the Rosebud Sioux Tribe with only two ambulances to cover all other 911 calls. Considering that the RAS responds to 6,000 requests on average per year, this creates a precarious situation.

The RAS remains chronically underfunded by the I.H.S. RAS is consistently unable to hire enough sufficient staff to man the ambulances, which seriously undercuts our public safety efforts. Also, inadequate funding has also led to below average wages for RAS staff. An emergency medical technician working for the program is paid just ten dollars per hour, while the national average is sixteen dollars per hour. Low wages result in lowered job satisfaction and a high turnover rate. The ongoing funding shortage has prevented the program from constructing a new facility. The current facility was built around thirty years ago, is outdated, lacks adequate space for personnel and equipment, and lacks essential amenities such as sleeping quarters and a kitchen to support staff who must be on duty day and night.

CONCLUSION

In closing, thank you for your consideration of this testimony. Our statement identifies our top public safety and justice priorities, including the pressing need for facilities and staff. We need a detox center, a detention facility, an ambulatory services facility, and a new courthouse. Although we recognize the funding constraints, we know that housing these services under a comprehensive center would be both efficient and cost effective. We would like to explore options to pursue authorization to combine public safety related funding the Interior, Health & Human Services and Justice Departments to allow Tribes on a needs-based criterion (service population, land base size, etc.) to undertake these types of comprehensive projects.

Mr. BEAN. [Speaking native language.] Good day, honorable friends. Thank you for this time on the floor. My name is [Speaking native language] My English name is David Bean, and I am the chairman of the Puyallup Tribe. The Puyallup Tribal Council is responsible for providing for our 5,500 members and 25,000 Native Americans who live within our service area. We provide healthcare services, educational services, social services, public safety services, and a myriad of social service programs to people in or community. People in our community rely on the continued resources and support through Federal appropriations, which reflect the trust responsibility and treaty obligations to American Indians and Alaska Natives and tribes.

Today I am going to talk about the tribe's top priority: public safety. Keeping citizens safe and secure is the most basic of duties for any government. This is no less true for tribes. My focus today on public safety is the result of this past summer that none of us ever want to relive. There were a series of shooting on or near our reservation resulting in seven people being hospitalized and three dead. Our staff, they felt terrorized. Our council struggled between balancing the concerns and safety of our staff with providing services to our community. This occurred in the height of summer when people are outside enjoying the warm sun, enjoying the beautiful northwest, you know, a time when our communities are celebrating one another. This occurred in a place where our families are supposed to feel safe, where our employees are supposed to feel safe in their work environment, where our kids are supposed to play outside without fear of any stray bullets.

Our law enforcement staff, they work 12-hour days, 6 days a week. They are tired. They tell me that this escalating violence is associated with a resurgence of gang violence. At one time, we identified 28 gangs within our reservation. We worked collaboratively with our neighboring governments and fellow partners to address this gang problem. Unfortunately, what we now know today is that the gangs did not go away. They moved. The gang activity that they are involved in—drug trafficking, human trafficking, weapons sales, and turf wars—moved with them. They moved blocks away from our administration and our housing community, our tribal housing developments. They moved within blocks of our administration, our elder center, and our health facility.

We are in the middle of a deadly game of whack-a-mole. What we are lacking is dedicated Federal resources needed to combat this problem. Our officers, like I stated a moment ago, are working numerous hours of overtime. And when we reached out to the BIA, we were told that they had no resources to help us. The BIA's response was simply inadequate. It was irresponsible. It left me wondering how the BIA found the resources to send multiple law enforcement agents to set up a command center to monitor and arrest people who were engaged what was one of the most historic and positive gatherings in Indian people in a generation at the Standing Rock Sioux Reservation. But they could not find even one officer to send to help us during our time of crisis, during our time of fear, during a time of terror.

Apparently, oil pipelines are more important than our tribal health centers and our elders' care centers. In short, I said it once, and I will say it again, our officers are tired, and they need reinforcements. We ask that the subcommittee provide increased funding for tribes like Puyallup, who are in PL 280 States and have received minimal directed law enforcement funding from the Bureau of Indian Affairs.

A critical part of our law enforcement program is our detention facility. We have a 28-bed adult correction facility. We work closely with the OJS to develop and agree upon operating costs of $2.7 million. Sadly, the BIA only provides 26 percent of the need to operate the facility. We appreciate the $105 million that Congress provided for additional correctional detention centers. We know this is not enough to keep pace with inflation. This is not enough to make the Puyallup Tribe whole for the job that we are doing on behalf of the United States government. This is equally true for our tribal courts and programs.

As I conclude my remarks, I do want to express the tribe's strong support for our natural resource programs. As we work to make our communities safer, we must work to make it healthier. This means strong support for our natural resources programs, which are critical to our culture, our lifestyle, and our diets. We also want to emphasize the need for increased funding for BIE and for our Chief Leschi School. And finally, I would be remiss if I did not join my fellow tribal leaders in calling for increased funding for Indian Health Service. We support the comments and testimony of the Northwest Indian Fish Commission as well.

Thank you for this time on the floor.

[The statement of Mr. Bean follows:]

TESTIMONY OF
DAVID Z. BEAN,
CHAIRMAN OF THE PUYALLUP TRIBE OF INDIANS
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE BIA, BIE AND IHS FY 2021 FUNDING LEVELS

February 11, 2020

Chairwoman McCollum and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2021 appropriations for American Indian and Alaskan Native programs within the Department of the Interior and Indian Health Service. My name is David Z. Bean, Chairman of the Tribal Council for the Puyallup Tribe of Indians.

The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations, including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 5,427 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services.

The Puyallup Tribe operates healthcare, social services, law enforcement and corrections, education, and a myriad of other programs and services for our Tribal citizens and individuals within our program and service areas. These programs depend on continued resources and support through federal appropriations – which reflect the federal trust and treaty obligations to American Indian and Alaska Native people and tribes.

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: The Tribe's top priority is public safety and justice. In just one week this last summer, we had four separate shooting incidents on our Reservation. In those incidents, we had seven individuals who were shot and hospitalized due to their injuries. Three of those individuals died. One of the shootings was a drive-by shooting in front of our Tribal Administration building, which forced us into lock down. Our staff felt terrorized because of the violence, and our Council struggled with our employee's concerns, and our responsibility to provide needed services to our Community. Still, our officers are required to respond to almost nightly reports of shots fired on our Reservation.

Our law enforcement staff tell me is that this violence is associated with a resurgence of gang activity in our community. At one point, there were twenty-eight (28) active gangs on the Reservation. We worked collaboratively with our sister state and federal law enforcement agencies and targeted these gangs where they were located. Unfortunately, what we now know is that the gangs did not go away. They have moved, and the gang activity including, drug trafficking, weapons sales and turf wars moved with them. They have moved across Interstate 5 to be within blocks of the Puyallup Tribal Administration building, our clinic and our elder care center.

The lack of financial resources is a significant barrier to the provision of effective public safety services in Indian country. The Bureau of Indian Affairs only provides $588,000 for our Tribal law enforcement services contract, this amounts to 8% of the Tribe's total level of need. The Tribe is able to supplement these resources, so that we are able to have a Chief of Police, and thirty commissioned officers and two (2) reserve officers.

These officers are charged with the service and protection of the entire 40 square miles of the Reservation and the usual and accustomed areas where we exercise our Treaty protected hunting and fishing rights. The Puyallup Reservation encompasses most of the City of Tacoma, as well as parts of five other different municipalities (Fife, Milton, Puyallup, Edgewood and Federal Way). Furthermore, Interstate 5 runs through the Puyallup Reservation and is a known drug and human trafficking corridor.

Again, ten years ago we were able to target the gang activity with dedicated federal resources and collaboration with our sister agencies, but this did not eliminate the gangs. It resulted in them moving to where there is not a strong law enforcement presence. It is like a deadly game of Whack-a-Mole, but we are now lacking the dedicated federal resources that we had to combat this problem ten years ago. And, this summer when we asked the BIA for additional resources to respond to what we believed was a public safety emergency; we were told that the BIA had no resources to help us.

Our officers are working numerous hours of overtime because of the escalating violence, and during last summer most of our officers worked twelve hour days, six days a week. I am thankful that our Chief of Police and his officers worked day and night to tamp down the violence. But, the BIA's response was beyond inadequate. It has been irresponsible. It left me wondering how the BIA found resources to send multiple law enforcement officers to the Standing Rock Sioux Reservation and set-up a command center to monitor and arrest people who were engaged in what was one of the most historic and positive gatherings of Indian people in a generation; but they could not find even one officer to send to the Puyallup Reservation when we were in the middle of what felt like a three-week gang war. Apparently, oil pipelines are more important than Tribal health clinics and Tribal elder centers.

In short, our officers are tired, and they need reinforcements. We ask that the Subcommittee provide increased funding for Tribe's like Puyallup, who are in a P.L. 280 states and have received minimal directed law enforcement funding from the Bureau of Indian Affairs. Additionally, we would like to see Congress mandate that the BIA Office of Justice Services (OJS) share their funding formulas with Congress, so Congress is aware of how OJS has determined how to fund each Tribal program and provide an explanation as to why there are discrepancies among programs.

Detention and corrections funding remains of critical importance to the Puyallup Tribe. As you know, the Puyallup Tribe has a 28-bed adult corrections facility. Again, we worked closely with the OJS on an agreed upon operating cost of this facility at $2.7 million. However, the BIA provides only $725,000, approximately 26% of what the Tribe actually needs to run the facility. Thus, while we appreciate the $105 million that Congress provided for additional correction and detention officers in FY 2020, we know that this is not enough to keep pace with inflation at

current levels and it certainly is not enough to make the Puyallup Tribe whole for the job that we are doing on behalf of the United States.

In addition, we operate a Tribal Court program. Our base BIA funding for this program has remained at $194,996 since FY 2015. Like the Law Enforcement and Detention & Corrections funding, this amount represents only a small amount of the Tribe's needs to fully operate the Tribal Court program. For FY 2020, the Tribe has allocated $1.923 million of tribal funds for the Tribal Court budget. We therefore commend the Subcommittee for its effort to reject the Administration's past request to reduce appropriations for this important program and suggest that the Subcommittee continue to support increased appropriations for Tribal Courts.

Natural Resources Management: The Puyallup Tribe is the steward for the land and marine waters of our homeland, including our usual and accustomed fishing places and shellfish and wildlife areas. The United States has treaty, trust, and governmental obligations and responsibilities to manage natural resources for uses that are beneficial to the tribal membership and regional communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Unfortunately, despite our diligent program efforts, the fisheries resource is degrading, causing economic losses on Native and Non-native fishermen, as well as the surrounding communities.

Existing levels of appropriations are simply inadequate to reverse the trend of resource/habitat degradation in Puget Sound and other areas. A minimum funding level of $17.146 million is necessary for the BIA Western Washington (Bolt) Fisheries Management program, and we urge the Subcommittee to meet or exceed this amount for FY 2021 appropriations. Any increase in funding would provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs. As the aboriginal owners and guardians of our lands and waters, it is essential that adequate funding is provided to allow Tribes to carry out our inherent stewardship of these resources.

The Puyallup Tribe also continues to operate a several salmon hatcheries in our territory. These hatcheries benefit both Indian and non-Indian commercial and sport fisheries. We work cooperatively with the Northwest Indian Fisheries Commission, neighboring tribes, federal agencies and state fishery managers to insure the success and sustainability of our hatchery programs. We urge Congress to increase funding to these important facilities. And finally, the Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs have allowed for the expansion of Tribal participation in the state forest practice rules and regulations, as well as allowed Tribes to participate in inter-tribal organizations to address specific treaties and legal cases relating to multi-national fishing rights, harvest allocations, and resource management practices. This funding must be continued.

Operations of Indian Programs & Tribal Priority Allocations: The Tribal Priority Allocations (TPA) account within the Operations of Indian Programs include the majority of funding used to support ongoing services at the "local tribal" level, including; natural resources management, child welfare, other education, and other tribal government services. These functions have not received adequate and consistent funding to allow Tribes the resources to

fully exercise self-determination and self-governance. Further, the small increases TPA has received over the past few years have not been adequate to keep pace with inflation. The Puyallup Tribe requests that the Subcommittee increase funding for the Operation of Indian Programs and TPA at levels that reflect the increasing fixed costs, as well as inflation, and reject any requests to make cuts to the BIA budget.

Bureau of Indian Education

The Puyallup Tribe operates the pre-K to 12 Chief Leschi School, including the ECEAP and FACE programs, with an enrollment of 640 + students. With an increasing number of pre-kindergarten enrollment, Chief Leschi will exceed design capacity in the near future and additional education facility space will be necessary to provide quality educational services to the students and tribal community. And in the meantime, the costs of operating this school – including staff, supplies, and student transportation – continue to increase.

Unfortunately, the amounts that Congress has appropriated are not keeping-up with inflation, let alone sufficient to allow us to dedicate additional resources to improving the education outcomes of our children. We are treading water and if more assistance is not provided we may begin to drown. We ask that Congress provide substantial increases for BIE programs.

Department of Health and Human Services – Indian Health Service

The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program serving the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no Indian Health Service hospitals in the Portland Area, so all specialties and hospital care have been paid for out of our contract care allocation.

Thus, the Purchased/Referred Care (PRC) allocation to PTHA is inadequate to meet the actual need. The Tribe has historically subsidized PRC by several million dollars a year, but this is no longer sustainable for the Tribe. So, we join in the Northwest Indian Health Board in seeking at least a $50 million increase to the Purchased/Referred Care (PRC) program.

Ms. MCCOLLUM. Thank you. Mr. Peterson, before you start, we have a group of young Native American leaders, the future, walk into the room. And if one of you would come forward and identify what group you are with, that would be terrific, and thank you so much for being here. Just press the little red button there.

Ms. OWENS. Good morning. My name is Tyler Owens, and I come from the Gila River Indian Community. Here we have three members of our Akimel O'odham/Pee-Posh Youth Council that has been going for over 25, 30 years. And we are one of the longest-standing tribal youth councils that takes place in the U.S., as well as we have our Junior Miss Gila River, and myself as Ms. Gila River, here. Thank you for having us.

Ms. MCCOLLUM. We are so welcomed to have you here, and we look forward to you taking good care of not only Indian Country, but the United States, our future leaders here. Thank you for coming. Thank you.

Thank you, Mr. Peterson, for indulging.

Mr. PETERSON. Is it working? [Speaking native language.] My name is Rick Peterson. I am the tribal chairman of the Red Cliff Band of Lake Superior Chippewa in northern Wisconsin. Well, first, I want to thank Chairwoman McCollum and the committee for allowing us to come and voice our concerns. I was here last year and another time before, and what I am here for echoes the testimony of my fellow tribal leaders since I have been sitting in this room.

I have two issues today. Again, I bring back the issue of the need to increase the funding for tribal police departments. Our police department, well, the drug epidemic, as we know, the meth, especially, our community is under assault by the meth, and the funding that we get from the BIA is totally inadequate. Our budget that we submitted was for over $500,000. We have a five-member police force. We were awarded $160,000.

Multiple times we have put in for end-of-year funding for equipment. Our police chief, he had the newest vehicle, and his vehicle was 12 years old. We, again, put in for end-of-year funding last year, and we were given some, but police equipment was not part of it, vehicles. I want to tell you a little story about what we had to do to get new police vehicles. We reached out to another tribe in Wisconsin and asked if they would help fund two new police vehicles for us. That is a travesty. It really is. We thank the Forest County Potawatomi Tribe of Wisconsin for funding that. They gave us enough money to get two new police vehicles.

But this is an ongoing problem. This is something that not only our tribe faces, but tribes throughout Indian Country face. We are doing our best to fight these issues, these drug-related issues. With the drug-related issues, our police department is increasingly stretched. ICW. Our cases have increased tenfold, and every time ICW staff has to go to a house, it requires a police officer to be there, and they are so inadequately funded. And, you know, I come back to the table again asking that the Appropriations Committee increase the base-level funding. We need to depend on that money year in, year out. Right now we don't. You know, every year, you know, we ask ourselves are we going to be able to support this po-

lice department a year from now, and that is a question that we can't plan around.

The second item I am here for is the need for the BIA to increase the funding for tribal roads department. Our tribal roads department, I will read a statement here, it says, "The Red Cliff Band of Lake Superior Chippewa has reached a critical impasse in its ability to effectively maintain BIA roads within the reservation boundaries. This is due to the practice of deferring maintenance due to the lack of funding provided in self-determination contracts with the Bureau of Indian Affairs. All reasonable attempts have been made to secure additional funding to meet the needs of the programs, including U.S. and Wisconsin Departments of Transportation, Housing and Urban Development, BIA programs, to provide new equipment and maintenance facility."

With that statement I want to wrap up. I am running out of time here. Right around Thanksgiving, we had a storm where we had 3 feet of snow overnight. Our community was shut down for 5 days. Every piece of equipment we had broke down. Our grater is 25 years old. There was an emergency call in the middle of the night. The ambulance got stuck in the middle of the road for 2 hours. Community members had to come out with their trucks to plow him out. Again, as I mentioned with the police vehicles, this is a travesty, and it is a health and safety issue now. Miigwetch. Thank you.

[The statement of Mr. Peterson follows:]

Red Cliff Band of Lake Superior Chippewa
Richard A. Peterson, Tribal Chairman
FY 20 Testimony to House Appropriations Committee on Interior, Environment and Related Agencies

Department of Interior, Bureau of Indian Affairs, Office of Justice Services – Base Public Safety and Justice Funding, Criminal Investigations and Police Services

A requested increase of $500,000 to fund tribal law enforcement activities by the Red Cliff Police Department.

Appendix 1-7 of the FY 20 BIA Greenbook shows a total allocation of Base Public Safety and Justice Funding to District 7 of $6,062,413. Of which, 25% goes to Bureau Offices. The remaining $4,568,617 is distributed to 12 Tribes. The Red Cliff Band of Lake Superior Chippewa (LE Office 114) received $160,579 or 3.5% or 2.6% of the total District 7 funding. The 11 other Tribes in D7 received and average of $400,731.

The other sources of base funding for the Red Cliff P.D. are two funds received by the State of Wisconsin; Tribal Law Enforcement & County-Tribal Law Enforcement. State funds supporting tribal law enforcement activities at Red Cliff have declined over a five-year period (Figure 1). The actual 2020 Tribal Law Enforcement allocation is $74,523 and County-Tribal is $48,895. Total $123,418; $8980 or 9.3% **less than** 2015.

Base funds for Red Cliff Law Enforcement have declined 9.3% since 2015 levels.

Under current funding levels, Red Cliff is **unable to conform to 25 CFR §12.34**, which states **tribal officers must be paid at least the same salary as a Bureau of Indian Affair officer** performing the same duties. This was revealed as a compliance issue during P.L. 93-638 contract monitoring report (Contract No A17AV00233).

An Overstretched Tribal Police Force
The current staffing level of Red Cliff PD is 4 full-time patrol officers, 1 part-time patrol officer, 1 investigator, and 1 chief of police. This staffing level provided 20 hours of a day in-jurisdiction police coverage, 7 days of the week 365 days of the year along with 24 hour on-call response. Red Cliff Police Department handles all its own investigations, seeking assistance in complex investigations from state and federal sources if needed.

2020 Report Info
Data from calender year 2019 shows that Red Cliff PD responded to **2,040 calls of service** during 2019, Red Cliff P.D. made **175 criminal referrals** to the District Attorney and **149 arrests**. During the calender year of 2019 the following munincipal jurisdictions in Bayfield County had

arrests numbers and calls of service as follows: Bayfield PD 19 and 1,405, Washburn PD 36 and 2,001, Iron River PD 22 and 1,704. By contrast the combined total of officers staffed by these agencies equal **12 full time** officers effecting a commulitive of **77 arrests**. *The projected FY20 base funding of $284,616 ($161,198 BIA; $123,418 State of WI)* ***will support 3 tribal officers*** *to manage this workload and* ***Red Cliff will not be able to comply with 25 CFR §12.34 at this funding level****.*

2020 Funding base is: BIA $161,198 plus State of WI (2) $123,418 = $284,616

Equipment: After not being approved for yearly funding requests for new police vehicles to replace our aging ones, and being denied year end funding specifically for this request multiple times, Red Cliff submitted a request to Forest County Potawatami Tribe in Wisconsin who generously donated $60,000 for the purchase of 2 new police vehicles. The fact that we had to reach out to another tribe for items that are BIA obligations is a travesty.

Accomplishments

Despite anemic funding levels, Red Cliff Police Department continues to follow community orientated policing strategies and strives to improve the trust and relations with the population we serve. Red Cliff Police Department has established strong working relationships with State entities such as Dept. of Justice Division of Criminal Investigations (DCI) and with Federal agencies such as FBI and DEA. In August of 2017 Red Cliff PD initiated and conducted an investigation of methamphetamine trafficking and conspiracy to distribute within the boundaries of the Reservation and the surrounding communities. The investigation had the assistance from DCI, USPS and DEA. The proactive interdiction of the conspiracy ring had a phenomenal impact on the availability of methamphetamine in our community. This case was a direct example of law enforcement collaborating, sharing resources and having a common goal and ultimately achieving it. The said case came to fruition in May of 2018 with four (4) adults charged with federal indictments- two (2) were Red Cliff community members. All four (4) entered guilty pleas and are awaiting sentencing in Western District court, Madison, WI in the year 2019. ***In June of 2019 the sentencing concluded and delivered a total combined 35 years of incarceration in a federal prison for the 4 charged suspects.***

As previously stated, the increase in police staffing for the year of 2019 has proved to enhance community trust in law enforcement. The public has shared their feelings of increased sense of security and safety. The ability to have adequate police presence a routine and regular basis instills a foundation for the tribal members to start positive relations with their public safety officials. Red Cliff Police department's community policing efforts are reflected in the general pleasant day to day atmosphere on the Reservation.

Red Cliff Band of Lake Superior Chippewa

Tribal Road Maintenance Needs Report

Summary of the Current Tribal Roads Equipment and Road Conditions

Red Cliff has had between 7 and 8 feet of snow to date in the 2019/2020 snow season with the heaviest snow months to come. The average annual snowfall for the Bayfield Peninsula is 99 inches or just over 8 feet per year, with much of the local accumulation due to "lake effect" snow given the proximity and location of the peninsula within Lake Superior. Red Cliff's current snow removal equipment has surpassed its useful life expectancy and is unable to adequately maintain the 46 miles of federally owned roads on the reservation. This equipment failure means critical services such as police and emergency medical services are often unable to expeditiously provide emergency services during winter months due to unmaintained roads. During a recent snowstorm, an ambulance was stuck on an unplowed road for over 2 hours until pickup truck plows could clear the road for them.

The Red Cliff Band of Lake Superior Chippewa has reached a critical impasse in its ability to effectively maintain BIA roads within reservation boundaries. This is due to the practice of deferring maintenance due to the lack of funding provided in self-determination contracts with the Bureau of Indian Affairs. All reasonable attempts have been made to secure additional funding to meet the needs of the program including U.S. and Wisconsin Departments of Transportation, Housing and Urban Development and BIA programs that would have provided new equipment and a maintenance facility.

For years, due to ongoing inadequate funding, Red Cliff has been performing costly repairs on their aging equipment, most of which was purchased in used condition or donated to the tribe. This "band Aid" method of trying to keep our roads equipment in usable condition is unsustainable and increasingly adds to this crisis yearly. Our efforts of submitting TIGER and BUILD grants to help properly fund transportation needs have resulted in them being denied, despite highly rated applications.

Red Cliff participated in a recent conference call with Howard Hill from the Office of the U.S. Secretary of Transportation or OST. The purpose of this meeting was to receive feedback from the 2017 TIGER application and address any concerns that we may have. In this debrief, Mr. Hill indicated that our application rated highly among all application and that officially it rated number one among Tribal applications. In his personal view he rated our application number one nationally among all applications.

Their concerns with the application was that we were requesting the same amount for construction and equipment as in the previous applications and that we should address the cost of inflation in our application this year. Our request this year was $6.2 million up from $3.9 million in previous years and included the cost of inflation and an additional piece of equipment in the form of a tracked excavator to aid in the maintenance of drainage facilities. Awards were announced early in December but unfortunately Red Cliff's application was not funded. If there

is a 2019 round of funding I will once again contact Mr. Hill for a debrief on our application and re-submit an application for funding.

Federal funding for roadway maintenance has been deferred for decades, with allocations falling far short of meeting the basic requirements to maintain safe roads. The maintenance funding needs are determined and based on 'Level of Service' and 'Roadway Surface Type', by cost per mile. Due to federal budget constraints however, approximately only 16% of the transportation facility maintenance costs needs are funded. The remainder of the costs to maintain the roads, as calculated by BIA, is 'deferred' maintenance cost; and the average deferred maintenance costs equal 84% or in Red Cliff's case a total of five and three quarters of a million dollars over the past 20 years.

This is based on the attached unit cost per mile document which indicates a level of funding required to maintain federal roads at just under $350,000 annually compared to the historic contracted amount of $61,000 annually. The amount Red Cliff has provided to supplement the road maintenance program since 2005 has averaged around $250,000 annually.

The Red Cliff Band of Lake Superior Chippewa strongly believe that by submitting a budget based on the FY19 base funding that there will neither be a development of their economy nor the ability to accept the responsibility and accountability to the beneficiaries under the contract and that continued contracting at this level of funding would be irresponsible.

Excluding State Highway 13, the total mileage of the roadways on the Red Cliff Band reservation, as listed in the NTTFI (National Tribal Transportation Facility Inventory-BIA), is 46 centerline miles (or 92 lane miles). The current conditions 'Level of Service', for these roadways based on the NTTFI inventory, is indexed as follows:

- 21.9 miles (47%) have a Level of Service of '5-Failing'
- 6.8 miles (15%) have a Level of Service of '4-Poor'
- 9.6 miles (21%) have a Level of Service of '3-Fair'
- 6.5 miles (14%) have a Level of Service rating of '2-Good'
- 1.2 miles (3%) have a Level of Service rating of '1-Excellent'

Based on the American Association of State Highway and Transportation Officials' "Present Serviceability Index" (PSI), more than 80% of the roadways on Red Cliff Band Tribal lands rank as unacceptable. The roadway surface types range from paved asphalt surfaces, to unimproved earth roads. Based on the NTTFI inventory, the Roadway Surface Types are as follows:

- 3.8 miles (8%) are paved
- 8.7 miles (19%) are paved at 2 inches or less
- 30.1 miles (64%) are gravel roads
- 3.4 miles (9%) are unimproved earth

Ms. MCCOLLUM. Thank you. Please.

Ms. TREPPA. Good morning, Chairwoman McCollum, Ranking Member Joyce, and honorable members of the subcommittee. Can you hear me okay? My name is Tracey Treppa. I am the vice chairperson of Habematolel Pomo of Upper Lake. We are located in a rural county just northwest of Sacramento.

Like most tribes, we have had a complicated and often tragic relationship with the Federal Government. My people survived the U.S. Army's attack during Bloody Island Massacre. We persevered through termination. We have overcome the loss of our lands, and today we are still here and committed to building a better tribal nation for the next general of Habematolel children. We have just under 300 tribal members and a land base of 11.24 acres. The tribe's executive council is working to restore our lands, provide for our children, and build a robust tribal legal system to protect the rule of law.

Today I want to discuss two funding priorities that are absolutely essential to the rule of law in fostering healthy and safe communities. The first is tribal court funding for tribes in Public Law 280 States, and the second is funding for private safety training. I will address those priorities now.

Tribal courts are essential to the effective exercise of tribal sovereignty. Tribal courts administer justice in our communities, provide a forum for tribes to receive child welfare cases, and ensure that law and order is upheld and protected. Unfortunately, for years, tribes located in Public Law 280 States have not had access to Federal funding to create and sustain tribal court systems. This lack of resources hindered my own tribe's ability to create a court. For years, the BIA prioritized tribes in non-Public Law 280 States since the Federal Government was primarily responsible for criminal jurisdiction in Indian Country there. That left tribes in public States, such as California, with no Federal support to create or sustain a tribal judiciary. They Habematolel advocated for change and pleaded with Congress to provide us with the same tribal court funding support as tribes in non-Public Law 280 received.

Fortunately, in 2015, Congress acted and required the BIA to quantify how much it would cost to provide tribal court funding to tribes in PL 280 States. The BIA sent a report to Congress, which found that it funded tribal courts in non-PL 280 States at a mere 6.814 percent of the true cost of operating and supporting the court. Further, the report estimated it would cost $1.69 million to fund tribal courts in Public Law 280 States at the same level. The BIA's report noted that while——

Ms. MCCOLLUM. We are fine.

Ms. TREPPA. Okay. $16.9 million would not be widely viewed as robust, or perhaps even adequate. It would match existing levels of funding in non-PL 280 States, which reflect a constrained physical environment. Congress took the BIA's report and acted quickly to appropriate money for tribes in PL 280 States. In the 2016 Consolidated Appropriations Act, Congress made $10 million in tribal court funding available to tribes in PL 280 States. This was the first time that ever happened.

After this law was passed, our tribe submitted a funding request to the BIA to help us create a tribal judiciary. The BIA awarded

us $72,000 to begin the work on the system. This may not seem like much, but our tribe has made a significant difference. It allowed us to cover the startup costs that previously had hindered our ability to create a judiciary. The tribe used the funds to develop a judicial code, court rules, bench book, child welfare code, and conduct site visits to other tribal courts.

I am proud to say that now the legal infrastructure has been created to support our judiciary. We will be looking to retain our first judge and begin hearing cases within a year. This would not be possible without the support of the subcommittee in funding direct to tribal courts in PL 280 States. I strongly urge you retain this funding and expand upon it.

The second priority I want to discuss is funding for public safety training. The tribe strongly supports the mission of the BIA's Office of Justice, or OJS, and its support for training opportunities in Indian Country. The tribe received funding from OJS in 2019 to host a jurisdictional training in our homelands. The training took place in February of last year. This intergovernmental event convened tribal, State, local, and Federal Governments and governmental agencies.

The training covered PL 280 jurisdiction, Violence Against Women Act, the Indian Child Welfare Act, and the opioid crisis. It was great to see the different governments and government agencies come together to learn how each of our jurisdictions interact and impact the others. The event was one of the biggest and most diverse intergovernmental trainings to ever take place in Lake County.

We have seen a noticeable positive impact in our coordination with neighboring jurisdictions. The tribe appreciates Congress' commitment to fund these training opportunities, and we strongly encourage the subcommittee to maintain and expand these training funds.

That concludes my testimony. Thank you.

[The statement of Ms. Treppa follows:]

Testimony of Vice-Chairperson Tracey Treppa
Habematolel Pomo of Upper Lake
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 12, 2020

Summary of Topics Discussed

I. **Bureau of Indian Affairs – Tribal Court Funding for Tribes in Public Law 83-280 States**
II. **Bureau of Indian Affairs – Support for Public Safety Training Funding**

Introduction & Background

Good morning Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Tracey Treppa and I have the honor of serving as Vice-Chairperson of the Habematolel Pomo of Upper Lake.

The Habematolel Pomo of Upper Lake have resided in the area now known as Lake County, California, since time immemorial. Like most tribes, we have faced many challenges since the United States first claimed dominion over our territory. In 1850 the United States Army attacked our defenseless ancestors in what would become known as the Bloody Island Massacre. Shortly thereafter, we signed a treaty in good faith with the federal government, but the United States Senate never ratified it. We were fortunate to eventually secure a 564-acre reservation in our ancestral homelands.

In 1958 we suffered the unlawful termination of our federal recognition through the California Rancheria Act. During the termination period, we lost our entire land base and the Tribe suffered greatly. We fought termination tirelessly in federal court and in 1983, we won the legal battle and our federal recognition was reaffirmed – but much damage was already done.

Our tribal government, through the Tribal Executive Council, is committed to rebuilding our tribal nation for our future generations. Today, our population is approximately 287 tribal members who are the descendants of the survivors of the Bloody Creek Massacre. The Tribe has been able to restore just under 12 acres of our former land base, but we continue that critical work.

I. Tribal Court Funding for Tribes in Public Law 83-280 States

As I stated earlier, our Tribe and its members are resilient because it is in our DNA. We are the descendants of survivors, and as a tribal leader, it is my duty to provide my people with the tools necessary to continue not just to survive but to thrive. When the Executive Council deliberated what tools would be needed to help our people succeed and to build a safe and healthy community for them, the creation of a tribal court system topped the list.

Tribal courts are essential to the effective exercise of tribal sovereignty. Tribal courts administer justice in our communities, provide a forum for tribes to receive child welfare cases, and ensure that law and order is upheld and protected. Unfortunately, for years tribes located in Public Law 83-280 ("Public Law 280") states have not had access to federal funding to create and sustain tribal court systems. This lack of resources hampered my own Tribe's ability to foster a functioning court.

For years the Habematolel Pomo fought to gain access to equitable federal funding for tribes in Public Law 280 states – but to no avail. Many of the tribes in northern California are small, and we do not have the same resources as others to make our voices heard here in Washington, D.C., but that does not mean that we do not have the same needs as other tribes. For years we had consistently requested tribal court funding, but until recently, no one was listening.

The Bureau of Indian Affairs ("BIA") had taken the stance that, because of its limited tribal court funding, it was appropriate to prioritize tribes in non-Public Law 280 states since the federal government was still primarily responsible for criminal jurisdiction in Indian Country in those states. The Ninth Circuit Court of Appeals approved the BIA's rationale for law enforcement funding when it allowed the BIA to prioritize tribes in non-Public Law 280 states.[1] It became clear after this decision that tribes in Public Law 280 states needed to fight harder if there could be any hope of Congress appropriating public safety and tribal court funding for them.

One of the major impediments to providing funding to tribal courts in Public Law 280 states, besides the limited resources, was that the BIA could not quantify how much it would cost to provide tribal court funding to tribes in Public Law 280 states. Fortunately, in 2015 Congress acted and required through the Consolidated and Further Appropriations Act that:

> Within 180 days of enactment of this Act, the Bureau [of Indian Affairs], in coordination with the Department of Justice, is directed to report to the House and Senate committees of jurisdiction on the budgetary needs of tribal courts in [Public Law 83-280] States. *See* 160 Cong. Rec. H976405 (Dec. 11, 2014) (*Explanatory Statement*)

This was an amazing first step because finally, Congress was forcing the BIA to quantify the challenge and assign a cost to it.

The BIA sent a report to Congress on September 16, 2015, that contained a cost analysis for the six mandatory Public Law 280 states: Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin.[2] The BIA estimated in the report that it funded tribal courts in non-Public Law 280 states at 6.14% of the real cost of operating and supporting the court. Further, the BIA estimated that to fund tribal courts in Public Law 280 states at the same level, it would cost $16.9 million. The BIA noted that "[w]hile $16.9 million would not be widely viewed as robust or perhaps even

[1] *Los Coyotes Band v. Jewell*, 729 F.3d 1025 (9th Cir., 2013).
[2] Bureau of Indian Affairs Office of Justice Services, *Report to the Congress on the Budgetary Cost Estimates of Tribal Courts in Public Law 83-280 States*, September 16, 2015.

adequate, it would match existing levels of funding in non-P.L. 280 states, which reflect a constrained fiscal environment."[3]

Thanks to the BIA report, Congress now knew what the cost would be to provide equal access to tribal court funding in all states – both Public Law 280 states and non-Public Law 280 states. Congress then acted to provide funds to assist tribal courts in Public Law 280 states through the Consolidated Appropriations Act of 2016 (Pub. L. 114-113), which provided $10 million to among other things:

> Work with Indian tribes and tribal organizations to assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities, *including those communities subject to full or partial State jurisdiction under Public Law 83-280*. (emphasis added).

This was the first time that Congress explicitly told the BIA to make funds available for tribal courts in Public Law 280 states.[4]

The Tribe submitted an initial funding request to the BIA to create its judiciary on July 25, 2017. A month later, the Tribe participated in the BIA's tribal consultation process regarding the funding, which occurred on August 29, 2017, in Sacramento, California. Our Chairperson Sherry Treppa explained how grateful the Tribe to Congress for the opportunity to begin creating a tribal judiciary. She noted that the Tribe never had access to tribal court funding before.

The BIA awarded the Tribe 72,868 dollars to begin work on our tribal court system. This may not seem like much in the big picture of federal grants, but to our Tribe, it has made a big difference. It has allowed us to cover the startup costs that had hindered our ability to create a judiciary. The Tribe used the funds to develop a judicial code, court rules, bench book, child welfare code, and conduct site visits to other tribal courts. The funding was also used to purchase office equipment and essential computer software like case management systems.

I am proud to say that now that the legal infrastructure has been created to support our judiciary, we will be looking to retain our first judge and begin hearing cases within a year. This would not be possible without the support of this Subcommittee and the funding directed to tribal courts in Public Law 280 states. I strongly urge the Subcommittee to retain this funding and expand upon it. Tribal courts make a difference in Indian Country.

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[3] *Id.* at 1.

[4] Congress has continued to include similar language directing tribal court funding to Public Law 280 states since that time. Most recently the Joint Explanatory Statement of the Further Consolidated Appropriations Act of 2020 directed "14,000,000 is to address the needs of Tribes affected by Public Law 83-280 and as further outlined in the Senate Report 116-123." That Senate Reported explained that "the Committee remains concerned about the Tribal courts needs as identified in the Indian Law and Order Commission's November 2013 report which notes Federal investment in Tribal justice for Public Law 83–280 States has been more limited than elsewhere in Indian Country." At 57.

II. Support for Public Safety Training Funding

The Habematolel Pomo strongly supports the mission of the BIA Office of Justice Service ("OJS") and the funding it receives from Congress to provide tribes with the training that they need. The Tribe received funding the OJS to host an intergovernmental jurisdictional training in our homelands. The training took place on February 6th and 7th, 2019, and received incredibly high marks from participants.

The training convened tribal, state, local, and federal governments and governmental agencies to foster better intergovernmental cooperation within our shared communities. The training had over 50 attendees on each of the two days, and participants included: tribal leaders and tribal court staff; tribal, local, and federal law enforcement; local and state court staff; local government staff; and staff from non-profit organizations. It was one of the most significant and most diverse intergovernmental trainings to ever take place in Lake County.

The training covered the following topics: Public Law 280 jurisdiction; the Violence Against Women Act; the Indian Child Welfare Act; tribal court funding streams; and the opioid crisis and marijuana laws. It was great to see the different governments and government agencies come together to learn how each of our jurisdictions interacts with and impacts the others. Many of the participants knew little about tribal sovereignty and the topics that were covered – especially the Indian Child Welfare Act and the Violence Against Women Act.

The Tribe appreciates Congress' commitment to fund these training opportunities and the OJS for working so closely with the Tribe to make the training a success. We have seen a noticeable impact from the training, and our coordination with neighboring jurisdictions is very productive. We are consistently asked by the community and our neighbors about when we will host a follow-up training, which with the support of Congress and OJS, we hope to do later this year.

I strongly encourage the Subcommittee to consider maintaining and growing training and assistance funding in the upcoming budget. This funding helps tribes and their neighbors to learn more about one another and increases coordination and access to resources.

That concludes my testimony. I appreciate the opportunity to be here today, and I am happy to answer any questions from the Subcommittee.

Ms.MCCOLLUM. Thank you. Mr. Kilmer.

Mr. KILMER. Thank you, Madam Chair, and thanks to each of you for your testimony. Chairman Bean, I want to thank you for your testimony. Your words are important. Your work is really important, too. You appropriately called out just how big a role the tribe plays in employment in our region and providing services in our region, natural resource leadership. And I know this is a public safety panel, but I want to just have you speak a bit to the work that the tribe is doing around natural resources and how important those issues are from a treaty rights standpoint, from the standpoint of the economics and culture of your tribe.

Mr. BEAN. Thank you, Congressman. That is a great question. And, you know, when we signed the Medicine Creek Treaty of 1854, that treaty guaranteed our right to fish and hunt and gather, as we have done so since the beginning of time. And, you know, we are partners with the Federal Government in protecting the natural resources, and that extends to protecting the habitat that provides nourishment and protection for our natural resources, be it fish, elk, roots, and berries. You know, it is a part of our way of life. It is a part of our culture. It is part of our DNA. And so it is vitally important.

These natural resources are under attack by natural threats and manmade threats, and we need our Federal partners' help in protecting the habitat and continuing to raise fish in our hatcheries that benefit not just tribes, but non-native fishermen throughout the State of Washington. It is vital to the economy in the State of Washington. It is vital to tribal economies. It is vital to our culture and our traditional ways.

You know, we are taught that we are connected to Mother Earth, and that, you know, being salmon people, we are taught that when our salmon go away, then we cease to exist. And, you know, for the first time in many years, our fishermen are sitting on the banks of the river. There are no fish for our fisherman to catch, you know. We are having ceremonies, and when we open our ceremonies, there are no fish to open our ceremonies, and that is something we have never seen before. So we need our Federal Government to help in protecting our salmon and our natural resources. So thank you for that question.

Mr. KILMER. Thank you. Thank you, Madam Chair.

Ms. MCCOLLUM. Thank you. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair. Thank you all for coming today and for your testimony. Chairman Bean, I want to go back to you. I heard you talking about how you do get some funds from BIA, and then you supplement those funds with your own funds, but I don't believe I heard you discuss the Department of Justice or any of the grants that are available through DOJ. Is there a reason?

Mr. BEAN. We turn over every stone, and we apply for every grant available, and it is quite simply the funding is not there.

Mr. JOYCE. So do you think it might be better if the Department of Justice moved that money to the BIA and let them award it in the grant programs?

Mr. BEAN. I would love to see, you know, some additional funding in whatever form——

Ms. MCCOLLUM. Yeah.

Mr. BEAN [continuing]. In whatever form because, for example, with limited time, I didn't get to talk about, you know, our law enforcement program is a $5 million budget. The BIA provides 10 percent of that, which means the tribe is carrying the water for our Federal relatives, and carrying the trust responsibility to not just our Puyallup tribal community, but the 25,000 natives that live in and on and around our reservation, on top of our non-native neighbors. You know, we are we are doing our best to stretch the resources. So however Congress sees fit to, welcome expanded funding because the need and what is actually provided to meet that need is vastly different.

We are working with our neighboring jurisdictions. You know, we are thankful for the City of Tacoma Police Department, Pierce County sheriff, and then the State patrol. You know, they came and they responded during the gang violence this summer. And we are having to partner with them, and we are having to share resources. So when Congress sends money to tribes or States, it is not just benefiting one over the other. It is benefitting the region. So we welcome expanded resources however we can get them, sir.

Mr. JOYCE. Great. Thank you.

Mr. BEAN. Thank you.

Mr. JOYCE. Thank you all for coming.

Ms. MCCOLLUM. People are leaving. I'm going to ask a question.

VOICE. Oh. [Laughter.]

Ms. MCCOLLUM. So one of the things that I heard, and I'm glad that you brought it up, especially with what is happening in Rosebud, is meth is still a problem. And there has been such a focus on opioids, and rightly so because pharmaceutical companies, through deceptive marketing, hooked, you know, millions and millions of Americans in Indian Country and throughout the country. But meth is still a huge problem, and it presents different challenges for law enforcements and for communities in general. So I am assuming that you are seeing if someone is cooking and manufacturing meth in a house, all of a sudden you lose housing on a reservation.

Mr. BEAN. Yeah.

Ms. MCCOLLUM. That is correct. Thank you for pointing that out. So the whole issue about, you know, grants kind of looking at each other, I think one of the challenges and frustrations that I have had is tribal nations have to have you know, like full-time grant writers, and that costs money out of the tribal budgets to begin with. And then if you are applying to a Department of Justice grant and a BIA grant, and one comes through, but the other one doesn't come through, you don't have a holistic approach that you need. Mr. Cole and I have been kind of working together on kind of consolidating some of the healthcare needs. We are not there yet, but at least we are having those discussions.

So I want you to know I am going to reach out, along with Mr. Joyce, to our colleagues on the other committees that you apply for grants. Do you have any anything that, you know, Mr. Joyce, and Mr. Kilmer, and I should kind of keep in the back of our head of when we talk to our colleagues about what would a grant application look like if you are applying to different agencies to solve a

problem? If you can give me one or two things I should be thinking about as I have a conversation with my colleagues.

Mr. BEAN. Thank you for raising that issue. Just to be clear, I want to make sure that tribes, we do our best to leave no stone unturned. So lack of funding, it is not for a lack of effort, you know. They are highly competitive, and there are complex formula. So if you simplify the formula, it is just competitive. If you have a larger population, guess what? Then the funds follow the larger population into a small tribe. You know, how do we compete with tribes with larger populations?

And so I think that is one thing to be mindful of because while we are 5,500, we serve a native population of 25,000. The City of Tacoma is a part of the Federal relocation efforts that has resulted in these large populations of natives from over, you know, 200 tribes across the United States. Now, if we go up against a tribe, let's say, for example, has, you know, 50,000-, 60,000-member population or a quarter million population, the competition is just not there. We are considered a small tribe, but we provide for a lot of people much larger than the size of our enrollment.

Ms. MCCOLLUM. That is a great point to make. And, Mr. Peterson, I know what you mean about our rural communities being extraordinarily isolated. I have been in your part of Wisconsin, and you are very isolated, whether it is a blowdown, a tornado, a snowstorm. And not to have the right equipment to get in, it can take hours, and, as you said, days to take care of people. You can lose electricity, and then you are not charging your cell phone. I mean, it is a whole cascading effect. So when you look at doing equipment grants, life, health, and safety really isn't one of that the factors that comes into it when you are applying for road maintenance help, for graders and things like that, is it?

Mr. PETERSON. No, it is not at all. And that would definitely, you know, adding that aspect to any sort of a grant application, even if it was a single question, I believe would open the eyes of, you know, the reality of the situation that we face. Our equipment, like I said, every piece of major equipment that we had failed. Our grader is 25 years old. Our trucks are zip-tied together, and I don't say that sarcastically.

We are not by any means a wealthy tribe. We had to take money that we don't have, and we had to hire private contractors to come in and clear Federal roads and take away the snow. We actually had to, yeah, get construction companies to come in and remove this snow because our equipment was all down. That is the reality of what we face.

Ms. MCCOLLUM. You know, I am from Minnesota. Certain weather events can trigger a natural disaster response, FEMA, other kinds of help. But snow-related events and extreme cold weather events don't qualify for that, only under very, very, very few circumstances. And by the time the help gets there, you know, people have really suffered. So thank you for bringing that up, and that is what is so great about having such a diverse panel. Yes, did you want to add something?

Mr. BORDEAUX. Yeah. I would like to add in regard to Public Law 102477, I think there is a good model for DOJ to work with the

Department of Interior and the tribes to create a good model for that funding.

Ms. MCCOLLUM. Yeah.

Mr. BORDEAUX. We talked about, you know, CTAS and all of that coming over to the bureau. I think if you can call on Interior to develop a plan for that, I think that will really work for us.

Ms. MCCOLLUM. Well, we want Interior to develop a plan, but also do a consultation.

Mr. BORDEAUX. Definitely.

Ms. MCCOLLUM. And congratulations on moving forward in California. Thank you all for your testimony and your time.

VOICE. Thank you.

Ms. MCCOLLUM. And if our next panel on public safety and justice could come forward to the table, please. So we will wait for a second for the door to close and for the other panel to leave.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 3

WITNESSES

KEVIN ALLIS, CHIEF EXECUTIVE OFFICER, NATIONAL CONGRESS OF AMERICAN INDIANS

JAMIE HENIO, RAMAH NAVAJO COUNCIL DELEGATE, RAMAH NAVAJO

ABIGAIL ECHO-HAWK, DIRECTOR, URBAN INDIAN HEALTH INSTITUTE

Ms. MCCOLLUM. Thank you all for being here. Five minutes to testify. Your introduction does not count against those 5 minutes. Yellow light, 1 minute remaining. Red light and then I have to start thinking about lightly tapping with the gavel. Good morning, sir, if you would please lead us off.

Mr. ALLIS. Good morning, Chairman McCollum, Ranking Member Joyce, members of the committee. My name is Kevin Allis. I am an enrolled member of the Forest County Potawatomi Community in Wisconsin. I am very proud to hear that my tribe assisted a neighboring tribe with their situation. I am also the CEO of the National Congress of American Indians.

Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee, thank you again for holding this hearing and tribal appropriations priorities. My name is Kevin Allis, an enrolled member of Forest County Potawatomi Community, CEO of National Congress of American Indians. And I will say I have 10 years as a Baltimore City police officer, so I was on the front lines of law enforcement and criminal justice, and know what happens to communities when the resources and the personnel aren't there to make it happen.

NCAI's requests are rooted in the treaties and agreements that our tribal nations made with the United States government. However, as you know, a recent assessment by the U.S. Commission on Civil Rights found that Federal funding for Native American programs across government remains grossly inadequate to meet the most basic needs the Federal Government is obligated to provide. Tribal leaders and citizens have known for decades, and we urge

Congress to fully fund the U.S. government's treaty and statutory obligations. Before talking about our specific request, I would like to address the significant challenges tribal nations must contend with due to persisting uncertainty in the Federal budget process.

Last year's government shutdown was a particularly prominent example of the negative effects of breakdowns in the Federal budget process, but tribal nations also must regularly contend with uncertainty when planning and delivering services to their citizens because of Congress' reliance on short-term continuing resolutions. Basic healthcare provided by IHS and essential services, like law enforcement and emergency response provided by the BIA, are regularly impacted. NCAI for years has urged Congress to provide advanced appropriations for IHS and BIA to protect tribal programs from further uncertainty, and I thank the leadership and members of this subcommittee for your support of this legislation.

As we did last year, NCAI chose public safety and justice programs to focus on today because it is one of the most fundamental aspects of the Federal Government's trust responsibility. The BIA was required to submit an unmet needs report in this area every year, and, based on past assessments, to provide minimum base-level service to all federally-recognized tribes. One billion is needed for law enforcement, $1 billion for tribal courts, and $222 million are needed for tribal detention. At about 40 percent of the need, tribal courts receive about 5 percent of the need, and law enforcement is only receiving about 20 percent of the need. We will not be able to address crime and ensure safety in Indian Country until our tribal justice systems are adequately funded.

Ten years ago, DOI established an initiative to reduce violent crime by at least 5 percent over 24 months on four reservations with high rates of violent crime. All four received an increase in base funding to support additional sworn officers. The additional resources help close the capacity gap by bringing the staffing-to-population ratios closer to the national standard. It worked, producing a 35 percent decrease in violent crime across four states. Funding, similar to what States and the Federal Government gets in this area when given to Indian Country, has been proven to work in the past.

Equitable funding for tribal nations leads to success. We need sufficient resources to put our tools to work so tribal nations can protect women, children, and families address substance abuse, rehabilitate first-time offenders, and put serious criminals behind bars. Accordingly, NCAI requests a total of $83 million for tribal courts, including those in Public Law 280 jurisdictions. NCAI also recommends an increase of $200 million for BIA law enforcement for a total of $573 million.

I would like to add that the inadequacy of BIA-based funding forces tribal nations to see short-term competitive grants to try to make up a portion of the shortfall. I don't think any of our tribal nations will agree with a premise that when we entered into treaties hundreds of years ago and ceded millions of acres of land, that funding and adequate care for these things would be through grants, a competitive grant program, between the different tribes. That wasn't part of the deal.

Short-term competitive grants cannot be viewed as a substitute for base funding. We must have long-term stable funding to address the public safety challenges our tribal nations confront. We respectfully request both honorable fulfillment of the trust and treaty obligations as well as budget certainty for both IHS and BIA through advanced appropriations. The increase NCAI is requesting will be an important incremental step towards providing the resources necessary for tribal nations to ensure public safety on their lands. We only ask for what was promised to us and owed to us when tribal nations entered into treaties in exchange for acres of land so settlement could ensue.

Thank you very much, and we would be happy to answer any questions you have.

[The statement of Mr. Allis follows:]

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U.S. House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
American Indian and Alaska Native Public Witness Hearing
Written Testimony of Kevin J. Allis
Chief Executive Officer of the National Congress of American Indians
February 12, 2020

On behalf of the National Congress of American Indians (NCAI), thank you for holding this American Indian and Alaska Native Public Witness hearing. Founded in 1944, NCAI is the oldest and largest national organization composed of American Indian and Alaska Native tribal nations. NCAI's testimony will discuss funding for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS).

This testimony is rooted in the treaties and agreements that tribal nations made with the U.S. Government. A recent assessment from the U.S. Commission on Civil Rights (USCCR) found that "federal funding for Native American programs across the government remains grossly inadequate to meet the most basic needs the federal government is obligated to provide."[1] Tribal leaders and citizens have known this for decades, and we urge Congress to fully fund the U.S. Government's treaty and trust obligations.

Tribal nations seek only those things promised to them and their citizens by the solemn treaties and agreements reached between tribal nations and the United States. When tribal nations ceded millions of acres of land to the United States, the federal government promised to safeguard their right to govern themselves, and to provide them adequate resources to deliver essential services effectively.

Federal funding remains critical to ensure essential government services are delivered to tribal citizens. The BIA and IHS provide services for tribal nations, including hospitals, schools, law enforcement, child welfare programs, and social services, among many others. For many tribal nations, most tribal governmental services are funded by federal sources as part of the treaty and trust obligations. This is particularly important because federal law and policy have resulted in tribal nations lacking tax bases to raise revenue that state and local governments enjoy.

Tribal nations face significant challenges due to uncertainty in the federal budget process. Although government shutdowns are prominent examples of the negative effects of breakdowns in the federal budget process, tribal nations also must regularly contend with uncertainty when planning and delivering services to their citizens because of short-term continuing resolutions. As such, healthcare provided by IHS and services provided by the BIA are regularly impacted because both receive funding through Interior-Environment appropriations. NCAI urges Congress to provide advance appropriations for IHS and BIA to protect tribal programs from further uncertainty.

Bureau of Indian Affairs

Along with IHS, the BIA is one of the primary agencies responsible for providing services throughout Indian Country, either directly or through compacts or contracts with tribal nations. The operation of these programs and services is essential for the health, safety, and social and economic well-being of tribal and surrounding communities. Unfortunately, chronic underfunding of tribal programs perpetuates systemic issues in Indian Country that could be reduced or eliminated by funding tribal programs in amounts that meet the federal government's treaty and trust obligations to tribal nations.

Public Safety & Justice

Among the fundamental components of the federal government's treaty and trust responsibilities to tribal nations is the obligation to protect public safety on tribal lands. Congress and the U.S. Supreme Court have long acknowledged this obligation, which Congress reaffirmed in the Tribal Law and Order Act (TLOA) expressly "acknowledging the federal nexus and distinct federal responsibility to address and prevent crime in Indian Country."[2]

The inadequate funding for tribal criminal justice and public safety has resulted in staggering rates of violent crime and victimization on many Indian reservations. A Department of Justice (DOJ) study has found that more than four in five American Indian and Alaska Native (AI/AN) adults have experienced some form of violence in their lifetime.[3] Among AI/AN women, 55.5 percent have experienced physical violence by intimate partners in their lifetime, and 56.1 percent have experienced sexual violence.[4] The Administration has recently acknowledged the urgent need to address the high number of missing and murdered persons from tribal communities by launching the Lady Justice Initiative. While NCAI appreciates the effort to increase inter-agency and cross jurisdictional collaboration, tribal police departments and justice systems must play an integral part. To do so, they must be adequately funded. NCAI requests an increase to BIA Law Enforcement of $200 million over FY 2020 levels. NCAI also requests an increase in base funding for tribal courts, for a total of $83 million, which would include courts in P.L. 83-280 jurisdictions.

The underfunding of tribal law enforcement and justice systems is well-documented. Most recently, the BIA submitted a report to Congress in 2017 estimating that to provide a minimum base level of service to all federally recognized tribal nations: $1 billion is needed for tribal law enforcement, $1 billion is needed for tribal courts, and $222.8 million is needed to adequately fund existing detention centers.[5] Based on recent appropriation levels, the BIA is generally funding tribal law enforcement at about 20 percent of estimated need, tribal detention at about 40 percent of estimated need, and tribal courts at a dismal five percent of estimated need.

Due to the inadequacy of BIA base funding, tribal nations often seek short-term, competitive grants to try to make up a portion of the shortfall. This is especially true with regard to funding for the non-incarceration aspects of justice systems, such as tribal courts, which, as mentioned above, are even more severely underfunded than policing and detention. The bulk of these grants are administered by DOJ. Tribal funding at DOJ has steadily declined in recent years, falling from approximately $165 million in FY 2010 to $115 million in FY 2017. Since FY 2018, the funding appeared to increase dramatically to $246 million. This increase reflects the fact that Congress included tribal nations in the annual disbursements from the Crime Victims Fund for the first time. While this funding for crime victim services is sorely needed, it cannot be used for law

enforcement, prosecution, or other criminal justice purposes, and it does not make up for cuts in those areas.

In 2018, the USCCR found that there continues to be "systematic underfunding of tribal law enforcement and criminal justice systems, as well as structural barriers in the funding and operation of criminal justice systems in Indian Country" that undermine public safety.[6] Tribal justice systems must have resources so they can protect women, children and families, address substance abuse, rehabilitate first-time offenders, and put serious criminals behind bars. Well-functioning criminal justice systems, basic police protection, and services for victims are fundamental priorities of any government — tribal nations are no different. The increases NCAI is requesting will be an important incremental step toward providing the resources necessary for tribal nations to ensure public safety on their lands.

BIA Road Maintenance

Funding for infrastructure remains a critical need in Indian Country. BIA received $36.063 million for the BIA Road Maintenance Program in FY 2020 but has a deferred maintenance backlog in excess of $300 million. This program is critical to the safety of all those driving on the approximately 29,400 miles of roads and 900 bridges in Indian Country that are overseen by BIA. NCAI is requesting $75 million for the BIA Road Maintenance Program to begin to address the deferred maintenance needs in Indian Country.

Indian Health Service

In permanently authorizing the Indian Health Care Improvement Act (IHCIA), Congress reaffirmed the duty of the federal government to provide all the necessary resources to ensure the highest possible health status for AI/ANs, declaring that "it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians."[7] Unfortunately, IHS has never received sufficient funding to fully honor its obligations. Instead the Indian healthcare delivery system faces significant funding disparities. In FY 2017, IHS per capita expenditures for patient health services were just $4,079, compared to $9,726 per person for health care spending nationally.[8]

Habitual underfunding of the Indian healthcare system has resulted in a health crisis across Indian Country. Infant mortality, suicides, and preventable deaths plague tribal communities. Treatment of chronic diseases like diabetes, auto-immune deficiencies, cancer, and heart disease quickly erode limited resources leaving, few dollars for preventative care. Further, failing infrastructure creates unsafe and unsanitary conditions and severely compromises the quality of healthcare. Aging facilities and the lack of resources to modernize equipment and health information technology has created a dire need for large investments in basic infrastructure.

For the IHS budget to grow sufficiently to meet the documented needs of tribal nations over a twelve-year period, the National Tribal Budget Formulation Workgroup recommends in its FY 2021 budget that "[t]he IHS need-based funding aggregate cost estimate for FY 2021 is now $37.6 billion, based on the FY 2018 estimate of [2.9 million] AI/ANs eligible to be served by IHS, Tribal and Urban health programs."[9] New healthcare insurance opportunities and expanded Medicaid in some states may increase healthcare resources available to AI/ANs. However, these new opportunities cannot substitute for fulfillment of the federal government's trust and treaty

obligations to tribal nations. Accordingly, NCAI recommends the amount requested by the National Tribal Budget Formulation Workgroup for FY 2021, a total of $9.145 billion in FY 2021.

Section 105(l) Lease Agreements

Section 105(l) of the Indian Self-Determination and Education Assistance Act (ISDEAA) provides that the Secretary of the Interior and the Secretary of Health and Human Services shall enter into leases with an Indian tribe or tribal organization for the administration and delivery of services under ISDEAA. The *Maniilaq Ass'n v. Burwell* decisions upheld this federal responsibility,[10] and tribal nations are now entering into leases at both the Department of the Interior (DOI) and Department of Health and Human Services (HHS) to compensate for the use of allowable facilities.

In order to secure the Section 105(l) program in the long-term, funding for these leases should be classified as mandatory spending. Funding for Section 105(l) leases must be funded in the amount of such sums as may be necessary for both DOI and HHS. No solution to the Section 105(l) funding issue should detrimentally affect funding or operation of any other tribal program.

Conclusion

We look forward to working with this subcommittee on a nonpartisan basis to ensure the federal government honors its treaty and trust obligations to tribal nations through the federal budget process. Thank you for this opportunity to testify on the importance of increased funding for tribal programs.

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[1] U.S. Commission on Civil Rights, *Broken Promises: Continued Federal Funding Shortfall for Native Americans*, 4, (2018), https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf.

[2] Tribal Law and Order Act, 34 U.S.C. § 10381(j).

[3] U.S. Department of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, 2, (2016), https://www.ncjrs.gov/pdffiles1/nij/249736.pdf.

[4] *Id.*

[5] U.S. Department of the Interior, *Report to Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country*, 5, (2018), https://www.bia.gov/sites/bia.gov/files/assets/bia/ojs/ojs/pdf/Report_Final-Cleared.pdf.

[6] U.S. Commission on Civil Rights, *Broken Promises: Continued Federal Funding Shortfall for Native Americans*, 32, (2018), https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf.

[7] Indian Health Care Improvement Act, 25 U.S.C. § 1602.

[8] National Tribal Budget Formulation Workgroup, *Recommendations on the Indian Health Service Fiscal Year 2021 Budget*, 9, (2019), https://www.nihb.org/docs/04242019/307871_NIHB%20IHS%20Budget%20Book_WEB.PDF.

[9] *Id.* at 15.

[10] 72 F. Supp. 3d 227 (D.D.C. 2014); 70 F. Supp. 3d 243 (D.D.C. 2016).

Ms. MCCOLLUM. Thank you. Please, sir.

Mr. HENIO. [Speaking native language.] Chairwoman McCollum, and Ranking Joyce, and honorable members of the subcommittee, my name is Jaime Henio, and I am a member of the Navajo Nation Council, and also chairman of the budget and finance committee for the council. And I also represent the Ramah Navajo Community, which is located in New Mexico. And so our community is a political subunit of the Navajo Nation, and what we have enjoyed is 30-plus years of 638 Public Law funding to contract different services for our communities, such as law enforcement, real estate, aid to tribal government, and, most recently, the roads department.

So, therefore, we are here is to talk about four areas that we feel are very important. And the first one is the inadequate funding for tribes that are operating 638 programs, and where we should be funded to equally with the BIA-operated programs. The second one is a lack of funding when it comes to distribution of funds when they are untimely and late. And the third item I would like to talk about is public safety, and the last item is road maintenance.

So the first one I would like to expound on is public safety. As expressed earlier by other tribal leaders, public safety is important for our community. We operate a police department that is different from the Navajo Nation police. We have our own police department, which consists of six officers that patrol the area of 15 by 25 miles, which is about roughly 400 square miles of land there. But the land is checkerboarded, meaning that it is trust land, allotted land, and also State fee land.

So our police officers, they are required to be federally certified and commissioned by the tribe, and also State police officer certified, too. And so when we pick up young recruits and we take them through the process of taking them through the Indian Police Academy, get them fairly certified, then they also are required to go through the New Mexico State Police Academy, and they become State peace officers certified.

So in the eyes of the New Mexico State Police, Albuquerque, the county, this is a prized officer right here. And, therefore, what happens, they are recruited to the other police agencies, and we end up losing thousands and thousands of training dollars training these young officers for better pay, better packages. So, therefore, what we are asking here is for the BIA to fully fund the police department in our area so, therefore, we are competitive in pay and benefits, and so we retain our police officers.

And, of course, equipment is another big issue, too. If you were to compare that BIA police unit with a Ramah police unit, you would see a big disparity where you would see the BIA police officer unit with a lot of antennas, and with the Ramah police officer with just one antenna, meaning that they have hardly any equipment in the police unit. So that is one of the biggest things that we are asking here.

The other one is to have BIA treat the 633-funded programs equally. When it comes to funding distribution, what we are looking at is that BIA decides that well, let's feed ourselves first, give ourselves a biggest part of the pie, and then whatever crumbs are remaining, let's send them out to Ramah, and Zuni, and Laguna, and other tribes that are doing 638 programs. So that is what we

are asking the Appropriations Subcommittee is they put a little bit of pressure on BIA to get their act together, so to speak, because of the fact that we did provide direct services there at the local community. And just as Mr. Allis stated earlier, I spent 10 years as a police officer in the rural communities, out there, too, so I know what it is like to be there by yourself late at night with no backup. And so I understand what our police officers are going through there in the rural communities.

And the last point I wanted to make was road transportation. As we speak, right now, we have, like, 5 inches of wet snow back in our community, and we have a three-member road crew in our community working almost 24 hours a day cleaning the roads as we speak right now. So, therefore, when we contracted the road maintenance contract, also it came with inadequate funding. And, therefore, we are asking subcommittee to take special note to have BIA provide us adequate funding so we could take care of our roads because roads the big issue across the United States, Indian Country. Everywhere we go, roads is one of the biggest infrastructure that we have.

So, therefore, we are asking that we be fully funded to build a sustainable community and future for our children. Thank you.

[The statement of Mr. Henio follows:]

RAMAH NAVAJO SCHOOL BOARD, INC.

P.O. BOX 10 * PINE HILL, NEW MEXICO 87357 * 505-775-3256 * FAX: 505-775-3240

Congressional Testimony of the Ramah Navajo School Board, Inc.
Regarding FY 2021 Appropriations for the BIE
to the U.S. House and Senate Appropriations Subcommittees
on Interior, Environment, and Related Agencies
Submitted February 3, 2020

Honorable Chair, Ranking Member and Subcommittee Members, *Ya'aht'eeh*. My name is Beverly Coho, Secretary and Treasurer of the Ramah Navajo School Board, Inc., On behalf of the Ramah Navajo people I would like to thank you for the opportunity to provide our testimony.

I represent Ramah Navajo School Board, Inc. (RNSB, Inc.) Our corporation oversees many programs and services on Ramah Navajo Land. RNSB, Inc. is incorporated by the state of New Mexico and authorized by the Ramah Navajo Chapter to operate the K-12 Pine Hill School, a Head Start program, Early Intervening services, the Pine Hill Health Center, Behavioral Health, Social Services, Higher Education Program and a scholarship program. As you can see we provide many much needed programs and services to the Ramah Navajo People all the way from birth to old age. Ramah Navajo land is also located in a remote mountainous region of New Mexico. There are very limited opportunities for employment and education outside our campus. In order to provide quality services and programs we must have an adequate infrastructure in place to support what we do. We need good roads, water system, electrical lines, sewer system, gas lines for heating, and buildings. Most of the infrastructure was built in the 1970s and early 1980s. Through natural wear and life span of the infrastructure, and although we have done our due diligence in operation and maintenance, many parts of the infrastructure are in need of repair or replacement. The federal funding we receive is allocated for operating the grants and providing services. Therefore, very little is left over for repair or replacement.

I am here today to ask this congressional Subcommittee to assist us in funding the much needed repairs or replacement of our infrastructure. **Our priority budget line items in the Bureau of Indian Education (BIE) budget are ISEP formula funds; Student Transportation; Education IT (access to broadband)** as well as the **BIE Education Construction** budget line items for **Facilities Improvement and Repair** and **School Facility Replacement Construction**.

Facilities Improvement and Repair and **School Facility Replacement Construction**. First and foremost, we deeply appreciate the Subcommittees' commitment to increases in appropriations for these line items, particularly the increases for Facilities Improvement and Repair and School Facility Replacement Construction. The state of our school facilities is such a pressing need, it is hard to talk about anything else. Progress on improving our school facilities and other schools' facilities has been possible because of bipartisan Congressional commitment to both increased funding and increased oversight. Unfortunately, because of our experiences with the Indian Affairs Division of Facilities Management and Construction (DFMC) over the past year, we are asking you to redouble your oversight of DMFC.

In 2018 after RNSB, Inc. came to Washington, DC to testify before this Subcommittee about the appalling state of our school facilities and to and meet with our Congressional Delegation, the Director of the BIE and the Director of the Office of Facilities, Property and Safety Management (which oversees DFMC), we were able to enter into a planned agreement with the DFMC on a phased approach to addressing our critical facilities issues such as a lack of lightning protection on our school buildings and a black mold infestation which had caused our library and kindergarten buildings to be shut down. These Phases are: Phase 1: Address Emergency Work Items; Phase 2: Renovate and Repair Existing Structures; Phase 3: Gym Replacement and Grounds Improvement and Repair.

We were encouraged when this planned, phased approach was created and when Phase 1 was completed. However, since that time we have run into roadblock after roadblock with the DFMC. Each phase is designed to have a planning stage; design stage; and construction stage. Unfortunately, for the past year we have been stuck in the planning stage for both Phase 2 and Phase 3 of our plan. The crux of the issue appears to be that that DFMC is, by our calculations, substantially underestimating the "program of requirements" (POR) during the planning stage. The POR is determined based on projection of the number of students who will be using these facilities in the future. The last 10 years of data on a school's Average Daily Membership (ADM) go into calculating the POR. We ran these calculations ourselves, using the DFMC guidelines, and arrived at substantially different POR numbers than the DFMC. Unfortunately, we found inconsistencies in how the DFMC is calculating ADM and calculating POR—resulting in what we believe is a substantial underestimating POR and then using these POR numbers to propose unworkably smaller buildings than what we currently have. These disagreements on POR calculations have created material delays in Phases 2 and 3 moving forward. Unfortunately, we are concerned that other schools are also being given smaller POR numbers but may not know that it is possible to object to these calculations.

Estimated Costs for Our Most Pressing Funding Needs. Below we highlight some of our most pressing funding needs. We believe that our Pine Hill School faces challenges similar to many other schools in the BIE school system and we hope that by highlighting our specific examples, this can help inform the development of the FY 2021 BIE budget in a way that can benefit all students.

1. Our water system needs to be replaced. From the two water wells (need water pumps, drop pipes, electrical lines), to the water lines (needs to be relocated away from under the road), new water filtration and treatment center, all the way to the sewer lagoon.
   A. First, a Preliminary Engineering report (PER) must be completed.
   B. Estimated Cost - $4,450,000

2. The paved road coming onto the RNSB, Inc. campus needs to be repaved as there are many cracks and potholes.
   A. Estimated Cost - $1,000,000.00

3. The campus is in need of a perimeter fence to enclose the campus. Currently, the campus is open and anyone or thing can walk across the campus. The school and clinic need to be secured. This is a major safety issue.
   A. Estimated Cost - $1,000,000.00

4. In order, to provide a safe campus the campus, especially the school needs an upgraded security camera system.
   A. Estimated Cost - $1,000,000.00

5. The Pine Hill School receives ISEP funding, but it is not sufficient to cover the salary of all needed teachers, support personnel, and to operate an effective facilities management department.
   A. Estimated Cost - $150,000.00

6. Ramah Navajo is in a remote area with many of its road unpaved. The Pine Hill buses must navigate many miles of unimproved roads. We need sufficient funding for bus replacement and repair. And funds for road improvement (gravel for the unimproved roads).
   A. Estimated Cost - $1,000,000.00

6. The Pine Hill School currently relies on patchy, unreliable internet access. 12 miles away, there is a fiber optic landline we could connect to. Reliable internet access would be a lifeline for both our Pine Hill School and the medical clinic we operate.
   A. Estimated Cost - TBD

Conclusion

The Ramah Navajo People have come a long way on the road to self-determination and to establishing the capacity to govern and educate our own people and provide services to three counties in New Mexico in an intergovernmental, collaborative way. There is still a way to go on that road, and we believe that the best way to stay the course and to continue to make progress is to maintain the current institutional relationships that the community has forged with our tribal, federal and state partners. Thank you for being our partners as we work to provide a safe and promising future for our students.

Ms.MCCOLLUM. Thank you. Good morning.

Ms. ECHO-HAWK. Good morning, Madam Chair, and Ranking Member Joyce, and members of the subcommittee of the committee. I am so excited to be here today. My name is Abigail Echo-Hawk. I am a citizen of the Pawnee Nation of Oklahoma, and I am the director of the Urban Indian Health Institute and the chief research officer at the Seattle Indian Health Board. I am here specifically today to talk about the tribal epidemiology centers, which I direct one of. There are 12 nationally. We are under the Indian Health Service. We were established as public health authorities under the Affordable Health Care Act.

The Urban Indian Health Institute, which I direct, is unique. Out of the 12, we are the only one with a national focus that looks at the urban Indian population. Urban Indians are tribal people currently living off tribal reservation land, village lands in urban areas, yet we are tribal people regardless of where we live. And so as we look to ensure the health and well-being of our people, the tribal epidemiology centers were established by tribal leadership to ensure that there was quality data for decisions that could be made both at the tribal level, the urban Indian level, and also State and Federal. Without us, that data doesn't exist.

And I want to provide you an example: the SDPI Program, which has had such an incredible impact across Indian Country. My organization works every year and provides reports for the urban Indian programs, 31 of them across the country, on the outcomes of their SDPI funding every single year so that they can see where they need to direct their efforts. And we know from a paper that was published in 2017 that the largest decrease in end-stage renal failure as a direct result of diabetes is in the American Indian and Alaska Native population. And we know from that paper and the data that came out of that, that that is a direct result of the programs like SDPI and other Federal efforts to halt diabetes within our communities. And we are doing better than the rest of the country now in decreasing those numbers.

With my program, one of the things we do is allow those programs to begin to direct and understand where they need to on a yearly basis direct their efforts. However, with the funding that I received from the Indian Health Service to do this, I don't even have the money for the one person who does this for 31 organizations. And so I supplement her funding with other fundings. I can't even print these reports anymore that I give them. I used to have money to do that, but it keeps decreasing. I can't even print them off to give them to these organizations. And we have to figure out how to get them their reports in a way that is usable to them. It is one of the hardest things to do is to tell them I can't even simply print what they need, yet we know this program is so integral to ensuring the health and well-being of our communities.

The tribal epidemiology centers do this for a variety of different things, and I am going to switch over now to talking about one of the reasons that I am so excited to hear all of the tribal leadership today talking about public safety. The urban Indian community is deeply impacted by this also, specifically within the missing and murdered indigenous women and girls. When I look at the funding that I get from the Indian Health Service, we are looking for an

increase for the tribal epidemiology centers because my organization has been the one that has produced the data on missing and murdered indigenous women and girls with three reports that started in 2018. Out of those reports, we have seen significant legislation passed both at the local, the State, and the Federal level.

Efforts are being made to change this outcome for missing and murdered indigenous women and girls. I self-funded those projects. I had no money to do that. At this point in time, through the tribal epidemiology center funds, I provide technical support to tribes and urban Indian organizations, which means they give me a call, and I say, you could do it this way, but I can't help you because I don't have the resources to give you the expertise to do this. So we help them to the best of our ability. We are asking for $24 million increase for all of the tribal epidemiology centers to be split across us to be able to provide this support, because we need to gather this information on this crisis of violence against our women, and be able to get that to our tribal leadership so they can make these decisions.

And we also have to look at the services that are provided. So urban Indian population, we receive less than 1 percent of the overall Indian Health Service budget. We do not want to touch the tribal dollars, but we need an increase in the urban Indian line item, and we are asking for a hundred and six million dollars to do this. And I think to this grandma who I met recently. Her daughter was murdered in front of her three young children. She was shot in the head. It took that grandma 4 months to get her grandchildren out of the foster care system because that county that she lived in, she was not living on tribal lands. That county did not apply the Indian Child Welfare Act, and they put those children outside of her home, outside of the family, and outside of the tribe. It took her 4 months to get those babies back, and those children witnessed the murder of their mother. And she cannot find them culturally-attuned care to treat the psychological impacts that are happening to those young babies.

And we know that kind of trauma is why we have an opiate crisis. It is why we have a suicide crisis. Unless we address this kind of trauma at the ages when it happens, we are not going to be able to solve any of these things. We will be sitting at this table 10 years from now. So we have to increase the investment both for the tribal epidemiology centers, and, in addition, to the urban Indian programs, and to all programs through the IHS that serve our people because we cannot continue to let this trauma continue for our young ones.

[The statement of Ms. Echo-Hawk follows:]



TESTIMONY OF ABIGAIL ECHO-HAWK, MA
DIRECTOR, URBAN INDIAN HEALTH INSTITUTE
CHIEF RESEARCH OFFICER, SEATTLE INDIAN HEALTH BOARD
FOR
HOUSE COMMITTEE ON APPROPRIATIONS- SUBCOMMITTEE
ON INTERIOR, ENVIROMENT AND RELATED AGENCIES
WEDNESDAY, FEBRUARY 12, 2020

Members of the House Committee on Appropriations- Subcommittee on Interior, Environment and Related Agencies, my name is Abigail Echo-Hawk, and I am an enrolled citizen of the Pawnee Nation of Oklahoma, currently living in an urban Indian community in Seattle, Washington. I am the Director of the Urban Indian Health Institute (UIHI) and the Chief Research Officer of the Seattle Indian Health Board (SIHB). I am an experienced American Indian and Alaska Native (AI/AN) health researcher in both academic and non-profit settings, and am part of numerous local, state and federal efforts to engage AI/AN communities in research, including serving on the Tribal Collaborations Workgroup for the National Institutes of Health *All of Us* precision medicine initiative, and co-authoring three groundbreaking research studies on sexual violence and Missing and Murdered Indigenous Women and Girls (MMIWG).

UIHI is an Indian Health Service (IHS)-funded Tribal Epidemiology Center (TEC), providing services to more than 62 Urban Indian Health Programs, social service, and faith-based agencies who provide culturally attuned health services in areas that represent approximately 1.2 million AI/AN living in urban settings nationwide. UIHI recognizes research, data, and evaluation as an integral part of informed decision making for not only our AI/AN community, but also our policy and funding partners. We assist our communities in making data-driven decisions, conducting research and evaluation, collecting and analyze data, and providing disease surveillance to improve the health and well-being of our entire AI/AN community. UIHI's mission is to advocate for, provide, and ensure culturally appropriate, high quality, and accessible data for AI/AN public health organizations that provide culturally attuned care to AI/AN's living off tribal lands in urban settings. Today, my testimony is directed toward the IHS to urge the increase of culturally appropriate clinical and research practices and resulting interventions for overall health and well-being- specifically for survivors and families impacted by violence.

TECs are IHS, division-funded organizations who serve the IHS Direct, Tribal 638, and Urban Indian Health Program (I/T/U) system of care by managing public health information systems, investigating diseases of concern, managing disease prevention and control programs, responding to public health emergencies, and coordinating these activities with other public health authorities. There are currently 12 TECs nationwide, their mission is to improve the

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health status of AI/ANs through identification and understanding of health risks and inequities, strengthening public health capacity, and assisting in disease prevention and control. UIHI is unique in that it serves the national urban AI/AN population, while sister TECs serve regional IHS areas including Alaska, Albuquerque, Bemidji, Billings, California, Great Plains, Nashville, Navajo, Oklahoma, Phoenix, and Portland.

UIHI's unique service population of urban dwelling AI/ANs represents approximately 71% of the 5.2 million AI/AN peoples (alone or in combination) in this country. This population bears a disproportionate burden of disease and injury, evidenced by sustained and seemingly intractable health disparities.[1] These include chronic disease, infectious disease, behavioral health, and unintended injury with extraordinarily high levels of co-morbidity and mortality that literally translates into shorter lifespans coupled with greater suffering. For all AI/ANs, there are systemic issues which give rise to health disparities: genocide, uprooting from homelands and tribal community structure, bans on cultural practices and language, racism, poverty, poor education, limited economic opportunity, oversexualization of AI/AN women, and jurisdictional loopholes on reservation and village land that result in greater violence. Specifically, AI/AN women experience some the highest rates of violence including sexual violence, domestic violence, and human trafficking. This has directly resulted in the ongoing crisis of MMIWG with no end in sight.

GAPS IN DATA

Local and state public health jurisdictions rarely disaggregate and/or analyze data separately for the AI/AN population, despite evidence of a distinct set of needs and health risks. Consistently omitted or lumped into categories described as "other" or "statistically insignificant", the AI/AN population and our health concerns are often invisible resulting in crisis levels being reached as illustrated by MMIWG. Overall, AI/AN women experience a higher rate of homicide when compared to Non-Hispanic White (NHW) women (7.3 out of 100,000 v. 5.0 per 100,000). However, these differences are even more extreme within certain counties in the United States. For example, in Bon Homme County, South Dakota the homicide rate for AI/AN women was 111.1 times higher than the national homicide rate for non-Hispanic White women (555.6 per 100,000 AI/AN women)[2]. However, we know this is likely an under-estimation due to rampant issues of racial misclassification and lack of data collection on race for women who go missing or are murdered. This trend of racial misclassification was confirmed in a study that found that AI/AN people are the most likely to be misclassified when compared to people of other races (30% frequency)[3]. We found rampant racial misclassification in our MMIWG study and continue to identify this issue in other types of health data. Our 2018 MMIWG study was the first of its kind, and despite it being self-funded with only $20,000, it has made a significant federal and nationwide impact. We intend to continue this work using our

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[1] Urban Indian Health Institute, Seattle Indian Health Board. (2016). Community Health Profile: National Aggregate of Urban Indian Health Program Service Areas. Seattle, WA: Urban Indian Health Institute.

[2] Bachman R, Zaykowski H, Kallmyer R, Poteyeva M, Lanier C. (2008). *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known*. https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf. Accessed December 5, 2017.

[3] Jim MA, Arias E, Seneca DS, et al. (2014). Racial misclassification of American Indians and Alaska Natives by Indian Health Service Contract Health Service Delivery Area. *Am J Public Health*. 104 Suppl 3(Suppl 3):S295-302. doi:10.2105/AJPH.2014.301933

resources as a TEC. However, what impact could this study have had if it had been properly funded?

This gap in the data on violence and the resulting health impacts on the AI/AN community, illustrates the direct impact at the federal, state, and local level as these governments attempt to make data-based decisions on policy and programing. UIHI is an indigenous organization with trusted partnerships with urban and rural tribal communities. We use indigenous knowledge informed methodologies coupled with the highest level of scientific rigor to collect and interpret data and conduct research. We collect primary data and disaggregate and analyze national datasets in partnership with federal agencies, with a specific focus on IHS priorities. As the only agency in the country doing this for the urban Indian population, our services are a key component to ensuring data is collected, disaggregated, and analyzed to provide the needed information for data-based decision making. However, as a direct result of underfunding, UIHI and the other eleven TECs, will lose access to the statistical software previously provided by IHS in the next fiscal year; software that is needed to analyze the data IHS and other agencies provides to us. The TECs are expected to absorb the cost of this software out of already underfunded budgets. While this loss may seem minor, it illustrates a larger issue and an even greater impact. TECs each receive approximately $340,000 for our core epidemiology programs. This amount has not significantly increased in more than 10 years. The expectation of the TECs to absorb the cost of software illustrates the lack of sustained investment in TECs. Therefore, instead using our funds to do the critical work needed for our community, we will be reallocating and trying to figure out how to cover this loss of support. This is just one of many examples of TECs doing the best we can, with the little we receive.

While we are grateful for the funding that has been allocated by IHS, the TECs remain woefully underfunded despite marked success and un-replicated services. These gaps are illustrated in the number of projects that UIHI self-funds or does with no funding – including volunteer time from staff and other partners like our MMIWG studies and an upcoming research study on the impact of government shutdowns on urban Indian clinics. TECs have seen recent financial support from the Centers for Disease Control and Prevention (CDC), however this still does not bring the TECs into the capacity needed to fully address the needs of our urban and tribal AI/AN communities. We respectfully request an increase of $24 million dollars, to be equally distributed among the TECs, to address this deficit in funding and to increase our capacity to gather, analyze, and disseminate high quality data.

INCREASE INVESTEMENT TO ADDRESS MISSING AND MURDERED INDIGNEOUS WOMEN AND GIRLS (MMIWG)

Since the release of the UIHI report titled *Missing and Murdered Indigenous Women & Girls: A snapshot of data from 71 urban cities in the United States*, in November 2018, the attention around the MMIWG crisis has grown tremendously. Legislators, government agencies, and media have been forced to pay attention because of the relentless work by the families of MMIWG victims, grassroots activists, tribes, and Native organizations across the country. In 2019, for the first time, several states across the country passed legislation meant to

address this crisis in their communities, including developing and investing in resources that will improve the safety of Indigenous women[4]. However, there has been little to no investment in increasing services and collecting data from those impacted by this crisis at the federal, state, or local level. Families left behind by the murder of their loved one and recovered survivors and their families, are faced with the deep impact of physical and behavioral health issues as a direct result of trauma. The people most impacted are too often met with an underfunded health and social service system that is unprepared to provide the services they desperately need. I have sat with families who tell stories of their experience, such as a family who recovered their missing loved one, but because they did not have an IHS facility open near them on the weekend that could provide a rape exam, showered their daughter - washing away any potential evidence of her multiple rapes; or a grandmother, with custody of her three young grandchildren that witnessed their mother's violent murder, who can't find culturally attuned behavioral health services for her grandchildren; or a loving mother, who after being trafficked for sex,.no longer has custody of her children due to mis-use of opiates to cope with her trauma.

The research shows us that trauma has lasting effect that can be mitigated with proper resources, including physical and mental health resources. Without these resources many families and survivors use unhealthy coping mechanisms that contribute to the growing health disparities experienced by AI/ANs, both urban and rural. It is integral to collect the data on MMIWG and TECs are uniquely situated to do this. The IHS funded Urban Indian Health Programs (UIHP) are culturally attuned care programs that understand the ongoing trauma and the historical resiliency that is drawn from AI/AN culture. I urge the Committee to increase UIHP funding to $106 million so they can provide these and other needed services to tribal people living in urban areas. However, this $106 million allocation needs to be new funding and should not be redirected from any already allocated tribal funding. I strongly believe these investments in the health and well-being of Native people will positively affect the health of the country as a whole, and I look forward to your continued support in our community.

Abigail Echo-Hawk, MA
Director, Urban Indian Health Institute

Cc:

Representative David Joyce, Ranking Member
Representative Chellie Pingree
Representative Derek Kilmer
Representative José Serrano
Representative Bonnie Watson Coleman
Representative Brenda Lawrence
Representative Mike Simpson
Representative Chris Stewart
Representative Mark Amodei

[4] Echo-Hawk, A., Dominguez, A., Echo-Hawk, L. (2019). Missing and Murdered Indigenous Women and Girls: We Demand More Effort. Seattle, WA: Urban Indian Health Institute.

Ms. MCCOLLUM. Thank you. Mr. Kilmer.

Mr. KILMER. First of all, Ms. Echo-Hawk, I just want to thank you for your leadership on the issue of missing and murdered indigenous women and girls. Your comments about making sure that not only do we have the data, but we also have to have the action to address the issue. So thank you for your leadership.

Mr. Allis, you referenced in your remarks, and, again, I know this is a public safety and justice panel, but you mentioned the U.S. Commission on Civil Rights "Broken Promises" report. And you talked about some of the substantial funding shortfalls and the failure of the Federal Government to step up, specifically in the area of public safety. I want to just give you the opportunity. Obviously that report touched on a whole lot of other areas that the Federal Government is coming up short. As a leader in NCAI, I wanted to just give you the opportunity if you wanted to speak to any of those shortcomings as well. I just think it is important.

Mr. ALLIS. Well, thank you for that question. They are so interconnected, right? I mean, one of the important things for the safety, and I will link this to public safety, is infrastructure, right? Our roads, our road system. It is the lifeblood of the tribal economy and safety. In that same report, you know, enormous shortfalls and the backlog of work that needs to be done. When I speak to some of my tribal leaders in the Great Plains and other parts of the country, where their roads are impassable, and they can't get to people to the grocery store, let alone try to get them to the hospital or try to respond to some, you know, law enforcement situation. It is really.

And in most of these cases, it is not only the low levels or lack of adequate funding, as I mentioned, in the grant, it is how it is funded, right? And a lot of these short-term programs that are gap fillers, if you will, and then are scattered across numerous different agencies. Also filtered throughout that report, it speaks also to the lack of coordination between the different agencies that provide these services which, you know, moving in the 477 program to try to coordinate and have tribes have more of an impact, we need a lot of work there, too, as well to try to bring that together.

So we could talk about question for hours, but I thank you for bringing it up because healthcare, infrastructure, law enforced public safety, all linked together.

Mr. KILMER. I feel like it should be mandatory reading for every member of Congress. Thank you, Madam Chair.

Ms. MCCOLLUM. Thank you. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair. Thank you all for being here today. Ms. Echo-Hawk, touching on this horrible issue, I am part of a panel where we did a hearing on sexual violence, and we now have some members of Congress who are Native Americans, who brought forth some of the issues. It is just heartbreaking that we don't use what we have in place in local governments and tribal justice systems to be able to go after these offenders, because one of the most sickening comments I heard was where else would these people go to pray except for where they know they are going to get help. There is nobody really chasing after them, and there is no backup, SANE nurses, and cataloging the DNA to go after these folks. It is something we need to continue to address, and I

appreciate the fact that all of you are standing up for the justice that needs to be done on your reservation. So thank you very much for your time here today.

Ms.MCCOLLUM. I just want to put a statistic out there: $9,726 average per person in the United States spent on healthcare, $9,726. Four thousand seventy-nine dollars on average per person spent on healthcare in Indian Country. I am going to round it up. It is almost a $6,000 discrepancy. That is why we have healthcare disparities in part, so thank you for sharing that. And then your story, Ms. Echo-Hawk, which is repeated time and time again of children witnessing horrific acts of violence. It affects their school, even how they are going to eat and their nutrition for their growing bodies, their mental health. It impacts them, and we need to have intervention with specialists who are culturally appropriate in the area.

And so that is something that is not addressed as fully as it could be in the Violence Against Women Act, and that is something that even before it comes up for reauthorization, something we should be focused on. And I know that their support in the Native American Bipartisan Caucus, as Mr. Joyce was pointing out, to do more, to do more in that. If you added mental health into the numbers that I just gave, it would even be more out of balance.

The Affordable Care Act, I just want to also point out, which is in court right now, it would eliminate the permanent reauthorization for Indian health, and I don't think that that gets mentioned often enough. And what we need to do to make sure that that is protected. I want to protect the Affordable Care Act in its entirety, plus some of us worked very hard to get the permanent reauthorization as part of that.

And I think because you talked about after a woman, and men are assaulted, too, the first thing that they usually want to do is try to wipe away the crime, wipe away the violence. Could maybe the three of you just talk in your own perspective what it means, and to your point, when you are training officers and then you can't compete with salary and they go some other place, how important it is to have that whole of public safety for the person who is there for witness protection and the rest. And if we keep training people and we can't keep up with the salaries, whether it is witness protection, and I know how little that pays in the private sector.

I can't hardly imagine what it pays in the tribal areas, how we are not going to be able to really address crime. You know, is it equipment? Is that wages? Is it both? Should we be taking the training dollars out of the way that it is funded and look at a more holistic way of funding it, because other people and other communities, and you don't blame them, take advantage of the training and the resources that you have put into what you are doing. And I am not trying to diminish the importance of this conversation, but if you could just take a minute so the other panel could get started. But give me some more food for thought as I have this discussion with my colleagues.

Mr. ALLIS. Chairman, I think you hit on something that is not only relevant for Indian Country, but the training, and the environment, and the equipment, and what the officer will be faced with

every day they come into the office, right? They have enormous challenges when they go out on the street and they go out on the reservation, they go out on the roads to combat crime and deal with crime. If the police cars and their equipment are substandard stuff, it makes it that much more difficult. And certainly, whatever training they get in, and if it is a higher level of training, they will go to another jurisdiction because they just won't stay there similar.

It is similar to educational systems. You got to create an environment from the minute they walk into the door to the second they get in that patrol car, and when they go home and be able to take care of their own families. It all has to come together in a way where they will stay there and you will have a consistent workforce and strategy. So funding, if we are just talking about law enforcement officers, the training needs to be there and the funding needs to be competitive with other jurisdictions, or they are just going to roll. They are just going to go somewhere else.

You see it in Indian Country, and you see it in metropolitan areas, going to different county police departments that are nicer, you know, pay more money, you know. What you see outside of Indian Country around criminal justice is the same stuff that is happening Indian Country, but just on steroids, okay? It is just the delta is that much bigger.

Ms. MCCOLLUM. Anything you would like to add?

Mr. JOYCE. The same thing with nursing. It is tough to get nurses, let alone retain them.

Mr. HENIO. Thank you for the question, Chairwoman. When it comes to funding and the contract, it allows for the 638 officers to be paid at the same level as a BIA police officer. For example, a BIA makes $20 an hour. Our officers should be making $20 an hour, too. But when it comes to funding distribution, our officers are given just enough money to possibly even make $13 an hour or $14 an hour, while the BIA officers enjoy what they are making right now.

So what we are asking is that the subcommittee ask the BIA to fully fund their contract obligations when it comes to 638 contracts. And it is true that equipment is important. We need equipment out there in the rural areas. Sedans will not cut it. We need 4 by 4's and with adequate equipment to cover the rural parts of the Navajo Nation as we speak right now. And like I said earlier, there are 4 inches or 5 inches of wet snow, so, therefore, what happens after the snow melts? A lot of muddy roads, and we need policing that will cover those muddy roads in order to respond to emergency calls. So that is what we are asking. So equipment and salary is what we are asking, but at the same time, to be treated just as equally as what BIA officers are making through our 638 contract.

Ms. MCCOLLUM. Ms. Echo-Hawk, I know how important it is to have the non-police be part of the solution for everything from witnesses to survivor help, to what you spoke to wit children.

Ms. ECHO-HAWK. Yeah, absolutely, and particularly as we talk about, and you brought up SANE nurses, so sexual assault nurse examiners. And in my testimony, one of the things I shared was of a young woman, and this was in an area where she could have possibly accessed either an urban program or an IHS program, but

neither of them on that weekend had a SANE nurse available. And so she was not comfortable going anywhere else, and so instead of getting that rape kit done, they said you can wait and not shower, after being raped multiple times, until Monday, or you can just take your shower now, which is what she did. And now evidence of those rapes has been washed away.

And so when we look at these services, it is integral. And one of the things when we look at particularly how VAWA dollars flow into the counties that are then dispersed across organizations, are then used across the counties, they very often do not reach the organizations like the Seattle Indian Health Board and other tribal organizations. They are held in the county. And we also know that there is no access to data because they are not gathering at those levels that say how many victims that they have that are American Indian/Alaska Native.

So I currently have an effort happening in King County, one of the largest counties in the country. I am excited to say that we have partnered together, and I am working with them to redo the way the prosecutor's office collects data from victims of crime, particularly sexual assault and domestic violence. And I am going to be training their officers and all of the prosecutors to do that differently. We are going to use that as a national toolkit that could be used across counties, across Federal agencies, because we can't wait for somebody else to create the solution for us.

And I am very fortunate to be in King County and to have them working with me to do that. But I will say that I am doing this at night in my other office called Starbucks. [Laughter.]

Ms. ECHO-HAWK. And I would like at some point in time for somebody at the county levels, the State levels, the Federal level to say, you know what? Native women are important. We are going to make sure that you get the funding that you need so you can have the resources that you need, because my organization is going to create the national framework, and you will see it in about 6 months, and we are just going to do it. We need the resources to do it well, and I could do it faster if I had the resources.

Ms. MCCOLLUM. And that the misclassification that you are talking about.

Ms. ECHO-HAWK. Yes, data misclassification.

Ms. MCCOLLUM. Thank you so much for your testimony, and thank you both, sir, and Ms. Echo-Hawk, for serving people at times of crisis when that is the last thing they want to be doing is picking up the phone and making that phone call. Thank you. Thank you for your past work in that.

VOICE. Thank you.

Ms. MCCOLLUM. The next panel, please join us.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 4

WITNESSES

LOUIE UNGARO, COUNCIL MEMBER, MUCKLESHOOT TRIBE
STEPHEN ROE LEWIS, GOVERNOR, GILA RIVER INDIAN COMMUNITY

MARITA HINDS, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

Ms. MCCOLLUM. Good morning. As I mentioned earlier, who is going to close out this morning's panel is we are going to have a robust discussion on Indian education in Indian Country. And I know some people come in and out, and that is wonderful, so I will just go over what we are doing the time again really quick. Please introduce yourself. That will not count against your time. You will get your full 5 minutes, and at 4 minutes, a yellow light will come on. That lets you know you have about 1 minute to start wrapping up, and then the red light comes on at 5.

Your full testimony will be entered into the committee record, so we want to thank you for that, so don't feel rushed if you don't get to everything. As you can see, we are running a little late because we are trying to ask really, really good questions. So we are going to for the recorder go in order of the table. So if you would please start, sir.

Mr. UNGARO. Good morning, honorable committee members. Thank you for the opportunity.

Ms. MCCOLLUM. Is the red light on on your——

VOICE. It is.

Ms. MCCOLLUM. Good. Thank you.

Mr. UNGARO. Thank you for the opportunity to testify here. My name is Louie Ungaro. I am a Muckleshoot Tribal Council member. I have the privilege to serve as the chairman of our tribal school commission.

A little background on the school. Muckleshoot Tribe is committed to the success of our children through culturally-appropriate education to prepare our future generations for what is ahead. The Muckleshoot Tribal School is the first tribally-controlled school to enter a compact with the BIE in the State of Washington. The tribal school provides a K through 12 instruction. It infuses Muckleshoot cultural practices, the history and the language

Muckleshoot leadership has worked hard to meet the needs of our students through the adoption of new exciting programs. One of those programs is a language and cultural instruction program. It is training our teachers through the Muckleshoot cultural experience and the traditional teaching styles, creating bilingual signage and visual communication in every classroom, as well as morning drum circle which provides song and dance for the day; nutrition programs which we integrate traditional foods and all of that; culture night and the annual potlach we have once a year; and as well as we have the woodshop curriculum that we are bringing back into the school. So it is about our sciences and our techniques and traditions through carving practices, tool-making, and technologies.

While much of this work has been done to bring our ancestors' vision to fruition, we have a lot more work to do. With the subcommittee's assistance, we can continue improving the learning environment for our students. The tribe's requests today stem from our experiences at the Muckleshoot Tribal School. During the planning phase for Muckleshoot Tribal School, disagreement quickly emerged between the tribe and the BIE the size and capacity of the school.

Disregarding the tribe's student population projections at the time, the BIE constructed the tribal school to accommodate the student population was it was. And, as anticipated, the tribal school reached capacity shortly after the construction in 2009. Today, the school student population alone is 565, making it over capacity by nearly 100 students. That is not even counting staff.

The overcrowding at the tribal school reached the point where we were forced to hold classes in hallways and repurpose other spaces. As a result, the tribe and the BIA began working together to secure modular classrooms in order to accommodate the growing student population. Ultimately, the BIA's division facility management and construction, DFMC, recommended six modular units, which would house 12 classrooms.

During that time, the DFMC stated that it anticipated the modular classrooms would be delivered in advance of the upcoming school year, which began in August of 2017. Unfortunately, the modular classrooms were not delivered on time, and the project was lingering. This led us to assume the role of general contractor in March of 2019. Even after doing so, we had trouble getting the DFMC to release the funds.

Last spring, the tribal council raised the issue directly with you, Chairwoman McCollum. With the assistance of you and your staff, modular classrooms were delivered this week and still being delivered. We have three that are being set up as we speak today. While the tribe is forever grateful for your assistance, it should not be this difficult for us to provide a healthy learning environment for our students.

The Muckleshoot Tribe urges the subcommittee to prioritize construction funding that so that Indian Country children can obtain quality education in a safe environment. The tribe also requests the subcommittee to inquire about the organizational structure of the DFMC and how it deploys its funding provided by Congress. Finally, the tribe urges subcommittee to provide funding for culturally-relevant education programs.

Since it is been implemented in 2016, the tribal school's emphasis on incorporating culture into the education system has proven successful. This is evidence is in rising graduation and our students' strong sense of identity and community. The BIE's immersion demonstration grant program supports such efforts by providing funding for initiatives aimed at increasing language proficiency and protecting against indigenous language loss. The tribe urges the subcommittee to expand the funding to implement culturally-appropriate teachings.

So in conclusion, I really want to thank you all for your time and for allowing me to come here and speak.

[The statement of Mr. Ungaro follows:]

Testimony of Councilman Louie Ungaro
Muckleshoot Indian Tribe
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 11, 2019

Summary of Budget Requests:

I. Bureau of Indian Education – Funding for school construction
II. Bureau of Indian Affairs Division of Facilities Management and Construction
III. Bureau of Indian Education – Funding for culturally rooted educational programming

Introduction & Background

Good afternoon Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Louie Ungaro and I have the privilege of serving on the Muckleshoot Tribal Council and chairing the Tribe's Education Commission. Thank you for the opportunity to testify.

The Muckleshoot Tribe ("Tribe") is committed to the success of our children through culturally appropriate education that will prepare them for the future. The Tribe operates the Muckleshoot Tribal School, which is a comprehensive Tribally Controlled School that works in conjunction with the Bureau of Indian Education ("BIE") and the State of Washington as a Tribal Compact School to serve the needs of our community. The school provides K-12 instruction for Native American students focusing on Common Core Standards while infusing Muckleshoot culture, practices, and history in our future generations. This intersection of modern learning and culture will ensure that our children can compete in the modern economy while not losing their identities.

The Muckleshoot Tribal School ("MTS") was constructed in 2009 as a world-class and state of the art campus. Its enrollment has grown each year to its current student population of 565. The Tribe, the Education Commission, and school leadership have been aggressively working to increase our on-time graduation rate. The on-time graduation rate is based on a "cohort" of students that begin 9th grade together. I am proud to share that we have raised our on-time cohort graduation rate dramatically from 42.1% in 2017 to 73.8% in 2019. There is always more work to be done but we are incredibly motivated by the progress of our students and the dedication of their teachers.

It is important to preface my testimony by explaining how the MTS's leadership has worked to meet the needs of our students through the adoption of new and exciting programs. These programs include:

- **Social Emotional Learning Course** – According to the Collaborative for Academic, Social, and Emotional Learning, an organization that works toward integrated social-emotional learning, "social and emotional learning is the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to

understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions."

- **AVID Course required for all 6th and 7th grade students** – AVID, which stands for Advancement Via Individual Determination, is a college readiness program designed to help students develop the skills they need to be successful in college. The program places special emphasis on growing writing, critical thinking, teamwork, organization and reading skills.

- **Special Services moving to an inclusive education model for students with an IEP** – The push-in (Inclusive) model brings the instruction and any necessary materials to the student. In contrast the Pull-out services typically happen in a setting outside the general education classroom. While the general education teacher is an important resource, they are rarely involved in pull-out services.

- **Kings for Success Program** – This after school program provides additional support in Math, Science, English/ELA, and Social/Emotional Learning. It will also provide enrichment activities and clubs such as Chess and STEM.

- **Student Leadership Development Programs** – MTS has developed and implemented a new high school leadership class to compliment the two middle school leadership classes. The purpose of these courses is to help students develop leadership skills necessary for success in their future academic endeavors and careers through effective communications, problem-solving techniques, and managing resources and meetings. The students will develop an understanding of the need for community service as part of their overall civic and professional responsibilities.

- **Language & Cultural Instruction** – All elementary students receive language and culture instruction. Middle school and high school students can continue to study the Muckleshoot language as an option. In addition, MTS has embedded Muckleshoot culture and language throughout our school and in our curriculum by: having bilingual signage and visual communications; drums circle; diet and nutrition that includes Indigenous foods, traditional cooking methods and horticulture; culture nights and potlach; and woodshops to teach traditional carving practices.

- **Environmental Education** – All children, Muckleshoot Children Development Center (MCDC) through high school, are immersed in an environmental education program on the 105,000 acre Tomanamus Forest. The program includes a partnership with Pacific Education Institute and Hancock Forest Management. The Pacific Education Institute provides a high-quality professional development and consultation services for educators in equitable, locally relevant, career connected, outdoor STEM education to develop students into scientifically literate citizens, equipped to make balanced decisions for sustainable communities. Hancock Forest Management, the Tomanamus land and forest manager, provides the field experience in a variety of ways including field STEM education, summer environmental education, summer stewardship youth corps, and a variety of other STEM based education programs.

These programs ensure that MTS students are provided with the tools, skills, and education that they will need to lead our people and our future generations. However, I did want to highlight some areas of federal funding and partnership that will help to bolster the Tribe's efforts.

I. Bureau of Indian Education – Funding for school construction

As discussed above, the MTS was constructed in 2009 as a state-of-the-art facility for our students. The construction of the MTS was the result of years of advocacy by the Muckleshoot Tribe and Tribal Council. We were overjoyed when we finally secured the federal funding necessary to accomplish this for our children.

However, disagreements quickly emerged between the Tribe and the BIE over how large the school should be and what capacity it should hold. The BIE wanted to use the current student size, which we knew would not be sufficient. That analysis failed to consider the large growth that the Tribe was experiencing in the population of under-kindergarten age children and the projected growth rates of the Tribe as a whole. Unfortunately, the BIE did not listen and shortly after the construction of MTS we hit the capacity and soon surpassed it.

This situation will only become more difficult as time goes on because the Tribe's ten-year student population projection is 827. That is a 32% increase in ten years over the Tribe's current student population of 565. The MTS was built for a combined student and staff population of only a 468 maximum. So, the current student population – not even taking staff into account – is already overcapacity by 102 students.

We urge the Subcommittee to prioritize school construction funding so that Indian Country's children can obtain a quality education in a safe environment. Further, the Tribe requests that the Subcommittee ask the BIE to reconsider how it determines the size of new school constructions.

II. Bureau of Indian Affairs – Division of Facilities Management and Construction

The overcrowding situation at MTS peaked in the past few years. The MTS and the Tribe tried creative solutions to ensure that Muckleshoot students were not impacted but at the end of the day there are only so many rooms and so many square feet in a given building. The MTS was forced to hold some classes in the hallways and to repurpose other spaces to meet the needs of our students.

The Tribe and BIA began working together in 2015 to try to secure modular classrooms to accommodate the student population growth. The Tribe received a visit from the BIA's Division of Facilities Management and Construction ("DFMC") in March of 2017 and during that visit DFMC staff recommended that six modular units housing twelve classrooms. The BIA approved funding for the project in May 2017. DFMC stated that they anticipated an August 2017 delivery for the modular classrooms in order to accommodate the upcoming new school year.

The Muckleshoot Tribal Council moved quickly to appropriate $1 million to provide furniture for the classrooms and cover non-BIA funded construction costs. Unfortunately, the modular

classrooms were not delivered in August 2017 and the project lingered with intermittent communications from the BIA and DFMC. The DFMC complained that issues with contractors were slowing down the progress so the Tribe requested to assume the role of general contractor in March 2019. Even after the Tribe assumed the general contractor role for the project it took the direct interaction of Congress to finalize our work with the DFMC and to get the funds released.

It was during an advocacy trip to Washington, D.C. last spring that Tribal Council raised this issue directly with you Chairwoman McCollum and Congresswoman Schrier that we received assistance. You both, and your amazing staff, began outreach to the BIA and DFMC to inquire about the situation. Your persistence and willingness to help our Tribe ensured that the modular classrooms were delivered and functional for this school year.

The Muckleshoot Tribe is forever grateful for your assistance, but it should not take a tribe coming directly to Congress to get the answers and response necessary from the DFMC. The Tribe requests that the Subcommittee inquire about the organizational structure of the DFMC and how it is deploying the funding resources that Congress provides it.

III. Bureau of Indian Education – Funding for culturally rooted educational programming

The Tribe believes it is critical to provide an education that is culturally rooted for our students and to ensure that they have access to cultural resources throughout their education. That is why the MTS has placed such an emphasis on culture in our system. This approach has proven successful at MTS and our students have benefitted from higher educational outcomes and a better grounding in their identity as Muckleshoot.

The BIE has an Immersion Demonstration Grant program that provides funding that supports immersion efforts that increase language proficiency and protect against language loss. These sorts of demonstration projects should be expanded and made permanent so that more tribes are able to access their benefits.

Although, outside of this Subcommittee's jurisdiction I highly encourage the full Committee to support several programs at the Department of Education that provide resources for the inclusion of culture in the educational process. Title VI of the Every Student Succeeds Act ("ESSA") includes authorizations for Language Immersion and National Activities. These programs help deploy invaluable funding to Indian Country to protect our languages. Also, Title VI of ESSA also authorizes the Indian Education Formula Grants, which can be utilized to provide culturally related activities.

The Tribe requests that this Subcommittee continue to support increases to the BIE's overall budget, to programs that support inclusion of culture and language into the curriculum, and finally programs that encourage our students' interactions with the living world.

Conclusion

I appreciate the opportunity to bring the Muckleshoot Tribe's voice to this table today.

Ms. MCCOLLUM. Thank you. Mr. Lewis, good morning.

Mr. LEWIS. Good morning. Chairperson McCollum, Ranking Member Joyce, and members of the subcommittee, thank you for the opportunity to testify on education priorities in the Fiscal Year 2021 appropriations. My name is Steven Earl Lewis, and I am governor of the Gila River Indian Community. [Speaking native language.] Good morning. I am here to testify specifically on the Section 105(l) school construction and leaseback program that was piloted at the Gila River Indian Community last year. I am joined today by Councilwoman Monica Antone, Councilman Avery White, our youth council delegation from the community, our Ms. Gila River, Tyler Owens, and Junior Miss Gila River, Susannah Osef.

For this year, this committee has been asked to address the school construction backlog that exists for BIE schools at the Department of Interior, a backlog that would take approximately 60 years, or 3 generations—3 generations—to clear at current funding levels. Even though this committee has increased funding wherever possible, incremental funding was insufficient to address the backlog. So you challenged the Administration and tribal nations to bring you innovative solutions to the problem.

Two years ago I brought you a proposal from the Gila River Indian Community to pilot the first school construction leaseback Indian country, and I have two packets of actual photos of the finished Gila Crossing Community School. The proposal relied on existing statutory authority under Section 105(l) of the Indian Self-Determination and Education Assistance Act. Under the leaseback program, the community financed construction of the school, and upon completion, leased the school back to the Department of the Interior through a negotiated lease. Utilizing this program and working with this committee to secure appropriations for the lease payment, the community was able to complete construction in a little over 1 year, 13 months, and under budget, for less than the amount the Department would have spent to replace the school in the first place.

Gila Crossing is truly the community's school. The community's culture is evident in the school curriculum, and there are reminders of [Speaking native language.] and Pee-Posh heritage everywhere you look. We are proud of the school and even prouder that we were able to pilot a program that can be replicated through throughout Indian Country. As with all pilot programs, it was a learning experience, and the community also took a great deal of risk. But together the community, the administration, and you, the appropriators, ensured that this was a successful project.

Based on our experience, we have a few recommendations to share. We recommend continued funding of the 105(l) Program at the Department of Interior. With the completion of the Gila Crossing Community School, we are first requesting continued funding to meet the annual lease payments for this school. In addition, for Fiscal Year 2021, we are proposing an additional $20 million dollars for school construction under the 105(l) Lease Program.

As indicated earlier, the need for new school construction in Indian Country is significant, as you have heard. At Gila River alone, we had three BIE schools in poor condition and overcrowded. It took decades to get the Blackwater Community School on the

school replacement list to begin with, and even with the construction of Gila Crossing, Casablanca Community School remains overcrowded and in poor condition. The additional $20 million in Fiscal Year 2021 would allow for another four or more schools to be constructed using the construction leaseback program.

The community also supports the language in Fiscal Year 2020 appropriations report to explore mandatory funding for the 105(l) lease program. Mandatory funding would alleviate the need to reprogram the statutorily-mandated funding from critical programs and staffing for tribal programs at the Department of Interior and the Indian Health Service. Mandatory funding is also supported by the National Congress of American Indians, and was included in the Indian Country budget request to Congress for Fiscal Year 2021.

Another key component to making this program even more successful is access to other Federal financing tools, specifically new market tax credits. The lack of credits designated to projects in Indian Country make it especially difficult to compete for new market tax credits, even though tribal access would save the Federal Government up to 20 percent on much-needed infrastructure construction in Indian Country. We urge this committee and all of Congress to support tribal-specific language in legislation that increases tribal access to new market tax credits.

In conclusion, I am honored to sit here today and share my community's success story with you. Your commitment to Indian Country's self-determination is commendable and can serve as a model across Congress and the Administration. We look forward to coming back with more success stories that can enhance this program, and stand ready to assist this committee and other tribes across Indian Country as they explore the 105(l) Lease Program. And as always, you are always welcome to the Gila River Indian Community to see this wonderful school. Thank you so much. [Speaking native language.]

[The statement of Mr. Lewis follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
TESTIMONY OF GOVERNOR STEPHEN ROE LEWIS
GILA RIVER INDIAN COMMUNITY
February 12, 2020

Chairwoman McCollum and Ranking Member Joyce, thank you for the opportunity to submit testimony on behalf of the Gila River Indian Community ("Community") in support of the section 105(l) lease program at the Department of the Interior. This funding is critical to ensure the continuation of the innovative school construction/leaseback pilot project and expand the program so much needed construction can continue for outdated and overcrowded schools across Indian Country.

Background:

In May of 2018, the Community testified in front of this Subcommittee requesting approximately $6 million to create a pilot program at the Department of the Interior that would supplement existing construction programs for Bureau of Indian Education schools. The Community was encouraged to pursue this program based on what all parties – the Administration, the Congress, and Tribal Nations agreed has been a long-term problem in Indian education – to meet the school construction needs within the Bureau of Indian Education system given federal budgetary constraints.

For many years, this Subcommittee heard about the substandard conditions at many Bureau of Indian Education schools, some initially built over 100 years ago, and the negative impact these school conditions have on the education of Native youth. Under current funding levels, it would take over 60 years, or another three generations of students before the current backlog could be eradicated.

The Committee responded by increasing school construction funding where possible, while acknowledging that periodic funding increases alone is insufficient to address this long-standing issue. Several years ago, this Subcommittee challenged the Administration and Indian Country to work together to bring innovative solutions to the construction backlog. In response, the Community researched a novel new approach to funding Indian school construction and came up with a program that used existing statutory authority to stretch precious school construction dollars and accelerate school construction. Working closely with the Administration and Congress, the Community became the first Tribe in the Country to enter into a school lease with the Department of the Interior to lease a school facility that was constructed by the Community.

The construction/leaseback program works as follows: the Community agreed to construct the school with their own funding and financing and upon completion, leased the school facility back to the Bureau of Indian Education through a negotiated lease. Although this is a pilot program, this type of project is able to be replicated throughout Indian Country, especially if other federal financing tools can be leveraged – especially access to New Market Tax Credits.

Gila Crossing Community School:

The Community has three Bureau of Indian Education schools: the Blackwater Community School, Gila Crossing Community School, and Casa Blanca Community School. Each of these schools was in poor condition and overcrowded. However, only the Blackwater Community School made it onto the Bureau of Indian Education's list of priority schools to be replaced.

The other two schools were not on the priority list due to the competing need for new school facilities across Indian Country. The Community made a commitment to increase educational opportunities for its students, including providing a safe facility that meets the educational needs of students, teachers and school administrators.

Given the support of this Committee and the Department of Interior to look at innovative ways to deal with the school construction backlog, the Community engaged in negotiations that led to the construction and subsequent leaseback of the Gila Crossing Community School. With funding for the pilot program in fiscal year 2019, the Gila Crossing Community School became the first school in Indian Country to be constructed using the section 105(l) lease program.

The school was completed in July of 2019 in approximately one year and under the budget that the Department would have incurred building the same facility. In addition, because the Community, school officials, teachers and students had input into the design and functionality of the school, the Community's culture is prevalent throughout the structure and in the curriculum of the school and it truly is the Community's building.

In fiscal year 2019, $2 million was appropriated which represented the amount needed to fund the lease for the last quarter of that fiscal year since the school was finished in July of 2019. In fiscal year 2020, $6 million was appropriated to cover the full year of lease funding for the Gila Crossing Community School. The Community requests full year funding for the school in the fiscal year 2021 appropriations bill for the lease payments for the Gila Crossing Community School. In addition, the Community requests a modest increase in funding to expand this program at the Department to ensure that additional schools are able to enter into construction/leaseback leases at the Department.

Since constructing the Gila Crossing Community School, the Community has had outreach from a number of Tribes across the country that also have antiquated schools that were originally built in the late 1800s or early 1900s that are in poor condition and do not meet even the basic educational needs found on schools off the reservation. The Community has had visits from a number of tribal leaders and has offered advice to a number of other Tribes because we believe as the pilot Tribe for this program we have a responsibility to ensure other Tribes and students are afforded the facilities and educational opportunities they deserve.

Given the Community's need for a replacement school for its Casa Blanca Community School and the need that is apparent throughout Indian Country, we recommend this Committee appropriate $25 million for fiscal year 2021 to cover the existing lease for the Gila Crossing Community School and allow for additional negotiated leases for school construction.

Recommendations:

We understand that the fiscal year 2020 appropriations contained language to require the Department of the Interior to enter into consultation on the section 105(l) program and we support that language. It is our belief that the school construction at the Department of the Interior will not face the same planning issues that exist at the Indian Health Service because a great deal of planning has to occur before a school can be constructed which allows adequate notice to the Appropriators and the Department of the Interior of upcoming appropriations needs. We acknowledge however, that requests for other leases will be forthcoming and support the efforts of both the Department of the Interior and this Committee to fund those leases which will help address the long-standing infrastructure issues in Indian Country and reinforce self-determination and self-governance for Indian Country as intended in the Indian Self-Determination and Education Assistance Act.

The Community also agrees with the language in the fiscal year 2020 appropriations report that calls for an examination of whether the 105(l) lease funding should become permanent since it is statutorily mandated. This would ensure that funding would be designated directly to 105(l) leases and reprogramming would not be necessary – especially when it can impact other critical programs and staffing needs at the Indian Health Service and Department of the Interior.

In addition, we recommend Congress support tribal legislation that would provide incentives and allocations of New Market Tax Credits that would support school construction and other projects throughout Indian Country. The Community attempted to utilize New Market Tax Credits for the Gila Crossing Community School, but the appropriations timing and allocation timeframes were inconsistent. If New Market Tax Credits could be used for these types of projects the federal government would save up 20% on each of these construction projects, thereby stretching the federal dollar farther to allow for additional infrastructure projects. Tribal specific legislation to address this issue is being introduced in the coming weeks, so we urge you to support that legislation which is compatible with your support for this innovative program.

Conclusion

The Community is humbled and grateful to this Subcommittee for allowing us to be the first Tribe to pilot this innovative school construction/leaseback program. It took your support, the support of the Administration, and especially the Gila River Community Council to make this pilot project a success. It is a success we can all be proud of and that can be replicated throughout Indian Country. With this school, our students know that we have all invested in them and their future. I want to make sure that our students at the Casa Blanca Community School and all across Indian Country know that they are worth the investment – because they are the future leaders that our Tribes and the Country need.

We look forward to continuing our work with you, the Administration and Indian Country to expand this program and continue its success.

Ms. HINDS. Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee, thank you for this opportunity to provide testimony on behalf of the National Indian Education Association. My name is Marita Hinds. I am from Tesuque Pueblo. I am the President of the NIEA Board.

NIEA is the most inclusive national organization advocating for culturally-based educational opportunities for American Indians, Alaska Natives, and native Hawaiians. Each day, our organization equips tribal leaders, educators, and advocates to prepare the over 650,000 native students across the Nation for success in the classroom and beyond. Native education is a bipartisan effort rooted in the Federal trust responsibility to tribal nations and their citizens.

NIEA thanks the subcommittee for its ongoing commitment to fulfilling this constitutional responsibility by advancing native education programs and services in Fiscal Year 2020. In particular, we appreciate the subcommittee's oversight of BIE programs and services for native students. NIEA urges you to continue your commitment to native students by fully funding native education within the BIE and Fiscal Year 2021 appropriations.

I will highlight several of NIEA's key appropriation priorities for Fiscal Year 2021. Bureau-funded schools must be appropriated $430 million for urgent school construction and repair. NIEA appreciates recent steps to address immediate infrastructure needs in Bureau-funded schools through increased school construction funding in Fiscal Year 2020. Despite such strides forward, funding continues to fall short of the full need. In 2016, the Office of the Inspector General at the Department of Interior found that it will cost $430 million dollars to address immediate facility repairs in the BIE.

In addition, that report estimated over $1.3 billion dollars in overall need for education construction at BIE schools. By the end of Fiscal Year 2019, the maintenance backlog in Bureau-funded schools had ballooned to over $720 million. Continued funding shortfalls for the high-quality construction repair and maintenance of Bureau-funded schools have impacted my own community of Tesuque Pueblo. In addition to my role as the NIEA president, I work at that the Tesuque Wingate School, a Bureau-funded school by my tribe.

Our classrooms are at the seams. The school has grown to over 55 students from when it began in 2012, which had 17 students. Despite several renovations to retrofit outdated wiring, heat, and air over the years, the electrical system regularly overloads a fuse when using even a printer or a shredder. Our school is 84 years old. Our classrooms share one IT maintenance technician with all tribal facilities, while our classrooms and our administration offices have problems with Wi-Fi and internet services. Even with these hardships, our phenomenal staff and educators have done amazing work to advance education for our students, and parents continue to send their children to our school because of the incredible progress that we have made over the past 8 years. However, additional funding is critical to ensuring safe access to the facility and providing technology critical to a 21st century education. Sadly, our story is not unique.

The current funding levels fail to fully address the $727 million in immediate school need. The need for construction and repair in BIE schools is too great to wait for a possible infrastructure package without ongoing funding to address construction needs. Seven schools on the 2016 construction list have yet to receive funds for design and construction. Limited funding continues to hold up progress for schools, Greasewood Springs Community School in Arizona, where students and educators continue to face overcrowding and unsafe facilities. Native students deserve to learn in a safe and healthy school where they can thrive.

The Indian School Equalization Program, ISEP, should be fully funded at $431 million for Fiscal Year 2021. ISEP funds the core budget account for BIE elementary and secondary schools. Through this program, schools and including my own School in Greasewood Springs, receive funding to pay salaries for teachers and other personnel. While ISEP is funded at approximately $2 million dollars per school, each public school across the country receives on average for infrastructure-related salaries, wages, and employee benefits.

Each year, schools are forced to further stretch limited ISEP funds to fulfill regulations that require educators to be paid salaries comparable to those at the only other Federal school system, the Department of Defense Education Activity, DODEA. This requirement is meant to support equality and access. However, Federal appropriations have failed to account for increase in competitive salaries both at DODEA and in States where BIE schools are located. Good teachers matter. Increased investment is required to ensure access to a highly-qualified culturally-competent educators at all schools.

In addition, NIEA supports the request to fully fund and support tribal colleges and universities through Fiscal Year 2020 recommendations provided by the American Indian Higher Education Consortium. Thank you very much.

[The statement of Ms. Hinds follows:]

Testimony of the National Indian Education Association
Marita Hinds, President

Before the United States House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
February 12, 2020

INTRODUCTION

Chairman McCollum, Ranking Member Joyce, and members of the Subcommittee, thank you for this opportunity to provide testimony on appropriations for the Department of Interior in Fiscal Year (FY) 2021. The National Indian Education Association urges Congress to fulfill their federal trust responsibility to tribes by fully funding Native education within the Department of Interior (DOI) and the Bureau of Indian Education (BIE).

NIEA is the most inclusive national organization advocating for culturally responsive educational opportunities that enable Native students to thrive in the classroom and beyond. NIEA equips all educators with the knowledge and skills necessary to support Native students in reaching their full potential. NIEA offers professional development opportunities, policy and advocacy assistance, and educational resources.

Congress and this Subcommittee have a unique obligation to fulfill one of the most significant relationships with tribal governments. The federal trust responsibility, established through treaties, federal law, and U.S. Supreme Court decisions, provides parity in access to all American Indian and Alaska Native students, regardless of where they attend school. Federal appropriations are central to upholding these promises to Native nations. The federal government must fully appropriate funding for Native education to fulfill the federal trust responsibility for education shared among the Administration and Congress for federally-recognized Indian tribes. The federal government must uphold promises to tribal nations to promote tribal prosperity and Native student success.

As the lead agency responsible for upholding the United States government's federal trust responsibility to Native nations, the BIE has a unique role in providing culture-based education opportunities from cradle to college for all Native students. In particular, the Subcommittee is in a unique position to promote safe facilities, culture-based education, and achievement for the 48,000 students that attend Bureau-funded schools.

The Subcommittee's work in FY 2020 demonstrates the committee's understanding of equity in education and safe and healthy classrooms at Bureau-funded schools. NIEA thanks the

Subcommittee for rejecting severe cuts proposed for Indian education in the FY 2019 President's Budget Request. In particular, we appreciate the Subcommittee's increased $248.3 million commitment to construction for safe and healthy schools, as well as the $420.8 million investment in the core budget account for Bureau-funded schools in FY 2020. NIEA asks that you continue your commitment to Native students for Fiscal Year 2021 appropriations.

FY 2021 RECOMMENDATIONS

As the Subcommittee considers appropriations for FY 2021, NIEA urges Congress to consider the full scope of need for education programs in the DOI and the BIE. The BIE and Bureau of Indian Affairs must uphold their constitutional obligations to tribal nations by fully funding programs that serve the unique academic and cultural needs of Native students. Tribes and Native communities must have access to the resources necessary for Native students to thrive.

Though NIEA is pleased to see recent steps to address critical infrastructure needs in BIE schools through in a $10 million increase for BIE school construction in FY 2020 appropriations, such funding falls far short of the full need. In 2016, the Office of the Inspector General at the DOI found that it would cost $430 million to address immediate facilities repairs in the Bureau of Indian Education and estimated over $1.3 billion in overall need for education construction at BIE schools. By mid-2019, the maintenance backlog in BIE schools had ballooned to over $639 million.

The need for construction and repair in BIE schools requires continued and committed investment from Congress and is too great to wait for a possible infrastructure package without ongoing funding to address construction needs. Congress should support innovative options to fund construction in Bureau-funded schools. However, such options must supplement and not supplant annual appropriations for construction at schools within the BIE system. Equity in education demands increased investment in school construction. Native students deserve to learn in safe and healthy classrooms where they can thrive.

As the Subcommittee considers funding levels for the upcoming fiscal year, Congress must continue to invest in and oversee BIE programs to ensure that Native students have access to the resources necessary to thrive. Each year, schools are forced to further stretch limited funds provided through the Indian Schools Equalization Program to fulfill regulations that require educators to be paid salaries comparable to those at the only other federal school system – the Department of Defense Education Activity (DODEA). However, federal appropriations have failed to account for increases in competitive salaries both at DODEA and in states where BIE schools are located. Good teachers matter and increased investment is required to ensure parity in access to highly qualified, culturally competent educators for Native students at all schools.

As we enter a new decade, Congress must consider funding required to build the technological infrastructure required for a modern classroom in all Bureau-funded schools. Technology is critical to all parts of a 21st century education, from building a new generation of STEM professionals to supporting Native language immersion and revitalization programs. Federal appropriations hold the key to ensuring equity for the only students to which the federal government has a direct responsibility - Native students.

NIEA thanks the Subcommittee for your commitment and requests your ongoing support to hold the DOI and BIE accountable for the delivery of critical services and reform efforts. NIEA would like to highlight key programs and appropriations priorities within the DOI and BIE that impact Native students. The following funding levels for key federal education programs would promote Native student success in the classroom and beyond:

Education Construction - Provide $430 million for Bureau of Indian Education (BIE) school construction and repair. *An increase of $191.7 million above FY 2019 enacted.*

This funding category includes school construction, facilities improvement and repair, and replacement school construction. The Department of the Interior's Office of Inspector General published in September of 2016, an evaluation titled "Condition of Indian School Facilities," estimated the cost of fixing the dilapidated BIE schools, concluding that more than $430 million would be needed to fix the problems already identified.

Indian School Equalization Program (ISEP) - Provide $431 million for the Indian School Equalization Program. *An increase of $10.2 million above FY 2020 enacted.*

These funds provide the core budget account for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel. Due to frequent reallocation of ISEP caused by cuts in other areas of education, ISEP must have adequate funding to ensure all program needs are fulfilled.

Johnson O'Malley - Provide $42 million for full funding. *An increase of $21.7 million above FY 2020 enacted.*

The Johnson O'Malley program has provided grants to supplement basic student needs by assisting with the unique academic and cultural needs of Native students since 1934. The federal government allocated $125 per student in JOM funding in 1995. Current funds (FY 2017) provide less than $63.80 per student, which are often the only source through which Native students—including those in public schools—can engage in basic education activities.

Broadband Internet Access - Provide $40 million to extend broadband internet access. *An increase of $29.7 million above FY 2020 enacted.*

Less than ten percent of Indian Country has access to broadband internet technology and 60 percent of BIE schools do not have adequate digital broadband access, or computer access, to be aligned with college and career readiness standards.

Bureau of Indian Education Immersion Demonstration Grants - Provide $5 million for BIE immersion programs. *An increase of $1 million above FY 2020 enacted.*

According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050. Providing Immersion Demonstration Grant funds protects the cultural and linguistic heritage of Native students in education systems by providing Native students immersion learning in order to strengthen language, improve academic outcomes, and become future leaders of their tribes.

Student Transportation - Provide $73 million for student transportation in the BIE system. *An increase of $16.0 million above FY 2020 enacted.*

BIE schools incur disproportionately high costs in transporting Native students to and from

school due to the often-rural location of BIE facilities. These high costs often lead to funding shortfalls, which then must either go unpaid or funded by diverting funds from other education programs.

Tribal Grant Support Costs - Provide $90 million for tribal grant support costs for tribally-operated schools. *An increase of $6.6 million above FY 2020 enacted levels.*

Tribal Grant Support Costs fund the administrative costs of existing tribally-operated schools. Full funding is critical as these funds help tribes expand self-governance and tribal control over education programs. Schools must divert critical teaching and learning funding to cover any shortfalls in operational costs.

Facilities Operations - Provide $109 million for BIE facilities operations. *An increase of $34.1 million above FY 2020 enacted.*

BIE schools use this funding for costs such as electricity, heating fuels, communications, GSA vehicle rentals, custodial services, and other vital operating expenses. For years, schools have only received roughly 50 percent of funding needed for these expenses. This shortfall is unacceptable as costs continue to rise for vital services.

Facilities Maintenance - Provide $76 million for BIE facilities maintenance. *An increase of $16.2 million above FY 2020 enacted.*

BIE schools use this funding for the preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems. Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards.

In addition, NIEA supports requests to fully fund and support Tribal Colleges and Universities through FY 2021 recommendations provided by the American Indian Higher Education Consortium.

Conclusion

Appropriations for FY 2020 have the potential to ensure equity in access to excellent education options that prepare Native students to thrive in the classrooms and beyond. NIEA urges Congress to consider the above recommendations to fully fund key programs that support quality and culturally appropriate Native education. Congress must uphold the federal trust responsibility to tribal nations – our students deserve nothing less.

Thank you again for the opportunity to address this Subcommittee. For questions regarding this testimony, please email or call Diana Cournoyer, NIEA Executive Director, at dcournoyer@niea.org or 202-544-7290.

Ms. MCCOLLUM. Thank you. Mr. Kilmer.

Mr. KILMER. Thanks, Madam Chair. Governor Lewis, I liked your after photos better than your before photos. [Laughter.]

So thank you for sharing those. I am not quite sure who to ask this to, but, Councilman Ungaro, you talked about the fact that, you know, the day you opened your new school, it was already at overcapacity, and it drove this need to build portables. I mean, obviously there is a systemic problem of underfunding, but is there another systemic problem that our subcommittee ought to be looking at to try to prevent that type of dynamic from occurring? Ideally, when you open a school, you are not already over capacity.

Mr. UNGARO. Thank you for the question. Yeah, I believe looking at the enrollment as well, like, our general enrollment of the tribe, a third of our tribe is under the age of 18. I mean, it is no mystery the wave of kids that are coming, these schools and what we are doing to set our kids up for success through natural resources and create leadership in those kids to not only just set them up for success in Indian Country, but success here in Washington, D.C. wherever they want to go. The opportunity has been left up to us to create that.

And what is not happening is the funding isn't coming through for us to be able to stay ahead of the curve. And the challenge is in Indian Country for education is no mystery of what is going on here. I mean, we weren't set up for success all the way back from 1863, so just a little over 65 years ago we won the Supreme Court case where our kids and people of color would be welcomed into the classroom. So, you know, that is not very many generations ago.

And in Indian Country where I am at, I am the first generation graduate in my household, high school graduate So, you know, we don't have people to fall back on to help us navigate the State institutions through college and all of that stuff, but we are setting up in these tribal schools is we are giving our kids a place in the classroom, a sense of identity, but as well as being able to teach them not just their own traditional ecological knowledge, but making them proud and giving them that spot in the classroom, but as well as being able to comprehend and understand OSPI and the STEM curriculum, and infusing that together which makes them stronger and gives them the ability to make the choice if they want to stay home on the reservation or if they want to come and be your staffer someday. So that is what we are trying to do.

Ms. MCCOLLUM. Mr. Kilmer, this is a problem. The Beatrice Rafferty School in Maine was delayed for years because of a disagreement on population size, because the BIE decided that it knew, and it was the BIA at the time, knew what the enrollment was going to be and did not listen to the community and did not listen to the parents. And Ms. Pingree, and I, and others found ourselves, you know, listening carefully to the community and then questioning the decision making that was moving forward.

And the tragedy about what has happened at this new school is the gym space, the cafeteria space, all the community spaces now have been built on a certain size population, which was too small. So even with the modulars being added, if you want to have an all school were younger children are, you know, practicing being in

larger groups and performing or giving presentations, they can't get together, or the older kids can't.

I mean, you and I have been parents. My kids are much older than yours. I am a grandmother now. But you know how schools work. And when you undersize them, you know, gymnasium space, community space, cafeteria space, cultural areas all get impacted on this. And so I am going to make a plea here before I turn this over to Mr. Joyce.

The census is coming up, and I had some young Johnson O'Malley students from St. Paul, Minnesota schools in my office. And I was telling those students, you need to when you see that census form come in and you hear about the census, you got to get excited about it, and you have got to get the head of household, your elder, your parents, or whoever it is, you need to get them to do an accurate census. And you need to identify in the census Native American because formulas will be based on that. And, you know, if it is not right and then you add ten years into the future, a lot of decisions facing Indian Country and for how Mr. Joyce and I go back and allocate for top-line funding at the 302b account, the Census is something everybody is looking at.

And there are also some good-paying Census jobs out there, if I can make a plug for that, too, because we need to hire more people. But the census is really important. I know Indian Country is working on it, but we can't spread the word enough about how important the Census is going to be. So thank you for letting me tag onto your question because it is a good one, and it has been a frustrating one for this committee for a while. So excellent question, Mr. Kilmer. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair, and thank you all for being here. I certainly appreciate, Chairman Lewis, your invitation to come out. I know that time is getting late, and we are already behind, but I was wondering if you could explain your frustration with the New Markets Tax Credit and your inability to secure it for Indian tribes.

Mr. LEWIS. Thank you, Madam Chair and members of the committee, Congressman Joyce. For the new market tax credits, access is limited to Indian Country. We are working with NAFOA, the Native American Finance Officers Association, and the Ways and Means because when we were working on financing the 105(l) lease and the design build, the allocation cycle, the construction cycle, and the appropriations were out of sync while we were building this. You know, we built this school and designed it within 13 months. And so all of those moving parts just weren't in sync for us to be able to take advantage of the new market tax credits.

Mr. JOYCE. Do you think a legislative fix is necessary?

Mr. LEWIS. Definitely. For tribes, and this is a policy issue among all issues having to do with tribal nations. You know, for policy, tribal nations need to have specific language that includes tribes and not excludes them, and the new market tax credits is no exception.

Mr. JOYCE. Great. Thank you.

Mr. LEWIS. Thank you.

Ms. MCCOLLUM. I just want to say congratulations on getting your modulars delivered. How serendipitous that it happened at

the same time that you are testifying in front of the committee, but we will take it. But we are putting together an infrastructure bill, and I know that what we are looking at is green. We are looking at technology, and this is infrastructure, and many of us, our voices are at the table to make sure Indian Country is included in that. So stay tuned, and it needs to have an infusion of spending in it that is really going to be impactful and make a difference.

So Mr. DeFazio is kind of taking the lead on that, but we are doing some things in consultation through our staff. And I know Indian Country is at the table with us moving forward, but that will include schools, roads, bridges, Broadband, all the things that come together to make a school successful, as you pointed out. Thank you very much for your testimony. Thank you for your time here. And we will have the next panel come up.

And as the next panel comes up, I know a couple people saw me dashing out of the room. We were accommodating later on this afternoon with two people who were willing to switch on testimony so someone could make an earlier flight to get home.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 5

WITNESSES

ANGELISA BEGAYE, ADMINISTRATIVE SPECIALIST, DZILTH-NA-O-DITH-HE COMMUNITY SCHOOL

SYLVIA LARGO, DINE GRANT SCHOOLS ASSOCIATION, INC. BOARD MEMBER AND PRINCIPAL OF PINON COMMUNITY SCHOOL

BEVERLY COHO, SECRETARY AND TREASURER, RAMAH NAVAJO SCHOOL BOARD, INC.

CHARLES CUNY, JR., LITTLE WOUND SCHOOL SUPERINTENDENT, OGLALA LAKOTA NATION EDUCATION COALITION

Ms. MCCOLLUM. Thank you. We will let the next panel get seated here. We got a little bit of a traffic jam, but that is a good thing to have. That means that there are a lot of people here participating. So really quickly, please introduce yourself and then start into your testimony. The time that you use to introduce yourself will not count against your time. You have 5 minutes. We have your testimony in the record, so we have all of it. So don't worry about getting through everything. There is a lot to cover, and the staff and I will be reading through it and using it to formulate questions and responses to your concerns.

So if you would please start off. When you see the yellow light, there is 1 minute left, and that will go on the timer right here. There is a little red button. Make sure it is lit up on your mike before you start, and if you would lead us off, please. Thank you.

Ms. BEGAYE. Sure. Okay. Thank you. Good morning, Madam Chair and members of the subcommittee. My name is Angelisa Begaye, and I am here speaking on behalf of the Dzilth-Na-O-Dith-Hle Community School.

Okay. So the Dzilth-Na-O-Dith-Hle Community School would like to thank the subcommittee for your effort, your support, and your dedication in prioritizing the appropriations and oversight for

school repair and construction throughout the Bureau of Indian Education school system. With that, we are one of the schools from the 2016 school replacement list to receive funding for school replacement construction. Thus far, we have completed the planning phase and 20 percent schematic design phase. We are currently in the design bill phase of the construction project. This whole process has taken us much time and effort, so, to reach this milestone.

Our students, parents, and staff are excited with the school that is coming up, and we have been working diligently and promptly and putting our new school into operation. The efforts we have set forth are for the well-being of our students and in them with an adequate learning environment. Of course, it requires a team effort, and we had to establish a positive relationship and a partnership with the Bureau of Indian Education and the Indian Affairs division of facility management and construction so that we will be able to be successful in this for the school, the Federal Government, and, of course, for our students.

Okay, which brings us to our written testimony, which you guys have a copy of. And in our written testimony, we have outlined some concerns we have been experiencing through this process. At one of our meetings this week, we met with the Office of Facility Property and Safety Management, which oversees the division the division of facility management and construction. We had the opportunity to bring to light with them and to discuss some of these issues, which we hope will be taken into consideration.

We believe with the path moving forward that we have a clear and transparent line of communication, that we are consistent with timelines and deadlines and alleviating unnecessary delays, which is imperative to our success and completing this project. As our partner, we ask the subcommittee to emphasize and reinforce the importance of clear and timely expectations, and also to continue oversight of this project, and to keep in contact with the Dzilth-Na-O-Dith-Hle Community School, the Office of Facility Property and Safety Management, and the Division of Facility Management and Construction on the progress of our school replacement project and all those that were on the 2016 replacement list.

In closing, the Dzilth-Na-O-Dith-Hle Community School thanks the subcommittee for the important funding increases and oversight directed to school repair and replacement construction. Consistent funding is needed to complete the construction on the 2016 replacement list, which direly impacts our children's future. In Fiscal Year 2021, we ask you to continue these funding levels. We believe all children should be given the opportunity to reach their potential and go to school in safe buildings. Thank you for remaining Pacific Islander steadfast partners this critical endeavor. Thank you.

[The statement of Ms. Begaye follows:]

Written Testimony of

Angelisa Begay of

DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)

for the

United States House and Senate Appropriations

Subcommittees on Interior, Environment, and Related Agencies

Regarding the FY 2021 Indian Affairs Budget

Submitted February 3, 2020

As you may be aware, the Dzilth-Na-O-Dith-Hle Community Grant School (DCGS) is one of the schools on the 2016 Replacement School list to receive funding for school replacement construction projects. DCGS's facilities are in desperate need of replacement in order to provide our students with an adequate learning environment. DCGS is committed to putting our replacement school in operation as promptly as possible for the wellbeing of our students. Our school has completed the planning phase and the twenty percent (20%) schematic design phase, and we are currently in the design-build phase for our school replacement construction project. Reaching this milestone has taken a significant amount of time and effort.

DCGS greatly appreciates the Subcommittees' dedication to prioritizing appropriations and oversight for school repair and replacement construction throughout the Bureau of Indian Education (BIE) school system. We could not be where we are in this process without your dedication to our students' well-being. DCGS values our partnership with you, the BIE and the Indian Affairs Division of Facilities Management and Construction (DFMC). We will work to make sure this partnership leads to solid successes for DCGS, for the federal government, and most importantly, for our students.

We understand that the FY 2020 Omnibus Appropriations Act provides for the Education Construction activity to be more clearly separated from the other Construction activities funded under the Indian Affairs budget. We do not know what the practical implications of this budget separation will be, but we hope our experiences and comments here today can help improve the process for future school replacement projects.

DCGS has sought to work cooperatively with the DFMC throughout the new school replacement project in order to reach each milestone of the project in an expeditious manner. DCGS has had discouraging experiences with the DFMC that we would like to bring to the attention of the Subcommittees.

DCGS has worked diligently to provide the DFMC the necessary documents for its review, which have been consistent with our school's grant amendment requirements for each phase. However, the DFMC both during the planning and design phases has introduced requirements that are not within the scope of our grant amendment requirements. As an example, during the planning phase, the DFMC insisted that our school address issues related to a sewer lagoon, which were unrelated to any requirements in the planning phase scope of work. Additionally, during the twenty percent (20%) schematic design phase, the DFMC required the school to include building commissioning services – a requirement that is wholly unnecessary during the twenty percent (20%) schematic design stage.

Second, DCGS has repeatedly experienced difficulty in securing adequate funding from the DFMC, particularly with respect to the twenty percent (20%) schematic design and the design-build phases of our project. As previously noted, the DFMC has introduced requirements that are not included in a particular phase's scope of work. However, the DFMC often refuses to allocate additional funding for these additional requirements in response to our school's objections. Further, our school developed costs associated with the design-build phase portion of our project in accordance with the Report of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee (Report). The DFMC subsequently denied DCGS's budget allocation for administrative costs for this phase and claimed that the Report's formula for administrative costs is not applicable our school's procurement method. This DFMC denial was made without prior explanation to us during our development of the project's design-build costs.

DCGS believes the above concerns could be somewhat alleviated through more timely and transparent communication on behalf of the DFMC. It is extremely difficult for our school to complete each phase of our new school replacement project when the DFMC specifies certain requirements in our grant amendment documents and then raises new and sometimes conflicting requirements during meetings and in correspondence. This frustration is compounded when the DFMC then refuses to provide the necessary funding which would allow our school to comply with the DFMC's additional demands.

DCGS is committed to ensuring the wellbeing of our students by putting our replacement school in operation as soon as practicable. We do not accept the notion that we should compromise the integrity of this process by accepting the DFMC's "take it or leave it" approach in response to our concerns. That approach was soundly rejected by the Congress when it enacted the Indian Self-Determination and Education Assistance Act in 1975. That Act provided for "effective and meaningful participation by the Indian people in the planning, conduct, and administration of [federal] programs and services."

Unfortunately, for our students, the DFMC's approach has led to protracted delays in implementing each phase of our project. As the Administrative Specialist at DCGS, I see how our students are negatively impacted by going to school in buildings that should have been replaced long ago. Each day of delay adversely affects our students. These delays could be prevented if we received consistent, clear and upfront expectations from the DFMC, as well as adequate funding from the DFMC to meet those expectations.

Conclusion

In closing, Dzilth-Na-O-Dith-Hle Community Grant School thanks the Subcommittees for the important funding increases and oversight directed to school repair and replacement construction. Direct, consistent funding is needed to achieve the timely completion of construction of schools on the 2016 Replacement List and to properly maintain these important federal investments for our children's future. For FY 2021, we ask that you continue these critically needed funding levels and redouble your efforts to keep the Administration accountable for the timely and transparent completion of projects. I am here today because at DCGS, we believe that all children deserve the opportunity to reach their potential and to go to school in safe buildings. Thank you for remaining our steadfast partners in this most critical endeavor.

DCGS is thankful for the opportunity to provide testimony. Please continue to consider us a partner and a resource. Please contact our Administrative Services Director Faye BlueEyes at: fayeblueeyes13@gmail.com if you have any questions.

Ms. MCCOLLUM. Thank you. Ms. Largo.

Ms. LARGO. Good morning. Good morning, Madam Chair, Ranking Member, and members of this Appropriations Committee. I appreciate the time to share with you. I am coming from the Navajo Nation. I speak on behalf of nine Bureau-funded schools that are operated as tribally-controlled schools. The executive board from these nine schools and the administration are committed to providing the best educational services for the children in our communities.

We want to make sure that we continue to receive funding to operate instructional classrooms, residential programs, facility programs, transportation programs. Our technology is so crucial in providing the learning process to our young people; for our business offices to make sure that our funding is always accounted for. We want to make sure that is always taken care of. We want to make sure that our administration and the school board remain on par and meeting the needs of these young people.

While we are doing this on a day-to-day basis, there are some challenges our schools experience. One concern is that we are seeing an increase in the number of suicide ideations of our young people. To meet their needs, we have to make sure we get them the proper professional people, which means I have to find funding to pay specialized counselors. We also end up providing support services. Although we are teaching, we will take the time out to make sure we provide these young people the kind of support they need. So we really need to pay attention to the monies that come in to pay the personnel cost.

We are already stretched with the ISEP funding that we get, but we want to make sure we continue to meet costs. So we want you to help us in paying attention in the BIE teacher pay parity. The law requires that teachers and counselors and the BIE school system are paid at the same rate as their counterparts and the overseas Department of Defense school system. For some reason, our administration did not request for those fundings. We did meet with them. We did make it a point to mention to them that we need their help in making sure that they request for these fixed costs to account for the 25 U.S.C. Subsection 220. They could use that as an authorizing status in requesting for this fixed cost. So we ask for your support in making sure that we get that because we do need the monies in operating schools.

The other latest concern that we are experiencing is on the reservation, we are spread into New Mexico. New Mexico has provided their State teachers a 10 percent increase. Arizona has spread 20 percent over three years, which is making it really tough to maintain our teaching staff. We have excellent teachers. We have done very creative, innovative professional development to keep our teachers on our campuses. We are going to need help there.

Another area that would help our school's ISEP funding is if we don't have to pay so much for the insurance. We do have challenges in making sure that our staff is provided stellar benefits. Right now, a great deal of our funding goes there. But if we could get assistance and helping to make sure that a tribally-controlled school would have the same access to Federal employee health benefits programs and the Federal employee group life insurance would be

of great assistance. It would not cost the government anything, but it would help us at least maintain some of the monies that we now spend. At least 50 percent of the monies we spend stay within the school pots for our children to have access to those monies.

The other one is our native language programs is having a big impact. I am so happy that our teachers are now teaching the Dine language to our children. They are speaking. They are now hearing the language. I see that there is more confidence in them. It must continue to be funded. I can't say enough as to how well that program has changed our children.

Thank you. I appreciate your hard work. You have got us supporting you, so keep doing what you guys are doing. [Speaking native language.]

[The statement of Ms. Largo follows:]

Written Testimony of Sylvia Largo, Principal of Pinon Community School and Member of the Dine' Grant Schools Association

Submitted to the

United States House and Senate Appropriations Subcommittees on Interior, Environment, and Related Agencies

Regarding the FY 2021 Indian Affairs Budget

Filed February 3, 2020

The Dine' Grant Schools Association (DGSA) is comprised of the school boards of eight Bureau of Indian Education (BIE)-funded schools which are operated pursuant to the Tribally Controlled Schools Act (Pub. L. 100-297) and located on the Navajo Nation in Arizona and New Mexico. These schools are: Black Mesa Community School; Dzilth-Na-O-Dith-Hle Community Grant School; Hanaadli Community School/Dormitory, Inc.; Na'Neelzhin Olta Community School; Pinon Community School; Ramah Navajo Pine Hill Schools; To'Hajiilee Community School and Wide Ruins Community Schools, Inc.

Success through language, culture, community involvement, and high standards. As tribal school boards, we have both the greater freedom and the tremendous responsibility to ensure that our students receive a quality and culturally relevant education that will help them reach their fullest potential. We believe that successful students know who they are, that they are valued, and that great things are expected of them. Our schools incorporate Navajo language and culture into our curricula. We set rigorous standards that our students must strive to meet and recognize their achievements to affirm their sense of accomplishment.

Our highest funding priorities remain those core line items in the Bureau of Indian Education (BIE) budget that keep our lights on, our doors open, our students safe, cared for, and challenged to reach their full potential and that pay the very modest salaries of our talented and dedicated teachers and staff. **ISEP Formula Funds; Student Transportation; Early Childhood Development (FACE); fully funded Tribal Grant Support Costs; Education Program Enhancements**; **Facilities Operations and Maintenance;** as well as **School Replacement Construction** and **Facilities Improvement and Repair.**

This year, we would like to highlight three aspects of these priorities and why they matter so much for student outcomes: (1) BIE Teacher Pay Parity: the need to fund the currently unfunded statutory requirement that teachers and counselors teaching in the BIE school system be paid the same amount as their counterparts who are teaching overseas in the Department of Defense Education Activity (DODEA) school system; **(2) Helping Schools Spend Less on Insurance:** a no-cost opportunity to help BIE-funded, tribally-controlled schools save money when purchasing health insurance for our teachers and staff; and **(3) Native Language Immersion:** why sustained and increased funding for the **Native Language Immersion** program is so critical.

(1) BIE Teacher Pay Parity. Federal law requires that teachers and counselors in the BIE school system are to be paid the same rate as their counterparts serving overseas in the Department of Defense Education Activity (DODEA) school system. 25 U.S.C. § 2012.

While the BIE system schools are required to pay comparable rates to teachers and counselors, Congress is not compelled to appropriate sufficient funds to fulfil this requirement.

Each year, from FY 1999 through FY 2014, the Department of Interior's annual Budget Justification for Indian Affairs requested specific Fixed Costs increases to account for this requirement and cited 25 U.S.C. § 2012 among its authorizing statutes. Please note that for each of the years from FY 1999-FY 2005, the Department of Interior would specify how much of this increase was to be directed to BIE-funded schools operated pursuant to Indian Self-Determination and Education Act (PL 93-638) contracts and Tribally Controlled Schools Act (PL 100-297) grants.

The Department of Interior's annual Budget Justification for Indian Affairs continues to cite 25 U.S.C. § 2012 among its authorizing statutes, but in FY 2015 the Department inexplicably stopped requesting this as a Fixed Costs increase and has failed to make this request each year thereafter.

When the Department of Interior fails to request this required increase as a Fixed Costs increase, these funds are left out when Congress approves "requested fixed costs and related transfers." Then, when these Fixed Costs are not funded, BIE-funded schools must use their core operating and education funds from the Indian School Equalization Program (ISEP) Formula Funds account to make up the difference, thereby reducing the funding for other critical educational needs.

This could not come at a worse time: there is a teacher shortage throughout the Southwest and schools are struggling to compete for teachers. As the BIE has acknowledged, the BIE school system has long struggled to recruit and retain a sufficient number of qualified teachers, often due to factors such as the remote location of many schools and the lack of competitive salaries and adequate employee housing options. Meanwhile, the State of New Mexico is considering increasing teacher pay by five (5) percent for School Year 20-21. As our schools try to match our teachers' salaries with those of the public schools in New Mexico and Arizona in order to retain our staff, we must make sacrifices in other vital areas. For example, one of our member schools was forced to leave its Librarian and Receptionist positions vacant and make other cuts to meet the increases for teachers' salaries.

The Dine Grant Schools Association respectfully asks you to help by calling for the Department of Interior to restore its practice of including in its annual budget request a Fixed Costs increase to cover BIE teacher and counselor pay parity with their DODEA overseas counterparts pursuant to 25 U.S.C. § 2012. We also ask that you insist upon the Department specifying the portion of those Fixed Costs increases that are designated for BIE-funded schools operated under contracts and grants in the Bureau of Indian Education Budget Justification. Alternately, we believe that Congress could simply specifically provide this Fixed Costs increase in appropriations should the Administration fail to request it.

(2) Helping Schools Spend Less ISEP Funds When Purchasing Insurance Coverage for Employees. Tribes carrying out federal programs under the Indian Self-Determination and

Education Assistance Act (PL 93-638) and urban Indian organizations operating health programs under IHCIA Title IV can participate in the Federal Employee Health Benefits program (FEHB) and Federal Employee Group Life Insurance (FEGLI) program to get a better deal purchasing insurance coverage for their employees. Tribes and urban Indian organizations that participate in these two programs cover the full cost of the employer share and their employees cover the employee share, so as a result, the federal government incurs no additional costs when eligible Tribal and urban Indian employers opt into these programs.

Unfortunately, we understand that a clarification is needed to ensure that BIE-funded schools being operated pursuant to the Tribally-Controlled Schools Act (PL 100-297) can participate as well. If BIE-funded, tribally-controlled schools could participate, not only would we get a better deal and spend less of our scarce ISEP funds purchasing insurance coverage for our employees, we would be able to purchase more comprehensive insurance coverage. This would not cost the federal government any money, and would in fact help us spend less of our federally appropriated money on insurance, leaving more ISEP funds for essentials such as classroom materials or giving our dedicated and underpaid teachers a very modest raise and providing benefits competitive with state public school systems.

We would like to thank the Chair and Ranking Member of this Subcommittee, the Administration, Members of Congress on a bipartisan basis, as well as the National Congress of American Indians (NCAI), the National Indian Education Association (NIEA) and many others for supporting this clarification to include tribally-controlled schools. We understand that one school testified before Congress that with this technical fix, they would be able to save nearly $1 million per year in insurance costs for employees. We note that of the 183 schools in the BIE-funded school system, 130 of them are tribally-controlled and would thus be able to benefit from these cost savings.

(3) Native Language Immersion. We would like to thank the Subcommittees and the Administration for your commitment to increasing funding for **Native Language Immersion** under the **Education Program Enhancements** line item. Our language, history and culture are inextricably linked. Language immersion goes far beyond learning simple words and empowers our students fully embrace their heritage and identity as Dine'. Further, studies and our own observation show that students who have the opportunity to fully embrace their language and identity, perform better in school. Ahé hee', Thank you!

Ms.MCCOLLUM. Please.

Ms. COHO. Good morning. I am Beverly Coho, recent past president of the Ramah Navajo School Board, Incorporated, and also secretary-treasurer at this current time. And the Ramah Navajo School Board, Incorporated operates the Pine Hill schools and other community services in West Central New Mexico. And I concur with the statements made by my colleagues at this table because it also reflects the needs that we have in the Ramah Navajo community, and particularly the Federal employee health benefit initiative.

With 50 years—50 years—of institutional history at this first institution, where we took over community control and self-determination, the Ramah school board has unique capacity to administer its own program, and true to its founding measure, to educate the community people. The Ramah community people have come a long ways along the road of self-determination and establishing capacity and the ability to educate its people.

This month, we celebrate our golden anniversary, and thank you in large part to the early partnership established between the U.S. Congress and the Ramah Navajo school board. Our Founders came here, talked to your predecessors in 1970, and ever since we have been operating our own. Thank you, [Speaking native language] also on behalf of our constituents, who are very thankful for the funds that were made available recently. These funds were for improvement to the HVAC system, also to the renovation of the existing school buildings, also the building of a new gymnasium. And students are fortunate for the opportunity that they will be learning in an environment that is conducive to learning.

But to fully realize the potential of operating in new or refurbished, the infrastructure have to be undergoing major rehabilitation and upgrading. For example, the water system, sewer and waste system, electrical system, gas system, roads on campus, broadband, and improved IT systems. Right now, the infrastructure is life threatening. There is a constant water crisis causing the school to shut down every now and then, and this causes a great deal of interruption. And we hope when we get new funds that it would help us to conduct comprehensive hydrology stud to assess the water availability and the water table.

Also secure the service of qualified engineers to conduct preliminary scope of work repair and/or replace the wells, rehabilitate the water treatment plant, including upgrading and replacing control systems, install water tower storage at perhaps 500,000 gallon capacity on campus, which we don't have at this time. Replace the water main throughout the campus. Initiate and maintain water testing so that we are in compliance with EPA standards and regulations; and the roads would be repaved because a lot of the infrastructure are underneath the pavement.

Also security cameras will be upgraded. The operation of the facility management will be enhanced. As it is, we use only 51 percent of funds for facility management, and we get a little bit from ISEP, but then if we get additional funds, we would be complementing the ISEP funds. Also the patchy unreliable internet system will be improved to serve as the lifeline for not only the schools, but the medical clinic that we operate there on campus.

There is still a way to go on the road to self-determination, and the best way to do this is to stay the course, continue to make progress by working with one another, tribal, Federal and State partners. We wholeheartedly appreciate the bipartisan support and partnership while we work to provide a safe and promising future for our students. Thank you very much.

[The statement of Ms. Coho follows:]

RAMAH NAVAJO SCHOOL BOARD, INC.

P.O. BOX 10 * PINE HILL, NEW MEXICO 87357 * 505-775-3256 * FAX: 505-775-3240

Congressional Testimony of the Ramah Navajo School Board, Inc.
Regarding FY 2021 Appropriations for the BIE
to the U.S. House and Senate Appropriations Subcommittees
on Interior, Environment, and Related Agencies
Submitted February 3, 2020

Honorable Chair, Ranking Member and Subcommittee Members, *Ya'aht'eeh*. My name is Beverly Coho, Secretary and Treasurer of the Ramah Navajo School Board, Inc., On behalf of the Ramah Navajo people I would like to thank you for the opportunity to provide our testimony.

I represent Ramah Navajo School Board, Inc. (RNSB, Inc.) Our corporation oversees many programs and services on Ramah Navajo Land. RNSB, Inc. is incorporated by the state of New Mexico and authorized by the Ramah Navajo Chapter to operate the K-12 Pine Hill School, a Head Start program, Early Intervening services, the Pine Hill Health Center, Behavioral Health, Social Services, Higher Education Program and a scholarship program. As you can see we provide many much needed programs and services to the Ramah Navajo People all the way from birth to old age. Ramah Navajo land is also located in a remote mountainous region of New Mexico. There are very limited opportunities for employment and education outside our campus. In order to provide quality services and programs we must have an adequate infrastructure in place to support what we do. We need good roads, water system, electrical lines, sewer system, gas lines for heating, and buildings. Most of the infrastructure was built in the 1970s and early 1980s. Through natural wear and life span of the infrastructure, and although we have done our due diligence in operation and maintenance, many parts of the infrastructure are in need of repair or replacement. The federal funding we receive is allocated for operating the grants and providing services. Therefore, very little is left over for repair or replacement.

I am here today to ask this congressional Subcommittee to assist us in funding the much needed repairs or replacement of our infrastructure. **Our priority budget line items in the Bureau of Indian Education (BIE) budget are ISEP formula funds; Student Transportation; Education IT (access to broadband)** as well as the **BIE Education Construction** budget line items for **Facilities Improvement and Repair** and **School Facility Replacement Construction**.

Facilities Improvement and Repair and **School Facility Replacement Construction**. First and foremost, we deeply appreciate the Subcommittees' commitment to increases in appropriations for these line items, particularly the increases for Facilities Improvement and Repair and School Facility Replacement Construction. The state of our school facilities is such a pressing need, it is hard to talk about anything else. Progress on improving our school facilities and other schools' facilities has been possible because of bipartisan Congressional commitment to both increased funding and increased oversight. Unfortunately, because of our experiences with the Indian Affairs Division of Facilities Management and Construction (DFMC) over the past year, we are asking you to redouble your oversight of DMFC.

In 2018 after RNSB, Inc. came to Washington, DC to testify before this Subcommittee about the appalling state of our school facilities and to and meet with our Congressional Delegation, the Director of the BIE and the Director of the Office of Facilities, Property and Safety Management (which oversees DFMC), we were able to enter into a planned agreement with the DFMC on a phased approach to addressing our critical facilities issues such as a lack of lightning protection on our school buildings and a black mold infestation which had caused our library and kindergarten buildings to be shut down. These Phases are: Phase 1: Address Emergency Work Items; Phase 2: Renovate and Repair Existing Structures; Phase 3: Gym Replacement and Grounds Improvement and Repair.

We were encouraged when this planned, phased approach was created and when Phase 1 was completed. However, since that time we have run into roadblock after roadblock with the DFMC. Each phase is designed to have a planning stage; design stage; and construction stage. Unfortunately, for the past year we have been stuck in the planning stage for both Phase 2 and Phase 3 of our plan. The crux of the issue appears to be that that DFMC is, by our calculations, substantially underestimating the "program of requirements" (POR) during the planning stage. The POR is determined based on projection of the number of students who will be using these facilities in the future. The last 10 years of data on a school's Average Daily Membership (ADM) go into calculating the POR. We ran these calculations ourselves, using the DFMC guidelines, and arrived at substantially different POR numbers than the DFMC. Unfortunately, we found inconsistencies in how the DFMC is calculating ADM and calculating POR—resulting in what we believe is a substantial underestimating POR and then using these POR numbers to propose unworkably smaller buildings than what we currently have. These disagreements on POR calculations have created material delays in Phases 2 and 3 moving forward. Unfortunately, we are concerned that other schools are also being given smaller POR numbers but may not know that it is possible to object to these calculations.

Estimated Costs for Our Most Pressing Funding Needs. Below we highlight some of our most pressing funding needs. We believe that our Pine Hill School faces challenges similar to many other schools in the BIE school system and we hope that by highlighting our specific examples, this can help inform the development of the FY 2021 BIE budget in a way that can benefit all students.

1. Our water system needs to be replaced. From the two water wells (need water pumps, drop pipes, electrical lines), to the water lines (needs to be relocated away from under the road), new water filtration and treatment center, all the way to the sewer lagoon.
   A. First, a Preliminary Engineering report (PER) must be completed.
   B. Estimated Cost - $4,450,000

2. The paved road coming onto the RNSB, Inc. campus needs to be repaved as there are many cracks and potholes.
   A. Estimated Cost - $1,000,000.00

3. The campus is in need of a perimeter fence to enclose the campus. Currently, the campus is open and anyone or thing can walk across the campus. The school and clinic need to be secured. This is a major safety issue.
   A. Estimated Cost - $1,000,000.00

4. In order, to provide a safe campus the campus, especially the school needs an upgraded security camera system.
   A. Estimated Cost - $1,000,000.00

5. The Pine Hill School receives ISEP funding, but it is not sufficient to cover the salary of all needed teachers, support personnel, and to operate an effective facilities management department.
   A. Estimated Cost - $150,000.00

6. Ramah Navajo is in a remote area with many of its road unpaved. The Pine Hill buses must navigate many miles of unimproved roads. We need sufficient funding for bus replacement and repair. And funds for road improvement (gravel for the unimproved roads).
   A. Estimated Cost - $1,000,000.00

6. The Pine Hill School currently relies on patchy, unreliable internet access. 12 miles away, there is a fiber optic landline we could connect to. Reliable internet access would be a lifeline for both our Pine Hill School and the medical clinic we operate.
   A. Estimated Cost - TBD

Conclusion

The Ramah Navajo People have come a long way on the road to self-determination and to establishing the capacity to govern and educate our own people and provide services to three counties in New Mexico in an intergovernmental, collaborative way. There is still a way to go on that road, and we believe that the best way to stay the course and to continue to make progress is to maintain the current institutional relationships that the community has forged with our tribal, federal and state partners. Thank you for being our partners as we work to provide a safe and promising future for our students.

Ms. MCCOLLUM. Thank you.

Mr. CUNY. [Speaking native language.] Good morning, Chairwoman McCollum, Ranking Member Joyce, and the honorable subcommittee. Thank for the opportunity to testify on behalf of the Oglala Lakota Nation Education Consortium, which represents the Oglala Sioux Tribe authorized grant school. I serve as the superintendent of one of these schools, Little Wound School District, in South Dakota on the Pine Ridge Indian Reservation. My testimony today focuses on challenges are tribal grant schools face as a result of underfunding within the Bureau of Indian Affairs and the Bureau of Indian Education.

Today the primary means of the support is the Indian School Equalization Program, also known as ISEP. It provides per pupil allocation to the Bureau of Indian education grant schools for general operations expenditures. These funds, according to the Bureau's own documentation, are designed for educational-related programming, such as staff salaries and benefits, classroom supplies, textbooks gifted and talented programs, and extracurricular activities. Unfortunately, funding is not sufficient to operate our schools.

So today, I really want to paint a picture for you as an active school superintendent in a tribal grant school, and just give you some key financial challenges we face with today's current BIE/BIA policies and the application of attaining well-qualified teachers and operating within our means. And so I may skip around a little bit, but I will try and touch on the main points.

One reason why is that federally-funded programs like transportation, food service, special education, and facilities, are themselves underfunded, and ISEP dollars must be used to plug in these budget holes. So we are constantly pulling ISEP dollars that were intended for education for school operations, so that is a huge challenge across the board. The other thing is facilities. BIA Facilities Operation and Maintenance Program is a primary example. Since 1981, our school has only received full O&M funding once, and between 2000 and 2016, our school received $5 million less in facilities funding that is needed.

So if you look at chart A, it gives kind of a 16-year account of our O&M funding. So generally, I think last year we received about $1 million dollars for O&M funding, but if you calculate that figure of needs for O&M funding, our school has missed out on about $5 million dollars of facility O&M funding over the last 16 years.

At Little Wound School, our elementary school building is 75 years old. Our middle school is 40 years old. It is a tin building. They are both very dilapidated schools. We recently had an energy efficiency study conducted by BIA in 2010, which described a $5 to $8 million repair that still hasn't been funded, and so we still are paying high energy efficiency costs to operate our school. The other key point that I want to touch on today is FEHB benefits. One of the biggest critical factors for Little Wound School is we currently have a health plan where we pay individual coverage at about $900 a month per staff member. If we qualify for FEHB benefits, that would reduce that cost to the school to about $425 a month.

So Little Wound School operates on $13 million a year. This change would save us $1.4 million annually. If we receive this

change, we would be utilize those funds to support education, and so I think that is a quick fix that you guys have already taken steps towards. I think it is a bipartisan agreement that would help all the tribal grant schools across the country.

In conclusion, you know, as we move forward, I am honored to be here today. The Ramah School was the first local controlled tribal grant school. The second school was Loman School on the Pine Ridge Indian Reservation. And so over the course of the last 45, 50 years, our tribes have had local control. But if you look at the way policies have been applied historically, tribal grant schools are falling further and further away from fully being funded. And I am hoping that my testimony today will support the appropriations as we move into the 21st century and help support the children of Oglala Sioux Tribe and their future. Thank you.

[The statement of Mr. Cuny follows:]

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

Charles Cuny, Jr., Little Wound School Superintendent
On behalf of the Oglala Lakota Nation Education Consortium

February 12, 2020

Chairwoman McCollum, Ranking Member Joyce, and honorable members of this subcommittee.

Thank you for the opportunity to testify on behalf of the Oglala Lakota Nation Education Consortium, which represents the Oglala Sioux Tribe's authorized grant schools.[1] I serve as the superintendent of one of these schools, Little Wound School District, on South Dakota's Pine Ridge Indian Reservation. My testimony today focuses on the challenges our tribal grant schools face as a result of underfunding within the Bureau of Indian Affairs and the Bureau of Indian Education. Specifically, how inadequate appropriations to the Indian School Equalization Program hinders our ability to recruit and retain great teachers; maintain our aging facilities; equip our classrooms with 21st century technology; and provide our students with the high quality education they deserve and were promised.

In 1868, the Fort Laramie Treaty was signed between representatives of the Lakota Nation and the United States. This treaty established the federal government's role and commitment to "best promote the education" of Lakota youth by providing teachers, schools, and educational funding.

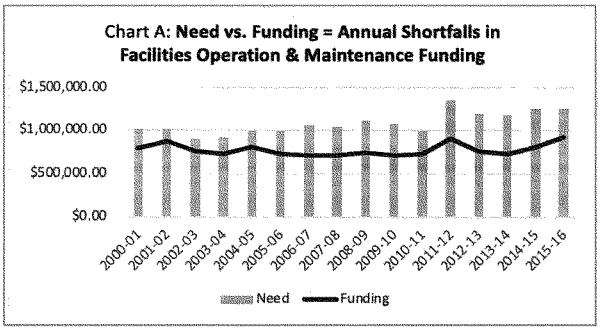
Today, the primary means of this support, the Indian School Equalization Program, or ISEP, provides a per-pupil allocation to Bureau of Indian Education-funded grant schools for general operating expenditures. These funds, according to the Bureau's own documentation, are designed for education-related programming, such as staff salaries and benefits, classroom supplies, textbooks, gifted and talented programming, and extracurricular activities. Unfortunately, ISEP funding is not sufficient to operate our schools well.

One reason why is that other federally-funded programs, like transportation, food service, special education, and facilities—are themselves underfunded, and ISEP dollars must be used to plug these budget holes. Draining ISEP funds for needed expenses in other areas leaves our schools with less money to pay teachers and invest in student programming.

The BIA Facilities Operation & Maintenance (O&M) program is a prime example. Since 1981, our school has only received full O&M funding once, and between 2000 and 2016, our school received $5 million less in facilities funding than needed (see Chart A, below). Unfortunately, this stands in direct contradiction to CFR Title 25, Chapter 1, Subpart L, Section 39.1203, which states that "The Assistant Secretary shall arrange for full funding for operation and maintenance of contract schools by fiscal year 1981." Although it has been 39 years, we still look forward to the day when this arranging has been completed and our schools are consistently provided with the full funding we are statutorily assured.

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[1] Six of thirteen schools on the Pine Ridge Indian Reservation are tribal grant schools: American Horse School, Crazy Horse School, Little Wound School, Loneman School, Porcupine School, and Wounded Knee District School.



Between 2000 and 2016, Little Wound School has received $5 million less in facilities funding than needed. A BIE software update in 2016 no longer provides data to schools about facilities operations and maintenance underfunding.

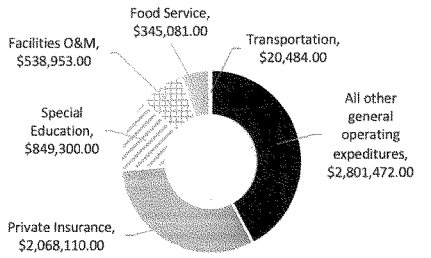
In the meantime, our schools continue falling into disrepair, and we do not have the funds to maintain, let alone upgrade, our buildings. At Little Wound, our elementary school building is more than 75 years old, and middle school students attend classes in a 40 year old metal building designed for temporary use. These buildings are heated by an outdated oil-burning furnace that would cost more than $5 million to replace and we have not received any funding from the Bureau to make this upgrade. Heating these antiquated buildings with an inefficient furnace is a significant drain on our already limited facilities funding. We are consistently forced to direct ISEP money to facilities upkeep at the expense of education-related programming. (This is to say nothing of the fact we've received no maintenance improvement and repair funding from the BIE since 2014/15 and no quarters improvement and repair funding since 2015/16.)

One solution is appropriating or allocating funds within the Bureau for new school construction projects and facility upgrades. For the past five years, the BIA has been conducting a series of Component Replacement Feasibility Studies, ranking tribal schools on different scales and metrics in the hopes of identifying the schools that are most in need of rebuilding. While we appreciate that these studies are taking place, there have not been commensurate increases in the Bureau's budget for new school construction. In fact, the Education Construction budget within the BIE has been decreasing. Sadly, this does not seem to be changing any time soon: The FY2020 Greenbook budget justifications published by the BIE show continued reductions and acknowledges that only 76% of needed Facilities O&M funding is provided by the Bureau itself.

This illustrates a pattern: Consistently underfunded programs at the BIA and BIE force tribal grant schools to fill those gaps with ISEP money. Money that was intended to hire great teachers, pay them a living wage, provide them with adequate healthcare and retirement benefits, equip classrooms with technology and books and materials, and enrich student education through gifted and talented programming and extracurriculars is siphoned away to compensate for underfunding of other Bureau programs. Last year alone (as shown in Chart B, below), more than half of our ISEP income was used subsidize underfunding for food service, transportation, and facilities operation and maintenance, along with our outlays for special education and private health insurance. After these budget adjustments, less than half of ISEP funds remain for educational programming and staff salaries.

My testimony could approach this topic from many angles and end up at the same conclusion: that tribal grant schools suffer as a result of inadequate federal funding, particularly in the Indian School Equalization Program. Last year was the 150th anniversary of the 1868 Fort Laramie Treaty, and somehow our tribal nations are still working to see its education provisions honored.

Chart B: **Distribution of ISEP Funding to Programs**



***Note:** Switching from private insurance to FEHB would save Little Wound School 53% of its annual insurance budget.*

This funding reality places tribal grant schools at a unique disadvantage, especially when compared to BIA-operated and state-funded schools, which are often just down the road from our own. One example is teacher pay, which affects our ability to recruit and retain our educators. Oglala Lakota County School District, also on the Pine Ridge Reservation, is state-funded and offers starting teacher salaries $9,000 greater than Little Wound School. Each year, we plan for a teacher turnover rate of 20%, as our staff members leave for higher paying schools down the road. We would love to raise the salary we offer to our instructional staff, but the ISEP dollars we would need are already being used to compensate for underfunding elsewhere.

To attract and retain excellent staff, we must also offer competitive benefits. Private insurance comes at a significant cost, and is paid for out of ISEP funds. At Little Wound, we offer a $5,000 deductible plan for individuals, which costs $1,032 per month. The out-of-pocket cost for families is $2,400. These insurance premiums have more than doubled since 2008, further constraining our budget. This affects tribal grant schools significantly more than BIE-governed schools. Down the road from Little Wound is Pine Ridge School, governed by the BIE, which offers its staff a $500 deductible plan for $464 a month. Pine Ridge School directly benefits from the fact that it has access to Federal Employee Health Benefits (FEHB), and we do not.

Bipartisan legislation has been introduced in both chambers of Congress, the Tribal Schools Federal Insurance Parity Act (H.R. 895 and S. 279), that would fix this disparity. Passage of this legislation would make tribal grant schools eligible to participate in FEHB. FEHB would reduce our individual schools' insurance costs by half. These savings would help increase teacher salaries and programming for students. Our analysis at Little Wound shows that switching from private to federal health insurance would save our school $1.4 million annually.

Our schools should have always been eligible for FEHB, and this legislation rectifies a historical error. It was only in 1975, when the Indian Self-Determination and Education Act, or PL 93-638, passed that tribes gained some authority over schools. In 1988, Congress authorized Tribally Controlled Schools as part of PL 100-297, for the first time permitting tribal schools to elect their own school boards. After centuries of outside control, most tribes exercised sovereignty over their schools when given the chance. Unfortunately, PL 93-638 and PL 100-297 are written such

that the tribal grant schools they authorized lose access to Federal Employee Health Benefits in exchange for the autonomy of local governance, even though a majority of school funding is Bureau of Indian Education-sourced—however insufficient it may be. We do not receive supplemental funding from the State of South Dakota or the Oglala Sioux Tribe, and our schools are located in America's poorest county. No luxury casino payments prop up our budgets.

The financial constraints impacting tribal grant schools today in many ways stem from this decision, made decades ago: whether to remain under the authority of the BIE or allow our communities to exercise local governance. About two thirds of BIE-funded schools chose the latter, including all the schools that comprise the Oglala Lakota Nation Education Consortium. At the time these decisions were made, funding between the two models was functionally equal. But the models diverged over time, and tribal grant schools today suffer from less than full funding. Compounded over decades, these federal appropriations and allocations decisions have put our schools at a distinct disadvantage in our work to serve Native American youth.

Systemic challenges make our work even harder. Over the past 40 years, the Great Plains Region has had limited access to technical assistance and on-the-ground support from the Bureau. The Division of Facilities Management and Construction is far away, in Albuquerque, and the nearest field office is in Aberdeen—300 miles away. Additionally, the BIE reorganization, outlined in the 2014 Blueprint for Reform, leaves many questions unanswered and we have concerns about its implementation. For example, the Bureau is supposed to locate an Education Resource Center (ERC) in Kyle, and more than five years later this remains undone.

The evidence is not purely anecdotal, nor isolated to our tribal grant schools on the Pine Ridge Indian Reservation. Over the years, reports from the Government Accountability Office and the Department of the Interior's Office of the Inspector General have shined light on shortcomings at the BIA and BIE and how these challenges impact tribal grant schools. They note that only a fifth of BIA construction projects managed between 2003 and 2016 (and there were only 49) were on schedule.[2] The same report acknowledged that most BIE facilities "are in poor condition and have safety hazards." Others have found that the BIE lacks written procedures for financial oversight and is understaffed to a point that it cannot "conduct site visits and maintain regular interaction with school personnel."[3] And another has found "systemic programmatic weaknesses" at the Bureau, chronic "facility deficiencies," and noted that the facilities records maintained by the BIE are "misleading," "inaccurate," and "skewed."[4]

150 years after the Fort Laramie Treaty was signed and 40 years after tribally controlled grant schools were authorized, we still seek an education that "best promotes the education" of our Lakota children. Underfunding of the Indian School Equalization Program and other BIA and BIE programs, like Facilities Operation and Maintenance, does not help. As you consider appropriations, we ask that you keep in mind tribal grant schools and the promises made to us.

Thank you for your time and this opportunity to testify about these important issues.

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2 GAO: Actions Needed to Better Manage Indian School Construction Projects. GAO-17-447 (2017).

3 GAO: Bureau of Indian Education Needs to Improve Oversight of School Spending. GAO-15-121 (2015).

4 DOI OIG: Condition of Indian School Facilities. C-EV-BIE-0023-2014 (2016).

Ms. MCCOLLUM. Thank you. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair, and thank you all for coming here today and providing your testimony. It is well received. I think certainly with, Madam Chair, being a former schoolteacher herself, anything that has to do with education, she certainly guides in whatever direction she wants to. I am certainly in line as well. I come from a line of teachers, my grandmother, my aunts, my sister, and now my cousins, so I appreciate the hard work that goes into educating people. It is much more than just a school. It requires truly an educational community to make it happen. So we got to make sure that we provide for you. Thank you.

Ms. MCCOLLUM. We are going to look into what is going on with the school replacement that you talked about for the DSSG School District. So the division of facilities management construction, I have been passing notes because I have been trying to get the question up here good, as located in the Bureau of Indian. You are in Albuquerque. That is the region you have been dealing with?

Ms. BEGAYE. Yes.

Ms. MCCOLLUM. Or have you been dealing with the D.C. office and it hasn't gone well?

Ms. BEGAYE. The Albuquerque office.

Ms. MCCOLLUM. So just the Albuquerque office.

Ms. BEGAYE. Yeah, mm-hmm.

Ms. MCCOLLUM. Do you know from talking to other colleagues in Indian Country if they have experienced in other parts of the United States and other regions some of the challenges that you have had, like all of a sudden you are moving forward and there is no consultation, and you feel like the rug has been pulled out from underneath your feet because now you have to do a sewer lagoon?

Ms. BEGAYE. Yeah. Well, when I was here earlier listening to some of the other schools, they did mention some of the same problems and did bring to light that DFMC was kind of doing the same thing to them as well.

Ms. MCCOLLUM. Okay. That——

Ms. BEGAYE. But in their region.

Ms. MCCOLLUM. That is good for us to know because what I love about having the tribal public witness before we have the agencies here is you give us the questions to ask and to do follow up, so thank you. Everybody's testimony is a little different——

Ms. BEGAYE. Right.

Ms. MCCOLLUM. And so kind of put the bright red light on top of that, so thank you for that. The insurance, as I was said, I was passing notes. No disrespect, but there is a bill. It is H.R. 8595. It was introduced, and it dealt with the insurance issue that you have all brought up, which is very enlightening to me and something that you have done an excellent job of highlighting how we can save dollars so you can put them back into serving students. On January 5th, it was ordered to be reported by unanimous consent out of Natural Resources. So I am going to follow up and see what other committees it has to go through, and I will talk to our leadership about that. And if it came out of a unanimous consent, maybe you can talk to Mr. McCarthy as I am talking to Mr. Hoyer, and maybe see if we can get this on the floor, because that would be

great, or if there is a holdup, find out what it is so maybe we can work together and fix it.

The infrastructure package that I was talking about earlier, you know, looking at the whole school, you know, you move a school, you have to move pipes. You don't want to just move the pipes in the school and get them up to good standards. Everything that makes the connection, right? So I think you did an excellent job of highlighting that. And then I am going to have to look into, after the school shootings that took place, and we had one on our Indian reservations in Minnesota several years ago. We went in and put in some safety features. And I am hearing you talk about safety features. And as a superintendent, you are nodding your head yes.

I want to figure out what that Safe School Grant looks like, and I, quite honestly, don't know whether or not that those are grants you are available for. Do you know if you are available for the Safe School Grants, sir?

Mr. CUNY. I think we may be available for it. I know we have had conversations with BIA and BIE in terms of, you know, possibly filing for a DOJ that would provide an SRO and tribal grant schools. But the safe School Grant, I am sure we are available for it. It is just a matter of applying for it. But there are some capacity measures that could support school safety at the Federal level.

Ms. MCCOLLUM. Okay. So there are other issues we can look at, too, but we don't want to make this so complicated that you always have to be hiring a grant writer or taking time away from your other duties to write grants. So we want to try to work together with you to make this as seamless as possible. Thank you so much for your testimony. I have got some homework. You did a good job as educators. Thank you.

VOICE. Thank you.

Will the next panel please come up?

VOICE. Thank you so very much.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 6

WITNESSES

CARRIE L. BILLY, PRESIDENT AND CEO, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

LAURIE HARPER, PRESIDENT, TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY

LAWRENCE MIRABAL, CHIEF FINANCIAL OFFICER, THE INSTITUTE OF AMERICAN INDIAN ARTS

RYAN WILSON, PRESIDENT, NATIONAL ALLIANCE TO SAVE NATIVE LANGUAGES

Ms. MCCOLLUM. And as the next panel comes up, I want to thank you for your patience. You have waited 45 minutes extra to testify. I have got a big clock I am trying to watch, but we also want to hear from your colleagues. So thank you for your patience with the committee. And are you familiar with how the testimony is going to work, or would you like me to go over that again?

Ms. BILLY. Go over it again.

Ms. MCCOLLUM. Okay. Happy to do that. So I am going to ask you to introduce yourself. That will not count against your time. You will have 5 minutes. We will go a little faster if we don't do double introductions, and when you see the yellow light, you have 1 minute left. When the light goes red, we ask you to conclude your testimony. All your testimony will be submitted into the committee record here, so we thank you for all of it. And please don't feel rushed, and Mr. Joyce and I will ask a few questions when we are done.

But let's get started. So, Ms. Billy, will you lead us off?

Ms. BILLY. [Speaking native language.] My name is Carrie Billy. I am the president and CEO of the American Indian Higher Education Consortium, which is this nation's 37 tribal colleges. Madam Chair, and members of the subcommittee, thank you for your tremendous past support of tribal higher education and for your faith and the power of place-based culturally-grounded education and workforce development. They surely are the means for bridging the swirl of generational poverty and all that flows from that oppressive river.

Our tribal college requests are described in our written testimony, so I will not mention all of them. Briefly, we are close to full operating funding. We only need about $8 million dollars to feel fully fund the 30 tribal College Act institutions and a total of about $17 million in new support to fully fund all tribal colleges. We also ask for your help in meeting TCU construction and rehabilitation needs, beginning first with a study of tribal college facilities that was mandated, but never done, more than 4 decades ago.

Today, thank you for the opportunity to speak with you today, but let's not make this a once-in-a-year event. We invite you to visit any of the tribal colleges, in fact, all of them, any time so you can see and experience the impact of your annual investment in our Nation's 37 tribal colleges. The return on that investment between, $6 and $17 for every one Federal dollar, is visible every day at the tribal colleges and their communities.

At Southwestern Indian Polytechnic Institute in Albuquerque, New Mexico, you will meet pre-engineering student, Bobby Thomas. A SIPI student government president, Bobby can tell you how in just a few short years, SIPI tripled its completion rate while growing its enrollment by 25 percent. You will see 100 graduating students who already have jobs as optical and computer technicians, chefs, natural resource managers, early childhood educators, and more.

At Navajo Technical Institute University in Crown Point, New Mexico, you will meet Leslie Notan, Erica Bogoti, students enrolled in one of two ABET-accredited engineering programs and advanced manufacturing programs, where they use state-of-the-art 3D printers to make parts for Boeing, Honeywell, and Lockheed Martin. You will see those same students in their spare time using those same printers to make tiny little customized races for res cats and dogs with broken limbs. Leslie even reversed engineered parts for his old car to get to class every day, and Erica designed a now patented solar medical cooler, and a 3D print finger for her off-the-grid elderly family members with diabetes.

At Salish Kootenai College Pablo, Montana, you will see high school students spending their afternoon at SKC's innovative STEM academy working with college professors, engaging in community-relevant experimental learning and completing high school, already on a direct pathway to college. At Sitting Bull College in Fort Yates, North Dakota, you will visit their Lakota immersion nest and meet two and three-year-olds speaking only Lakota, part of the generation that will save their ancestors' language.

At Red Lake Nation College in Minnesota, you will meet high school senior, Emma King Bird, who through Red Lakes early college program, has now already earned more than half the credit she needs for an associate degree, and she has also completed basic training to join the U.S. Army.

At Turtle Mountain Community College in Belcourt, North Dakota, you will learn that when the college was established in the early 1970s, you could count the number of Ojibwe teachers on three fingers. Today, you will meet Billy Howell, a Turtle Mountain grad and one of 280 or so native teachers on or near the reservation.

Currently, more than 90 percent of the reservations reservation area teachers are native thanks to Turtle Mountain's elementary education and secondary science programs. That is the transformative power of tribal colleges, and you are responsible. I could go on, but you get the idea. Success story after success story. Native teachers, native scientists, native leaders, native nation builders. The future of our America is there at the 37 tribal colleges. Come and see it and be part of this native renaissance.

We are so close to full funding of the tribal college and universities assistance ask. We only need and ask for additional $8 to $7 million dollars. I know it is really difficult. But in closing we have one great need: 21st century technology-enabled facilities that TCUs need to help our tribes fully rebuild our nations. When Congress enacted the Tribal College Act 41 years ago, it directed Interior to conduct the study of TCU facilities, and authorized a construction program. Forty-one years later, the study has not been completed, and the construction program was never funded.

We ask this subcommittee to direct the Department to complete the study and fund the Tribal College Construction Program. Our tribes cannot be competitive in the 21st century without the ability to train a 21st century workforce. Let's end generational poverty in Indian Country. Thank you so much for all you do, and let's work to create a native renaissance. Thank you.

[The statement of Ms. Billy follows:]

STATEMENT OF CARRIE L. BILLY, PRESIDENT & CEO
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM (AIHEC)
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
ADDRESSING HIGHER EDUCATION PROGRAMS WITHIN THE BUREAU OF INDIAN EDUCATION

February 3, 2020

REQUEST SUMMARY

On behalf of the nation's Tribal Colleges and Universities (TCUs), which are the American Indian Higher Education Consortium (AIHEC), we are pleased to present our Fiscal Year 2021 (FY 2021) appropriations recommendations for the 29 colleges funded under Titles I and II of the Tribally Controlled Colleges and Universities Assistance Act (TCU Act); the two tribally chartered career and technical postsecondary institutions funded under Title V of the TCU Act; the two Bureau of Indian Education (BIE) postsecondary institutions; and the Institute of American Indian Arts (IAIA). The BIE administers these programs, with the exception of IAIA, which is funded in its own account. We respectfully recommend the following funding levels:

DEPARTMENT OF THE INTERIOR

- $82,000,000 to fund institutional operations under Title I ($64,109,000) and Title II ($17,000,000), along with TCU Endowments ($109,000) and technical assistance ($701,000), of the TCU Act. This funding would provide the Congressionally authorized amount of $8,000/Indian student for first time since the enactment of the TCU Act more than 40 years ago. This request also provides an additional $100,000 for needed technical assistance, which has been level-funded for 15 years despite growing numbers of developing TCUs and increased demands for accountability and student success.
- $15,000,000 for Title V of the TCU Act, which provides partial institutional operations funding for two tribally chartered postsecondary career and technical institutions.
- $10,710,000 for the Institute of American Indian Arts.
- $25,000,000 for Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, the BIE's two postsecondary institutions.
- $35,000,000 for TCU Infrastructure Improvement, authorized under section 113 of the TCU Act, yet never funded.

OPPORTUNITY AND INNOVATION IN INDIAN COUNTRY

The nation's 37 TCUs operate more than 75 campuses and sites in 16 states. TCU geographic boundaries encompass 80 percent of American Indian reservations and federal Indian trust lands. American Indian and Alaska Native (AI/AN) TCU students represent more than 230 federally recognized tribes and hail from more than 30 states. Nearly 80 percent of these students receive federal financial aid and more than half are first generation students. In total, TCUs serve more than 165,000 AI/ANs and other rural residents each year through a wide variety of academic and community-based programs. TCUs are *public* institutions, chartered by federally recognized Indian tribes or the federal government. No TCU is chartered by any other entity, and although several financially challenged institutions may *desire* to be tribal colleges, the criteria and standards are unambiguous, with tribal control being the central pillar. Further, all TCUs receiving federal funding have full and sustained accreditation by independent regional accreditation agencies and, like all U.S. institutions of higher education, must regularly undergo

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stringent performance reviews to retain their accreditation status. Each TCU is directly accountable to its tribal community/communities, and each one is committed to improving the lives of its students through higher education and to moving AI/ANs to self-sufficiency. Our collective vision is strong sovereign tribal nations through excellence in Tribal higher education. To achieve this vision, TCUs have become workforce and job creation engines, public libraries, tribal archives, small business incubators, and community computer labs. They operate Native language learning centers and immersion programs, community gardens, economic development centers, childcare centers, and applied research hubs for everything from natural resources to food sovereignty and community behavioral health.

Despite the hope and opportunity that higher education brings to Tribal communities, as well as the trust responsibility and binding treaty obligations, the federal government has never fully funded TCU institutional operations authorized under the TCU Act. But TCUs are resilient and resourceful, and we are proud to be leading the nation in many areas, including preparing an AI/AN workforce of nurses, land managers, and teachers for Native schools. For example, half of all AI/AN special education teachers in Montana are graduates of Salish Kootenai College. TCUs prepare professionals in high-demand fields, including agriculture and natural resources management, IT, and building trades. By teaching the job skills most in demand on our reservations, TCUs are laying a foundation for tribal economic growth, which is the *only* way to move tribes and tribal members to self-sufficiency. Yet, we know that workforce development is not enough. We must do more to accelerate the move to self-sufficiency – we must move beyond simple workforce training. Today, TCUs are tackling the tougher – but much more significant – issue of job creation, because we know that to break the cycle of generational poverty and end the culture of dependency that grips so much of Indian Country, simply filling jobs that would be filled anyway is not enough. We must create new industries and new businesses and build a new culture of innovation. Our job creation initiative is focusing initially on advanced manufacturing, through a partnership with the U.S. Department of Energy, National Laboratories, TCUs, and industry. Already, we are seeing results, with new TCU-tribal-industry partnerships, new contracting opportunities, and new jobs for our students and graduates.

Tribal Colleges continually seek to instill a sense of hope and identity within Native youth, who will one day lead our tribal nations. Unacceptably, the high school dropout rate for Native students remains around 50 percent. TCUs are working with local schools to create a bridge for AI/AN students as early as elementary school, encouraging them to stay focused on achievable goals, finish high school, and go on to the local TCU. TCUs offer dual credit courses for high school students, provide math teachers for local high schools to improve course delivery, and host weekend academies, after school programs and summer camps for middle and high school students. At the other end of the spectrum, TCUs offer GED/HiSET training and testing and have 2+2 partnerships to bridge programs with regional universities. All are solid steps to bolster future prospects for Native youth and break the cycle of generational poverty.

TCUs: A Sound Federal Investment

Darrick Lee (Diné) served in the U.S. Marine Corps as a journeyman electrician. This training and his interest in the electrical field led him to Navajo Technical University (NTU) in Crownpoint, NM. Since 2013, Lee has earned a certificate in electrical trades, associate's degrees in energy systems and mathematics, and, in May 2019, a bachelor's degree in electrical engineering. "[Darrick] was a vital part of our success in becoming the first TCU to attain ABET accreditation," says Dr. Peter Romine, head of NTU's engineering department. Darrick's

research area is in solar powered micro grids, which led him to develop a test system for his senior capstone project with the potential of being implemented on the Navajo Nation. In his free time, Lee volunteers as an animal rescuer and advocate at Soul Dog Rescue, Compassion Corner, and the Blackhat Humane Society, and he has fostered several animals.

Monique Moran (Sicangu Lakota) is a 2018 GED graduate from Sinte Gleska University's (SGU) adult basic education department. Monique was raised by her grandmother, but after her grandmother passed away, Monique moved from family member to family member until ending up in juvenile detention. A distant relative took Monique in and taught her the value of hard work. After having her son at age 17, Monique quit high school due to lack of financial support. Determined to break the cycle of poverty and give her three children a better childhood, Monique enrolled in the adult basic education/GED program in fall 2018. She passed her GED tests in November 2018 and obtained a high school equivalency certificate. About eight months later, Monique reached out to her GED tutor, requesting help in registering for academic courses at SGU. Monique enrolled in business education classes for the fall 2019 semester. With help from her advisor, Monique was able to schedule her classes so she would still be home in time to care for her children after school. When Monique completes her business degree, she plans to help her husband with his construction business.

Every TCU has stories of transformative change as Native students find their identity and develop the skills and confidence to serve. This is the power of the federal investment in TCUs.

TCU INFRASTRUCTURE IMPROVEMENT: NEEDED AFTER 40 YEARS ($35 MILLION): We urge Congress to fund sections 112 and 113 of the TCU Act (25 U.S.C. 1812-1813), authorized more than 40 years ago to create a much-needed Tribal Higher Education Infrastructure Improvement Program. For TCUs to realize our goals of strengthening our tribes as sovereign nations and building a 21st century Native workforce, TCUs must have the facilities and infrastructure capable of educating and training students in a safe environment. In simply cannot be done on the scale needed in classrooms with leaking roofs and exposed and substandard electrical wiring; outdated computer labs; students sleeping in cars and trucks because there are no dorms; and the slowest – yet most expensive – Internet access of any institution of higher education in the country. Yet, that is what TCUs are asked to do. In 2018, AIHEC conducted a survey of 22 TCUs, which revealed a list of chronic facility-related needs, including student and faculty housing, classrooms, libraries, and laboratories. The 22 TCUs have a self-reported estimated need of $332.5 million in deferred maintenance and rehabilitation costs and $558 million to complete existing master plans.

As a first step, we request that the Subcommittee work with the Senate to ensure that the Department/BIE conducts a 40-year overdue study on the current condition of TCU facilities and by a date certain submits a report identifying critical TCU renovation and new construction needs (25 U.S.C. 1812). A comprehensive and unbiased TCU Facilities Report, to include all 37 TCUs, is vital. We respectfully request that the Subcommittee direct the BIE to use administrative funds to conduct the long awaited TCU Facilities Report and further, that $35 million be allocated in FY 2021 to begin addressing TCU infrastructure needs.

CHALLENGES: INDIAN STUDENT COUNT, TAX BASE, AND GROWTH

ISC FORMULA AND NON-BENEFICIARIES: As noted earlier, TCU operations funding remains insufficient and our budgets are further disadvantaged, because, unlike other institutions of

higher education, most TCUs receive operations funding based on the number of Indian students served, with "Indian student" defined as a member of a federally recognized tribe or a biological child of an enrolled tribal member. Yet, approximately 15 percent of TCU enrollments are non-Indian students. Many TCUs seek operating funds from their respective state legislatures for non-Indian state-resident students ("non-beneficiary students"), but success has been inconsistent. Given their locations, often hundreds of miles from another postsecondary institution, TCUs are open to all students, Indian and non-Indian, because we know that postsecondary education is *the* catalyst to a better economic future in rural America.

LOCAL TAX AND REVENUE BASE: TCUs cannot rely on a local tax base for revenue. Although tribes have the authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. As noted earlier, on Indian reservations that are home to TCUs, the unemployment rate can well exceed 70 percent. By contrast, the national unemployment rate is currently 4.0 percent.

GROWTH OF TCUS: Since the enactment of the TCU Act more than 40 years ago, TCUs have never received the modest Congressionally authorized funding level (currently $8,000 per Indian student). Yet, we are so close: an increase of $10 million over the FY 2020 level is all that we need to fully fund TCUs for the first time *ever*. In the context of other federal programs, our request is quite modest. For example, the only other minority serving institution that receives operating funding from the federal government, Howard University, received $205,788,000 for undergraduate programs in FY 2019, or about $23,000 student, along with $3 million for its endowment. We ask only for $8,000 per student for the Title I TCUs.

Over the past 10 years, this Subcommittee has worked diligently to provide the extra resources needed to enable *all* TCUs to be funded on an academic year schedule. We are extremely grateful for this. The benefit to TCUs of being able to plan an annual budget and start the academic year with operating funding has been tremendous. Yet, during the time it took to provide this funding, *four* new TCUs became eligible to receive funding under Title I of the TCU Act: College of the Muscogee Nation (Okmulgee, OK), Red Lake Nation College (Red Lake, MN), Tohono O'odham Community College (Sells, AZ), and White Earth Tribal and Community College (Mahnomen, MN). Unfortunately, Title I funding has not kept pace with inflation, much less received increases sufficient to support new TCUs. For example, between FY 2014-2018, funding for the 28 Title I TCUs was flat despite the growing need for higher education across Indian Country. As we move forward, we are worried about TCU operating funding: at least three new TCUs could join the pool soon (Alaska Pacific University, California Tribal College, and San Carlos Apache College). The addition of these TCUs is important for Indian Country, but only if support is available to ensure that they can operate effectively.

CONCLUSION

TCUs provide quality higher education to thousands of AI/ANs and other rural residents and provide essential community programs and services to those who might otherwise not have access to such opportunities. The modest federal investment in TCUs has paid great dividends in terms of employment, education, and economic development and has significantly reduced social, health care, and law enforcement costs. Continuation of this investment makes sound moral and fiscal sense. We appreciate the Subcommittee's past support of the nation's TCUs and your thoughtful consideration of our FY 2021 appropriations requests.

Ms. HARPER. My intro is like 5 minutes. Aaniin wedaakewaad, Ogaabewisiikwe indizhinikaaz. Gaazagaskwaajimekaag indoonjibaa. Niminwendam waabamininim igaye go ji-ni-dazhindaan gidinwewininaan noongom.

Chair McCollum, Ranking Member Joyce, and members of the subcommittee, I am Laurie Harper. I am from the Leech Lake Band of Ojibwe in present-day Northern Minnesota. My whole life has been steeped in educational equity of our people. I currently serve as the director of education for the Leech Lake band of Ojibwe. I am the elected chair of the Bug O Nay Ge Shig School board, and I am also president of the tribal education department's national assembly.

The Leech Lake band is one of 11 tribal nations in Minnesota. TEDNA is a national nonprofit membership organization for the education department of American Indian Alaska native tribes. Thank you for the opportunity to speak today for funding for TEDs

First and foremost, our sincerest gratitude for appropriating funds for the past 6 Fiscal Years to support TEDs through the Department of Interior's Title 25, Section 2020 grants. This subcommittee clearly values the crucial role of TEDs in providing support and coordinating education programs and services to Native American students. TEDs are making historical progress in defining educational programs and services, a role that Federal education policy ignored for too long and Congress has sought to change. Continued funding is required to maintain and expand essential and successful work of TEDs for our Native American students, particularly those served by the Bureau of Indian Education funded schools.

For this, the Leech Lake band of Ojibwe and TEDNA respectfully request $10 million dollars to support TEDs Ted's in the Department of Interior Environment and Related Agencies appropriations bill for Fiscal Year 2021. The funding for TEDs through the Department of Interior is authorized in the 25 U.S.C. Section 2020, and this authorization dates back to 1988. Since its enactment, Congress has retained this important authorization in every major reauthorization of Federal education laws. However, the authorization remained unfunded for more than 25 years. Outstandingly, due to the commitment of this subcommittee, Section 2020 grants finally received funding in Fiscal Year 2015. There are currently 11 Section 2020 TED grantees, whose vital work and initiatives under these grants have only just started. They and many other TEDs need continued and increased Section 2020 funding.

For some Native American students, the 183 BIE-funded schools remain the only educational option because of the unavailability or unsuitability of State public schools for geographic or other reasons. Tribes operate most BIE-funded schools through contracts or grants. A few remain directly operated by the BIE. All BIE-funded schools are and historically have been drastically underfunded as the subcommittee is well aware. As the GAO stated, "Funding factors seriously harm Native American students and hinder their academic success. The BIE-funded schools and the students they serve are most in need of the assistance of tribal ed departments." This is exactly what Section 2020 grants are intended to address.

A crucial area that Congress identified for Section 2020 grants is the development of tribal education codes, including tribal education policies and travel standards applicable to curriculum, personnel, students, facilities, and support programs. Given this congressional intent and mandate, I would like to speak to my own experience as a tribal education director.

Leech Lake Band of Ojibwe Tribal Education Department houses multiple programs. The Leech Lake TED in Minnesota serves students attending 10 State K through 12 public schools as well as the Bug O Nay Ge Shig School, a tribally-controlled school funded through the BIE. In prioritizing capacity building and crafting our education policy, we have actively sought the input of our community, including our students, parents, and caregivers in how they identify and define success in a school educational setting.

The Leech Lake Tribal Education Department is fluid. We are striving to build the capacity of our current staff, and at the same time identifying areas within the TED that needs to be built up. This has been a multipronged approach to policy and capacity building. This includes data gathering of our post-secondary students in what areas they are graduating in, working with the tribal workforce development to identify current and future workforce needs, and coordinating the Minnesota Family Investment Program to ensure family financial stability so our students and families can focus on education.

Our Section 2020 grant funds are an essential component of building our capacity. In order to meet our student needs, we are using the Section 2020 funding to develop the tribal education code and the comprehensive ed plan that will be culturally specific and relevant to us as Leech Lake Band of Ojibwe. The activities funded by the Section 2020 grant has assisted us in strengthening our relationships with outside entities and the impact on the Leech Lake band of Ojibwe's involvement in areas beyond the grant. Our approach to supporting students emotionally, culturally, physically, and mentally will foster our student success in any educational setting.

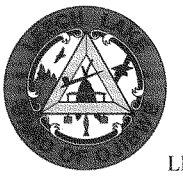
The Section 2020 grantees are just beginning to demonstrate the positive impacts we have in Native America education. We want to continue our important work and build upon our successes. Increased funding will help us do that. Section 2020 grants help facilitate local tribal control of education through supporting early education initiatives and development of culturally-relevant curriculum and assessments, increasing tribal participation through TEDs, providing coordination, administrative support services, technical assistance to schools, and education programs, including maintaining and sharing electronic data regarding Native American students, and enforce tribal education codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs. As Congress has recognized, these are core educational governance functions that are most appropriately left to the local government closest to the students being served, the tribes. Section 2020 grants clearly help facilitate this local control.

While TEDNA recognizes this subcommittees longstanding commitment to funding TEDs, we would like to point out that we view

a $10 million authorization as the bare minimum required to fulfill the intent of funding the important work of TEDs and Native American education. Further, while Section 2020 funding goes directly to TEDs, TEDNA is working closely with the BIE continues to play an important role in providing technical assistance to TEDs. TEDNA's role is one that the subcommittee understands and has long acknowledged. We respectfully request that this be memorialized in the report issued by the subcommittee.

The continued investment in TEDs is sound Federal policy. It efficiently focuses and maximizes scarce resources for historically underserved populations. It encourages and supports local control and tribal self-determination and education. This subcommittee has an exceptional opportunity to further these goals and help generations of Native American students. We respectfully request $10 million for the TEDs in the Department of Interior Environment and Related Agency appropriation bill for Fiscal Year 2021 to continue the groundbreaking, challenging, and most beneficial work being done through the Section 2020 grants. Thank you.

[The statement of Ms. Harper follows:]





LEECH LAKE BAND OF OJIBWE

[redacted]

Cass Lake, Minnesota

HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TESTIMONY OF LAURIE D. HARPER, LEECH LAKE BAND OF OJIBWE DIRECTOR OF EDUCATION AND PRESIDENT OF TEDNA, REGARDING FY 2021 FUNDING FOR TRIBAL EDUCATION

FEBRUARY 12, 2020

Aaniin wedaakewaad, Ogaabewisiikwe indizhinikaaz. Gaazagaskwaajimekaag indoonjibaa. Niminwendam waabamininim igaye go ji-ni-dazhindaan gidinwewininaan noongom.

Chair McCollum, Ranking Member Joyce and Members of the Subcommittee, my name is Laurie Harper. I am from the Leech Lake Band of Ojibwe, in present-day northern Minnesota. My whole life has been steeped in educational equity of our people. I currently serve as the Director of Education for the Leech Lake Band of Ojibwe; I am the elected Chair of the Bug O Nay Ge Shig School Board and am also the President of the Tribal Education Departments National Assembly ("TEDNA"). Leech Lake Band of Ojibwe is one of 11 Tribal Nations in Minnesota. There are 7 Ojibwe Nations and 4 Dakota Nations. The Leech Lake Band of Ojibwe is located in the north central part of Minnesota 2.5 hours to either border east and west and 4.5 hours north of the Twin Cities Metro area. TEDNA is a national non-profit membership organization for the Education Departments/Agencies ("TEDs") of American Indian and Alaska Native Tribes. Thank you for the opportunity to speak today about funding for TEDs. First and foremost, our sincerest gratitude for appropriating funds for the past six Fiscal Years to support TEDs through the Department of the Interior's Title 25, Section 2020 grants. This Subcommittee clearly values the crucial role of TEDs in providing, supporting and coordinating education programs and services to Native American students. As this Subcommittee noted in reports in the past, "TEDs are instrumental in helping tribes build the capacity to oversee the high quality and culturally appropriate education of tribal members."

It is with great pride that I report that tribal governments with TEDs are making historical progress in defining educational programs and services – a role that federal education policy ignored for too long and Congress has sought to change. With the Indian Self-Determination Act in the 1970s and a host of other laws, Congress has stated a policy supporting local tribal control of many formerly federally-run programs and services for Native Americans. In only the last few years Congress added direct federal funding for TEDs to the mix of governmental and socio-economic matters that Tribes now administer directly, with greatly reduced federal bureaucracy.

Continued funding is required to maintain and expand essential and successful work of TEDs for our Native American students, particularly those served by Bureau of Indian Education (BIE) funded schools. For this, Leech Lake Band of Ojibwe and TEDNA respectfully requests $10 million to support TEDs in the Department of the Interior, Environment and Related Agencies appropriations bill for Fiscal-Year 2021.

AUTHORIZATION FOR FUNDING

Funding for TEDs through the Department of the Interior is authorized in the 25 U.S.C. § 2020.

JUSTIFICATION FOR FUNDING

The Department of the Interior Section 2020 funding authorization dates back to 1988. The original authorization was to "provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe." Since its enactment, Congress has retained this important authorization in every major reauthorization of federal education laws. However, the authorization remained unfunded for more than 25 years. Outstandingly, due to commitment of this Subcommittee, Section 2020 grants finally received funding in Fiscal Year 2015. There are currently eleven Section 2020 TED grantees whose vital work and initiatives under these grants have only just started. They and many other TEDs need continued and increased Section 2020 funding.

The majority of K-12 Native American students nationwide attend state public schools, the BIE funded schools still serve tens of thousands of Native American students across the country, primarily in rural areas. For some Native American students, the 183 BIE-funded schools remain the only educational option because of the unavailability or unsuitability of state public schools for geographic or other reasons. In keeping with federal laws that encourage tribal self-determination, Tribes operate most BIE-funded schools through contracts or grants. A few remain directly operated by the BIE.

All BIE-funded schools are and historically have been drastically underfunded, as this Sub-committee is well aware. There has been testimony to this Sub-committee by the Government Accountability Office regarding the longstanding issues including poor and unsafe conditions of school facilities and poor quality of educational opportunities in their March 2016, testimony, *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*, GAO-16-391T at 3. As the GAO stated, these factors seriously harm Native American Students and hinder their academic success. The BIE-funded schools and the students they serve are most in need of the assistance of TEDs.

This is exactly what Section 2020 grants are intended to address. A crucial area that Congress identified for Section 2020 grants is the development of Tribal Education Codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities and support programs. Given this congressional intent and mandate, I would like to speak to my own experience as a tribal education director.

The Leech Lake Band of Ojibwe Tribal Education Department houses the following programs: Early Head Start, Head Start, Johnson O'Malley Program (contract for 10 local schools, including the Tribal School, plus the Leech Lake Head Start Program), Scholarship Program, Workforce Development, Tribal Employment Rights Office, Minnesota Family Investment Program, Native Employment Works Program, Temporary Employment Program, Workforce Innovation Opportunity Act Program, Youth Employment, YouthBuild, Youth Activities Program and Youth Chemical Dependency Prevention Program. The Leech Lake TED in Minnesota serves students attending 10 state K-12 public schools as well as the Bug O Nay Ge Shig School, a tribally controlled school funded through the BIE. In prioritizing capacity building and crafting our education policy, Leech Lake has actively sought the input of the community, including students, parents, and caregivers. We have collected information on our challenges and prioritized those challenges. We have sought the youth input and their families input in how they identify and define success in schools. The Leech Lake TED is fluid; we are striving to build the capacity of our current staff and at the same time identifying areas within the TED that needs to be built up. This has been a multi-pronged approach to policy and capacity building. This includes data gathering on our post-secondary students and what areas they are graduating in, working with the tribal workforce development to identify current and future workforce needs and coordinating the Minnesota Family Investment Program to ensure family financial stability so our students and families can focus on education.

The Leech Lake Band of Ojibwe's Section 2020 grant funds an essential component of building our capacity. In order to meet our student needs, we are using the Section 2020 funding to develop the Tribal Education Code and a comprehensive education plan that will be culturally specific and relevant to us, the Leech Lake Band of Ojibwe. The activities funded by this Section 2020 grant has assisted us in strengthening our relationships with outside entities and has impacted the Leech Lake Band of Ojibwe's involvement in areas beyond the grant. Our approach to supporting students emotionally, culturally, physically and mentally will foster our students' successes in any educational setting.

The Section 2020 grantees are just beginning to demonstrate the positive impacts we have in Native American education. We want to continue our important work and build upon our success. Continued and increased funding will help us do that. We face many unique challenges with the BIE-funded schools; they are all historically and presently severely underfunded and quite often geographically remote. Tribal Education Departments are best positioned to coordinate efforts to make connections, share data, resources and strategies to improve educational opportunities amongst the student populations we serve in BIE funded schools and State public schools.

Section 2020 grants will best assist Native American students by developing and implementing programs, initiatives and strategies to increase graduation rates and post-secondary school readiness, and foster much needed cooperation and coordination with entities carrying out education services and programs on Indian reservations. Section 2020 grants help facilitate *local tribal control* of education through 1) supporting early education initiatives and development of culturally relevant curriculum and assessments; 2) increasing tribal participation through TEDs

providing coordination, administrative support services, technical assistance to schools and education programs, including maintaining and sharing electronic data regarding Native American students; and 3) develop and enforce tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs. As Congress has recognized, these are core educational governance functions that are most appropriately left to the local government closest to the students being served: the Tribes. Section 202 grants clearly help facilitate this local control.

While TEDNA recognizes this Subcommittee's long standing commitment to funding TED's, we would like to point out that we view a $10 million authorization as the bare minimum required to fulfill the intent of funding the important work of TEDs in Native American education. Further, while Section 2020 funding goes directly to TEDs, TEDNA, working closely with BIE, continues to play an important role in providing technical assistance to TEDs. TEDNA's role is one that this Subcommittee understands and has long acknowledged. We respectfully request that it be memorialized in the report issued by this Subcommittee.

REQUEST

Continued investment in TEDs is sound federal policy. It efficiently focuses and maximizes scarce resources for a historically underserved population. It encourages and supports local control and tribal self-determination in education. This Subcommittee has an exceptional opportunity to further these goals and help generations of Native American students. TEDNA respectfully requests $10 million for TEDs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal Year 2021 to continue the ground-breaking challenging and most beneficial work being done through the Section 2020 grants.

Mr. MIRABAL. Mr. Mirabal. Thank you, Madam Chair, and members of the subcommittee. My name is Lawrence Mirabal, and I am the chief financial officer at the Institute of American Indian Arts in Santa Fe, New Mexico. I am grateful for the opportunity to present testimony on behalf of the college. IAIA was established in 1962 as the only BIA boarding school teaching native arts and culture. In 1986, IAIA became an independent college, chartered by the United States Congress to empower creativity and leadership in native arts and culture.

First and foremost, IAIA is a community, a community that embraces the past, enriches the present, and creates the future, while provoking thought and providing exceptional educational opportunities. Our college is one of only three higher ed institutions in the Nation chartered directly by the Congress. The Institute of American Indian Arts is a national treasure and is where contemporary native art was born.

IAIA offers bachelors programs in studio arts, cinematic arts and technology, creative writing, museum studies, indigenous liberal studies, and the performing arts, as well as a graduate degree in creative writing. Additionally, the college is very close to establishing a second graduate program in studio arts. The college serves more than 500 students representing 34 States and 93 tribes from across North America. Over 80 percent of IAIA students are Pell eligible, and many are first generation attendees. These numbers translate into dreams fulfilled, new opportunities, and a generational shift for Native students and the communities that they come from. The impact and importance of the work being done at IAIA are undeniable.

To ensure financial sustainability, the college continues to vigorously pursue revenue sources to augment its congressional funding. Evidence of this can be found in the college's operating budget. As of the most recent Fiscal Year, almost 30 percent of the budget came from non-appropriation sources. The students, faculty, and staff of IAIA are deeply appreciative of this subcommittee's strong record of support. It is clear that the unique mission of the college is understood and valued by the members of this body.

The college's 2021 budget request includes a modest increase of $252,000 over the amount enacted in Fiscal Year 2020. The Fiscal Year 2021 budget funding request will assist IAIA in addressing several key priorities. Like many institutions around the country, the college is placing a renewed focus on student safety. The college's community is diverse and dedicated to providing an environment for learning, living, and working, that is free from discrimination, harassment, misconduct, and retaliation. To ensure continuous improvement in this area, the college has established the position of coordinator of Title IX Equity and Inclusion, and will soon make a permanent hire to fill this role.

IAIA will soon embark on the creation of a native arts research center on the college's campus. This project will be partially funded by the college's partnership with the Mellon Foundation, with the college eventually absorbing ongoing operational costs. The research center will coordinate resources at the college and scholarly fellowships to support research about contemporary Native American and Alaskan Native arts. It is anticipated that the research

center will serve as a world-class destination for scholars throughout the country.

Offering a competitive benefits package is essential for recruiting and retaining the most talented employees. The college continues to absorb cost increases associated with health insurance, maintaining an equitable faculty rank and step schedule, and providing staff with competitive wages. However, rising costs in these areas continue to be a reality that the college must deal with.

In summary, AIAI's top priority is ensuring the success of our students, affording them the opportunity to achieve greatness and give back to their communities. This is how generational change is made, and IAIA is very honored to be a key part of that process. To continue this important work, we respectfully request that the subcommittee act again in fiscal year 2021 as you did in fiscal year 2020 by supporting the Administration's request of $10.71 million in the independent agencies title of your bill. The students, faculty, and staff of IAIA greatly appreciate your support. Thank you.

[The statement of Mr. Mirabal follows:]

IAIA
INSTITUTE OF
AMERICAN INDIAN ARTS

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

TESTIMONY OF:
LAWRENCE MIRABAL, CHIEF FINANCIAL OFFICER
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
CULTURE AND ARTS DEVELOPMENT

February 12th, 2020

Introduction

I am grateful for the opportunity to present testimony on behalf of the Institute of American Indian Arts. IAIA was established in 1962 as the only B.I.A. boarding school teaching Native arts and culture. In 1986, IAIA became an independent college chartered by the United States Congress to empower creativity in leadership in Native arts and culture.

First and foremost, IAIA is a community. A community that embraces the past, enriches the present and creates the future while provoking thought and providing exceptional educational opportunities. Our college is one of only three higher-ed institutions in the United States chartered directly by Congress. The Institute of American Indian Arts is a national treasure and is where contemporary Native art was born.

Program Development

IAIA offers bachelor's programs in Studio Arts, Cinematic Arts and Technology, Creative Writing, Museum Studies, Indigenous Liberal Studies, and Performing Arts, as well as a graduate degree in Creative Writing. Additionally, the college is very close to establishing a second graduate program, in Studio Arts. The college serves more than 500 students representing 34 states and 93 tribes from across North America.

Roughly 80% of IAIA's students are PELL eligible and many are first-generation attendees. These numbers translate into dreams fulfilled, new opportunities, and a generational shift for Native students and the communities that they come from. The impact and importance of the work being done at IAIA are undeniable.

FY 2021 Budget Request

To ensure financial sustainability, the college continues to vigorously pursue revenue sources to augment its congressional funding. Evidence of this can be found in the college's operating budget. As of the most recent fiscal year, almost 30% of the budget came from non-appropriation sources.

The students, faculty, and staff of IAIA are deeply appreciative of this Subcommittee's strong record of support for the college. It is clear that the unique mission of the college is understood and valued by the members of this body. The college's 2021 budget request includes a modest increase of $252,000 over the amount enacted in fiscal year 2020. The fiscal year 2021 budget funding request will assist IAIA in addressing several key priorities:

- Like many institutions around the country, the college is placing a renewed focus on student safety. The college's community is diverse and dedicated to providing an environment for learning, living, and working that's free from discrimination, harassment, misconduct, and retaliation. To ensure continuous improvement in this area, the college has established the position of "Coordinator of Title IX, Equity, and Inclusion" and will soon make a permanent hire to fill this role.

- IAIA will soon embark on the creation of a Native Arts Research Center on the college's campus, in Santa Fe, NM. This project will be partially funded by the college's partnership with the Mellon Foundation, with the college eventually absorbing ongoing, operational costs. The Research Center will coordinate the Institute's Archives and Museum Collections, Artist-in-Residence Programs, Museum Internships and establish a scholarly Fellowship to support research about contemporary Native American and Alaskan Native arts. The college anticipates that the Research Center would serve as a world-class destination for scholars throughout the country.

- Offering a competitive benefits package is essential for recruiting and retaining the most talented employees. The college continues to absorb fixed cost increases associated with health insurance, maintaining an equitable faculty rank and step schedule, and providing staff with competitive wages. Although IAIA works diligently to maximize the value received from its benefits offerings and has shifted to a self-insured model, the college continues to experience rising health care costs. It is essential that IAIA continues to offer a compensation package in line with competing employers in the regional marketplace, to attract and retain skilled individuals.

Conclusion

In summary, IAIA's top priority is ensuring the success of our students, affording them the opportunity to achieve greatness and give back to their communities. This is how generational change is made and IAIA is very honored to be a key part of that process.

To continue this important work, we respectfully request that the Subcommittee act again in fiscal year 2021 as you did in fiscal year 2020, by supporting the Administration's request for the college, of $10,710,000 in the Independent Agencies title of your bill. The students, faculty, and staff of IAIA greatly appreciate your consideration.

Ms. MCCOLLUM. Thank you.

Mr. WILSON. [Speaking native language.] Madam Chair and Ranking Member Joyce, I got to meet you yesterday, and I am really happy you went to NCAI. And, you know, we worked with you, Madam Chair, for many years. I am Brian Wilson, the president of the National Alliance to Save Native Languages. I am also the co-chair of the National Congress of American Indians Native Language Task Force, and former president of National Indian Education Association and 20 years on their board. So we have kind of been doing this a while.

I also want to acknowledge one of our founding board members of the National Alliance and my also co-chair of NCAI Task Force, my brother Joe Garcia, former president of NCAI. He came to support us, and later on in my 5 minutes, perhaps, Madam Chair, with your permission, you know, he can introduce himself as well. I will talk fast. Brevity is not our strength, but we are going to show some today [Speaking native language.]

Ms. MCCOLLUM. We save the best for last, and that includes Mr. Garcia. So go ahead.

Mr. WILSON. Good. Good. You know, and I want to thank your staff. Janet Erickson has been working on this language issue for 20-some years up here. The prodigious record of Darren Benjamin belongs in the Pantheon on this issue as well, and I appreciate his presence here. He's got a lot of patience as well.

We have got a very simple ask. You have got a program that people are talking about throughout Indian Country. It has created a wonderful buzz. And if you think of our languages as kind of like a sleeping giant, you know, they are getting up on one knee now and really trying to rise and be a part of what culturally-based education should be. And what we are asking you is to once again in this appropriations budget codify this immersion program in it.

And I asked for $4 million in the testimony. I just want to get in step with NIEA because I just read their testimony which was $5 million. I know if we start saying $1 million here and there, pretty soon we are talking about real money. But we have a chance here to do something really dynamic, and this started 5 years ago. You guys offered support of report language that encouraged the Bureau to look into this. Eventually that turned into, you know, some initial funding for the projects. We have had 30 schools receive this money over the last 2 Fiscal Years. And the main primary point I want to make is the Bureau is funding these schools on 1-year grants, and that doesn't really make sense to me. What I would like to see is that you go ahead and authorize them on at least a 5-year cycle on this, and the reason for this is simple. You would never say to a BIE school we are only going to fund your math department 1 year. How would you get good personnel? How would you get traction? How would you have a stable leadership, you know, within that department?

What we are really looking at is for these schools to create and engender in their culture or their site-based management these language efforts that are going to be impactful, dynamic, and solvent, and lasting. And that can't happen by just one grant this year, next year you are out of the loop, someone else is going to get it. And it is really disrespectful to the last remaining language

speakers that we have because they are making commitments to go to these schools and teach and be there without even knowing if they are going to be hired, you know, the next year and so forth. So I wanted to bring that forward to your attention.

And I want also say because Nagani is here, and you are from where you are, Madam Chair. They precipitated this effort when the Bug O Nay Ge Shig School hosted Nagani, they wouldn't count them towards their ISEP student count, the immersion students there. And so they were having a school within a school, but without getting any benefit of those students on the student count numbers. And when we talked to the Bureau about it, they were like, well, that is just how it is. There is no statutory authority or whatever. We go, yeah, there is. And these BIE schools have had the authority for many years to teach languages, but the budget constraints and really the profound sense of urgency to fund their primary core academic areas superseded that.

So what we wanted was a complete separate set aside that wouldn't be commingled with ISEP dollars or with their operating budgets for immersion so that those schools would have a chance to have traction, to have solvency, and to be able to exist in our kind of ever-changing world. And I want to impress that point. There is a difference between teaching Indian for a classroom, an hour-long class, and then another group of 30 students comes in and all that versus using the using the language as the medium of instruction, and having an immersion program in your school. And this is what we are asking you to really clarify in your report language. And also that we authorize them for multiyear grants.

Now I am going to just tell you a quick story, and if it is okay with you, I just wanted my brother to be able to introduce himself because he is older than me, and I respect him a lot. Madam Chair, when we started this effort, you know, this was almost 20 years ago now, there was $1.4 million in another department called administration for Native Americans, the Native American Language Act. Five hundred and sixty-three tribes, plus native Hawaii, plus all of our U.S. territories and micro Asia were sharing in competitive grants to get that money.

Where we are at today is phenomenal, and I want to just take time out and thank all of you for us getting there, you know, together because we have got a lot of good money in ANA now. We have money in the Department of Education for this, and then what you guys are doing, it is awesome. So, you know, I wanted to put a context there, but with the Bureau's schools, this is kind of my last example. My dad went to St. Stephen's Indian School on the Wind River Indian Reservation, and he was one of the many thousands of Indian kids that were spanked for talking Indian in school, and on the playground, and in their dorms. He was so excited. He died 4 four weeks ago. He was so excited that his alumni school is receiving one of these grants, yeah. And that is a real story. There are thousands others like it, but that was a real personal one with me.

[The statement of Mr. Wilson follows:]

Testimony of Ryan Wilson (Oglala Lakota), President
National Alliance to Save Native Languages
Before the
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

February 12, 2020

Request: We request $4 million for Bureau of Indian Education Immersion Programs and Demonstration Projects.

Introduction. Chairwoman McCollum, Ranking Member David Joyce, Members of the Committee. My name is Ryan Wilson (Tatanka Wasaka), President of the National Alliance to Save Native Languages. I am honored to be here to testify today before the Subcommittee to provide the views of the Alliance on the importance and benefits of Native language immersion programs in the Bureau of Indian Education (BIE) system.

Continued Challenges in Indian Education. Improving the educational achievement and academic progress of American Indians is a high priority of Indian country, this Subcommittee, and the Trump Administration. The United States has a unique political and legal relationship with American Indian tribal governments and a special historic responsibility for the education of American Indians and Alaska Natives. Recent reports carried out by the U.S. Department of Education continue to reiterate the academic failure of American Indian and Alaska Native students in both Public and BIE funded schools. *See* National Assessment of Educational Progress (2011); National Indian Education Study (2011); The Education Trust, "State of Education for Native Students," (2013). In addition, the September 2013 Government Accountability Office Report on the BIE instructs us on the condition of Indian Education. Because of continued stagnation in academic progress and inability of the BIE to implement GAO recommendations legislative proposals have been advanced that would drain critical resources from BIE schools and have an overall negative effect on the learning environment in tribal communities.

Trust Overview. The extent that the federal government is fulfilling its trust responsibility to Indian education is demonstrated in the studies and reports. This subcommittee has a broad reaching trust corpus and shares measurable trust standards with the Trump Administration because it provides both resources and oversight through the appropriations process. Fiduciary duties owed to the trust beneficiary must be administered within the context of the unique character and nature of the trust responsibility of the United States to Indian tribes. The trust corpus surrounding Indian education and treaty based educational rights can be summarized as: "Protect equality of educational opportunity and ensure that its actions support tribal control of the use and development of educational entities and resources that are vital to academic achievement and to the survival of tribal languages and traditions.

In order to further the Federal Government's commitment to improving the educational outcomes of American Indian and Alaska Native students and improving the quality and performance of schools and education programs for American Indians and Alaska Natives, a comprehensive Native Language Development and Culturally Based Education policy is needed to: (1) help tribal governments meet the linguistically unique educational needs of their children, including

the need to preserve, revitalize, and use Native languages; (2) promote American Indian and Alaska Native tribal language immersion schools and develop the capacity of tribal communities to build successful immersion schools; (3) protect tribal language immersion schools from the promulgation of adverse rules, assessments, and regulations from federal agencies that are incongruent with existing statutes concerning Native language use; and (4) promote intergovernmental (tribal/federal) collaboration and partnership.

Proposed Continued Funding for Native Language Immersion Project. Approximately 42,000 American Indian students attend the Department of Interior's Bureau of Indian Education school system, which consist of 182 schools. The Subcommittee approved 2million for this initiative in FY 2018 and 2019, funding 30 of the 182 schools with (one year) grants ranging from $33,000 – $166,000. FY 2020 saw an increase of this crucial Initiative to ***4million***. American Indian tribes, Indian organizations, BIE schools, Native learners, and language stakeholders continue to propose an Initiative to support Tribal Language Immersion Schools within the BIE system. The continued funding of the Immersion Initiative would create and strengthen Tribal Language Immersion Programs within existing BIE schools. Immersion Project selection criteria would center on capacity to offer academic instruction with a tribe's language as the medium of instruction for a minimum of 900 hours per academic year.

The Alliance further Request ***that report language direct the BIE to offer multi year awards up to 5 years contingent on available appropriations for BIE schools.*** The justification embodies need of community investment, planning, longitudinal data, and school commitment to the Initiative which is inextricably linked to consistent multi year funding. It makes little sense to offer only annual awards and yet expect BIE schools to meet goals, objectives and other OMB requirements.

There are currently four existing Immersion programs within the BIE system: Rough Rock School (Chinle, AZ), Rock Point School (Rock Point, AZ), Lac Courte Orelles Waadookodaading Ojibwa Immersion (Hayward, WI) and Nigaani (Leech Lake, MN). Our proposed appropriation would support and strengthen these existing programs. Tribes such as the Mississippi Band Choctaw, Oglala Lakota, Eastern Band Cherokee, Sante Fe Indian School, St. Stevens Indian School (Arapaho) and White Shield school offer an example of diverse tribal language communities who with support and technical assistance can launch meaningful Immersion language programs.

Immersion Project Authority. Public Laws 93- 638, 100-297, offer the promise self-determination and tribal control of BIE schools. The Native American Languages Act of 1990 Public Law 101-477 and the Esther Martinez Native American Preservation Act Public Law 109-394 promote a policy of investing in Native languages and supporting Tribal Language Immersion Schools. Finally, the Snyder Act Public Law 67-85 broadly authorizes Congress to appropriate resources for such activities in the Department of Interior and grants considerable flexibility to the Administration to support and initiate new activities in Indian Affairs.

Indian Country Support for Native Language Immersion Programs. Past Administrations have engaged Indian Country in Indian education consultation hearings, meetings, advisory groups, town halls, listening sessions and received volumes of testimony supporting immersion schools and culturally based education. Further the National Advisory Council on Indian Education has included in its annual reports' recommendations supporting immersion schools for

Indian Country. The National Congress of American Indians (NCAI) and National Indian Education Association (NIEA) joint recommendations for the Elementary and Secondary Education Act reauthorization call for a formula grant program for Native language immersion schools. Broad based support exists for tribal language immersion schools, Indian country could not have expressed support for these schools any clearer to the Administration.

The members of the National Indian Education Association recently passed resolution 2014-06 which supports a $4million appropriation for BIE immersion school support. The National Congress of American Indians has passed the same resolution. The Tribal Interior Budget Council has also formally passed a motion approving this budget request.
As a result of demonstrated Indian country support this subcommittee included a highly favorable endorsement of immersion schools in its FY15 Report Language. ***We also thank the Committee for its Report Language in the FY 17 Interior Omnibus that included the Initial $2,000,000 Investment within education program enhancements for capacity building grants to expand language immersion opportunities.***

It is the position of NCAI and the coalition of Native organizations that are a part of the NCAI Native Language Working Group/Task Force, including the National Alliance to Save Native Languages, that language plays a significant role in influencing academic performance and general well-being of Native peoples. This position was first reflected in the Meriam Report of 1928 and reinforced in each of the following: the U.S. Senate Report, Indian Education: A National Tragedy, A National Challenge (1969); the Indian Education Act of 1972 (Title VII, NCLB); the Indian Nations At Risk Report (1991); the White House Conference on Indian Education (1992); federal policy through the Native American Languages Act (1990);federal policy through the Esther Martinez Native American Languages Preservation Act (2006); and three Presidential Executive Orders (Clinton, 1998, Bush, 2004, Obama 2011).

Shortcomings of the Current Approach. Unfortunately, Executive Order 13592 has not been effective in achieving its proposed policy goal because it does not offer a program or pathway to execute a strategy for supporting or creating venues where Native learners have an opportunity to learn their Native languages. It is unclear if the Trump Administration is going to offer its own EO on Indian Education. Furthermore, budget cuts and assessment models that do not account for culturally based education or instruction have meant that the unique linguistic needs of Native learners have not been met, stalling development of tribal language immersion schools and immersion programs. The pending restructuring of the BIE, and difficulty forecasting budget challenges have created a climate of retreat.

Native language instruction under the Obama Administration decreased, not increased. Because most tribal communities are one generation away from losing the cultural and linguistic capacity to offer immersion instruction the apathy and delays promulgated by the Obama Administration have been especially damaging to Native language development and continued survival of immersion opportunities. In other words, we are in a crucial time that Indian country can never recover if this irretrievable resource of time is misspent. We cannot Offord to wait for Administration direction or leadership on this issue, Congress must lead.

Austerity has severely impacted Native language development because language programs rank at the bottom of academic priorities within the BIE. BIE schools that wish to launch meaningful

language programs cannot do so because they already receive less than half the federal support needed for basic school operations. Additionally, there exists no "identified" support for continued development of tribal language immersion schools within the leadership of the BIE/BIA and Department of Interior. Making matters worse, Congress has placed a moratorium on the expansion of BIE schools freezing the number at the current level (182). This does not provide expanding tribal communities with the opportunity to develop new federally supported schools through the BIE system. BIE facilities, staff, administration, school boards and so forth are fundamentally set and not flexible in accommodating new programs (Immersion tracks) without new resources.

The Administration for Native Americans, housed in the Department of Health and Human Services, does offer planning grants to launch immersion efforts through its Esther Martinez programs. Although these investments are vital to initiate immersion activities, they are not sustainable because they have a 4-year maximum award. These hotly contested dollars are among the most competitive and are not designed to ensure programs' long-term solvency. Sustainable federal support for tribal language immersion schools simply does not exist.

Need for Increased Federal Support. BIE schools that wish to engage in the development of tribal language immersion schools need federal support. If Congress is to carry out its commitments to self-determination, sovereignty, and protection and revitalization of Native languages, it must provide resources for tribal language immersion schools. This funding is also essential to enabling BIE to complete its mission as well as to fulfilling the promises of past and future Executive Orders on Indian Education. We believe the promotion of Immersion Projects within the BIE school system that support the development of tribal language immersion schools within existing schools is a crucial step in achieving these policy mandates. The continued funding of the Immersion Initiative Project is congruent with the policies of existing federal statutes concerning Native languages

Conclusion. Indian Country believes that we have a sacred birthright, treaty right, policy mandate, and existing statutory vehicles for continued use and development of our tribal languages, cultures, and ceremonial practices—all of which are essential for our general well-being and identity as American Indian, and Alaska Native peoples. Our interest in achieving high levels of academic performance requires continued support for the Immersion Initiative Project, which is required by the demands of a multi-cultural and multi-lingual world. Native learners and their communities/parents who are seeking the benefits of tribal language immersion and culturally based education must have the opportunity to attend and participate in educational venues that promote fluency in their heritage language.

The mission of the Bureau of Indian Education is purposeful and supports this request: As listed in Title 25 CFR Part 32.3, ***BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribes needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. Further the BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical and cultural aspects of the individual within his or her family and tribal or village context.*** The proposed demonstration project helps the BIE execute this mission and addresses every aspect of this mission.

Mr. WILSON. And just real quick, I know I got 10 seconds, brother, if you want to stand up and introduce yourself.

Ms. MCCOLLUM. Mr. Garcia, see if you can get close enough to a microphone so we can hear you, and we are honored to have you with. Please.

Mr. GARCIA. You want to look into my eyes, huh? [Laughter.]

[Speaking native language.] With all due respect, thank you the time, and thank you, brother, for allowing me a little bit of time. We do co-chair the Native Language Task Force at NCAI, but it was an initiative that was started after we have talked about languages every year, every year, every year, but we never had any action on and how we are going to move this this effort forward. And we saw that we are working with in a bureaucratic system, being the United States government, and how grants, and how funding, and all of that is put into place.

And so we cannot piecemeal this, and that is sort of what we are talking about, what Ryan is talking, that we are piecemealing everything that want to do. And so you cannot sustain a function or an operation or a program if you don't have funding for multiyear because you cannot build the resources that you need to sustain that. And just like the example he gave, you don't build a store like that. You don't build a research facility like that.

And I like data and stuff. I am electrical engineer by profession, but I am also fluent in my language, and we support Esther Martinez bill. She was part of our community, and unfortunately, we lost her after she received the National Endowment here in Washington, D.C. And she was going home, and she had an accident, and she was gone. But consequently, the bill was named after her.

But the efforts that we talked about is not just New Mexico, not just the Pueblos, but it is all across the Indian Nation. All of the Indian nations are impacted by this, whether they are in a public school or a BIE-controlled school or a tribal-controlled school. So education is education, and I think we all got to be on the same boat, the same platform, got to be fair for all of our children because that is how our future is going to be. We depend on our children and the knowledge that we set forth for them, and including our culture, our language, and the dominant society's language and approach as well. So thank you for the few moments. Thank you.

Ms. MCCOLLUM. Thank you. Always good to hear from you, Mr. Garcia. I passed a note to Janet, and Mr. Joyce and I, we will work with Darren, too. We are going to see if we really need any authorization to go from 1 to 5 years, but then we have to look at the impact for how OMB scores things because then we are scoring for multiple years, and if that would mean that they want us to fund the 5 years up front. Anyways, we will be in touch, and thank you for bringing that up.

We heard from the secondary schools about the cost of insurance. Is that something that you would agree that for tribal schools to be on? I have to get a copy of the bill language in front of me that I just referenced earlier to see if it is, you know, K through 12 or if it includes Head Start, or what all it includes. Is insurance something that that you are paying extra for that if you were in the Federal plan, you would have more money? You mentioned in your

testimony you would have more money to put back into student services?

Mr. MIRABAL. Madam Chair, members of the subcommittee, it is definitely something we would be open to exploring. Right now we are insured privately like any college with a carrier or broker, and we actually self-insure. We moved to a self-insured health insurance model, but it is still a challenge with about 110 employees. That puts us right in the sweet spot for being too small to be what they call credible, but still large enough to be expensive.

Ms. MCCOLLUM. Okay.

Mr. MIRABAL. So we would love to explore that option.

Ms. MCCOLLUM. So we will look into it.

Ms. BILLY. Can I answer for the tribal colleges, just all the trial colleges? Tribal colleges are eligible under the law, the new law, to participate as long as their tribe has a 638 contract.

Ms. MCCOLLUM. Oh.

Ms. BILLY. So if their tribe has a 638 contract, they can participate. Any within the tribe can. So some of our tribal colleges have switched over and had tremendous savings. But for the colleges, and I imagine IAIA does not have a 638 contract, so they are not eligible to participate in the Federal employees program now. And they would see cost savings. One college, I think their costs went down 30 percent, so it makes a huge difference.

Ms. MCCOLLUM. Anything that we can put back into student services——

Ms. BILLY. Right.

Ms. MCCOLLUM [continuing]. Well worth it. Ms. Harper, it was so great being out there at Bug O Nay Ge Shig School, and seeing everything, dual language immersion. So it was friendly for me to find the cafeteria and the ladies room, but the children also in that school knew that their language was important——

Ms. HARPER. Right.

Ms. MCCOLLUM [continuing]. By looking at it, and that is so impactful, so the work that you do in languages is very important. And give a plug, I hear from my son who is a linguist all the time just how important they are, but one fact that hasn't been brought up that I want to put on the record is children who learn two languages excel in math. They excel in creativity, and they go off and on to learn other languages because they crack the code of what it means to communicate. So thank you all for your work and what you do.

And with that, we are going to adjourn until 1:00. Thank you so much.

VOICES. Thank you.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2

AFTERNOON SESSION

WITNESSES

DARRELL G. SEKI, SR., TRIBAL CHAIRMAN, RED LAKE NATION
TEHASSI TASI HILL, CHAIRMAN, ONEIDA NATION
CHERYL ANDREWS-MALTAIS, CHAIRWOMAN, WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH)
FLOYD AZURE, TRIBAL CHAIRMAN, ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION
W. RON ALLEN, TRIBAL CHAIRMAN AND CEO, JAMESTOWN SKALLAM TRIBE

Ms. MCCOLLUM. Good afternoon, and welcome back to our last public witness hearing covering tribal programs under the jurisdiction of the Interior, Environment Appropriations Subcommittee. Once again, we have organized these witnesses according to testimony topic. This morning we heard about the failure of trust and treaty obligations as it relates to public safety and justice needs, and challenges facing schools, K–12, and we have heard from the tribal colleges as well. We begin this afternoon's hearing with the last panel related to education before moving to our last topics, tribal government and human services.

Before we begin, I would like to briefly touch on the hearing logistics. We will call each panel of witnesses to the table, and I thank the first panel for coming up, and each witness will have 5 minutes to present their testimony. Janet will be operating the timer here. When the timer goes to yellow, that means you have 1 minute left of your 5. When it goes to red, I usually kind of give you an extra minute, but then I am going to lightly tap the gavel. So that is what it sounds like because yesterday no one knew what it sounded like because I didn't do it ahead of time. So that is what it sounds like, so you would be over then.

We have all of your testimony, and it has all been entered into the committee record here, and so don't feel rushed. Don't feel, you know, like it won't get in unless you say it. I don't anticipate any votes, so we are going to keep this going. So yesterday we had a 45-minute break, and so there were people who stayed an extra 45 minutes, and we appreciated the tribal leaders' patience on that. So I think we are going to be okay without any votes. If there are votes, I will ask people to stay close to the witness room.

And I would like to remind members here the committee rules prohibit the use of cameras and audio equipment during the hearing by individuals without House-issued press credentials. And Mr. Joyce would like us to start. He will be here shortly. He wants to be respectful of everybody's time, and I appreciate that, and we work together as a team, so we will get going. In order to save time, rather than do double introductions, I am going to have you introduce yourself. We won't count that against your time. Once you start your testimony, then Janet will start the 5 minutes, but

we found that that went a little smoother and kept things moving a little moving a little more orderly. So if you would, please start, sir.

Mr. SEKI. [Speaking native language.] My name is Darrell G. Seki, Senior, chairman of the Red Lake Band of Chippewa Indians. Good afternoon, Chair McCollum, and Ranking Member Joyce, and other friends on this committee. Miigwetch for this opportunity to testify today on appropriation needs of the Red Lake band of Chippewa Indians.

The Red Lake Band's 840,000-acre reservation is home to more than 13,700-plus tribal members. While we are rich in culture and language, we face difficulties in meeting the needs of our members with regard to healthcare, public safety, and road maintenance as a direct result of the government's failure to uphold its trust responsibility and respect our treaties. As you consider Fiscal Year 2021 appropriations, we ask you to remember the important role you have to play in changing this course.

Today, we have five appropriations requests along with others that can be found in my written testimony. First, Red Lake requests that you continue to protect funding for Indian Country from drastic and dangerous proposed cuts by this Administration as you have done for the past several years. Second, we request that you provide advanced funding for BIA and IHS programs to help us avoid painful disruption to our administration of vital services caused by the uncertainty of continuing resolutions and government agency shutdowns. Third, we request that you make permanent and expand BIA's Tiwahe recidivism reduction initiative.

Chair McCollum, you are well aware about the important work that these programs are doing in Minnesota. We have not had a youth suicide in over 2 years. We are training our tribal members to get good-paying jobs. We are providing our youth with mental health and substance abuse services that are culturally appropriate and effective. We are providing our members with services that they desperately need. Failure to continue increased access to these important programs would not only be a disserve to Red Lake, but to all of Indian Country.

Fourth, as we work to make our reservation safer and free of dangerous drugs that have taken too many of our members lives, we request an additional $20 million in Fiscal Year 2021 for tribal law enforcement operations, an additional $3 million specifically to combat our opiate crisis. In 2017, Red Lake declared a public health emergency because of the sharp increase in opiate overdoses. Since then, our law enforcement has been successful in confiscating heroin, fentanyl, and other drugs. We also have stepped up training for our members to save lives. In the past 3 years, we have had 214 drug overdoses. We are fortunate to have saved the lives of 104 members by using Narcan. At Red Lake, we have actually saved more lives with our Narcan program than all of BIA law enforcement nationwide.

Ms. MCCOLLUM. Wow.

Mr. SEKI. Despite this progress, every year we have to transfer money from other critical unfunded budgets to maintain the level of public safety that our members need. We need you to stand with

us in this war on drugs. Our community deserves to be healthy and safe.

Fifth, we ask you to add the indefinite appropriations authorization language regarding the financing of 105(l) lease costs that are included in my written testimony. This language is modeled after what has been requested by the Administration, adopted by Congress in prior years for contract support costs. At Red Lake, we were pleased to recently finalize Section 105 leases for our criminal justice complex and two new fire halls after our good and productive negotiations with the Department of Interior.

We are confident this language would facilitate the funding of lease payments without impacting other tribal programs and would help avoid the time-consuming, costly reprogramming process that frustrates both Federal and tribal administrators. And I want to say Chi Miigwetch for allowing me to request your support for some of our most immediate needs at Red Lake as you enact Fiscal Year 2021 appropriations that directly impact my constituents. We are counting on you. Chi Miigwetch.

[The statement of Mr. Seki follows:]

RED LAKE BAND
of CHIPPEWA INDIANS
RED LAKE NATION HEADQUARTERS

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TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies Regarding the FY 2021 BIA, IHS, and EPA Budgets

February 12, 2020

Chair McCollum and Ranking Member Joyce, thank you and the other distinguished Subcommittee members for this opportunity to testify for the Red Lake Band of Chippewa Indians. Red Lake has nearly 13,700 members. Our 840,000-acre Reservation is held in trust by the United States and, while diminished in size over time, has never been broken apart or allotted. Our Reservation is not subject to Minnesota state jurisdiction under P.L. 83-280, and thus Red Lake is solely responsible, in conjunction with the United States, for a large land area over which we exercise full governmental authority and control. Due in part to our remote location, Red Lake has few available job opportunities. While unemployment in Minnesota is 3 percent, ours remains close to 40 percent. The lack of good roads, reliable communications systems, and other necessary infrastructure impedes economic development and job creation at Red Lake. Appropriations are the key way in which the United States fulfills its trust responsibility and honors its obligations to tribes. **We request an additional $5.5 million in FY 2021 funding for Red Lake programs as described below.**

Protect Indian Country from Funding Cuts to BIA/BIE. We greatly appreciate your rejection of the Administration's FY 2020 BIA/BIE budget cuts, and for recommending an historic increase of $432 million in FY 2020 for BIA/BIE. Although the final FY 2020 increase was much smaller at $142 million for BIA/BIE, your efforts prevented what would have been a flat budget under the Senate proposal, and we thank you. To the extent the President's FY 2021 budget proposes similar draconian cuts to programs that impact tribes, we ask that you **oppose all such proposed cuts and instead make additional investments as described below.** We also ask you to **provide advance funding for BIA and IHS programs** to help us avoid painful disruptions to our tribal administration of vital services caused by continuing resolutions and government agency shut downs.

Rescissions, Sequestration, and Pay Cost Cutbacks Have Eroded Tribal Program Funding. Since FY 2000 there were 20, across-the-board rescissions to core tribal government programs, amounting to a 9.5 percent reduction over the past two decades. The money from our cuts was transferred to pay for Hurricane Katrina recovery and other similar disasters. While most of those one-time problems have been resolved, our annual funding cuts continue. Since FY 2013 Red Lake's programs were cut another 5 percent by federal sequestration reductions, and these cuts have also never been restored. These cuts have caused a significant erosion to critical tribal program funding and our ability to maintain public health and safety. To make things worse,

inflation since FY 2000 has totaled 49 percent. The Pay Costs line item is the only increase many tribal programs receive and is vital to maintaining minimal tribal staffing levels in the face of inflation. Since FY 2001, Interior agencies lost more than a billion dollars because Pay Costs have been only partially funded. Each of the last three Administrations' requests have caused this, and this Subcommittee has previously stated the Administration should request full funding for Pay Costs in all future budgets. We ask that you renew your call to **fully fund Pay Costs, and we ask for $2.5 million for Red Lake to restore the Pay Costs Red Lake has lost since FY 2001.**

Protect and Fully Fund the BIA Tiwahe and Recidivism Reduction Initiatives (RRI). The Tiwahe Initiative was established in 2015 to improve the health and wellbeing of families in tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes such as youth suicide. Tiwahe includes two components: (1) a recurring funding increase for all tribes that operate Social Services and ICWA programs and (2) additional funding for a demonstration program at 6 tribal locations (representing 61 tribes and Alaska Native villages) to improve coordination and delivery of services. Tiwahe funding includes BIA programs of Social Services, ICWA, Courts, Housing Program (HIP), Job Placement & Training, and Public Safety RRI program. Upon completion of the 5-year demonstration period, if tribes evidence success through performance measures identified in their Tiwahe plans, the program and funding is to thereafter be recurring. Other successful tribal demonstration/pilot programs which Congress expanded and made permanent include the 477 Program (P.L. 102-477) and the Tribal Self Governance Program. Tiwahe deserves the same support from Congress.

Tiwahe has improved coordination of and strengthened our youth suicide prevention efforts at Red Lake. We had no youth suicides in the last two years, and only one youth suicide in the last 52 months. Although one suicide is too many, for Red Lake this represents a major reduction, and we have made great progress towards our goal of ending youth suicide.

Tiwahe has also strengthened families in our region where good paying jobs are scarce. Tiwahe enabled our Oshkiimaajitahdah Institute of Technology to address a regional welding job shortage by establishing basic and advanced welding classes. Last year we held four welding classes with a 70% graduation rate and 20% employment rate. Notably, two of the classes were all female students. We also held three Certified Nursing Assistant (CNA) classes for 28 students, with 95% receiving their certification. Half of these were immediately employed by our local nursing home, which increased the number of elders we were able to serve. One of the CNA classes consisted of all TANF clients, thereby reducing dependency on TANF.

Tiwahe and RRI enabled us to open the Red Lake Children's Healing Center (CHC), a juvenile detention facility that sat vacant for a decade due to lack of funding. The CHC provides vital mental health, substance abuse, domestic abuse, and recidivism reduction services to adjudicated youth in a culturally-sensitive way. We are currently modifying the kitchen and sleeping areas of this juvenile detention facility so that we can implement a 24/7 treatment program for rehabilitative mental health and substance abuse services for adjudicated youth later this Spring.

Congress has supported the Tiwahe Initiative since it began, citing the importance of providing culturally-appropriate services with the goals of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole. Red Lake is currently working with the BIA and other pilot tribes to prepare a final report on the Tiwahe

demonstration program, including measures of success and guidelines for other tribes to implement the model.

It is in the interest of all tribes who operate Social Services and ICWA programs, the tribal demonstration sites, and all of the children and families benefitting, that you **fully fund Tiwahe in FY 2021, and that you expand the program with additional resources for additional tribes, and make the Tiwahe program permanent. We also appreciate and ask that you continue the Tiwahe explicit language in FY 2021, "with funding distributed in the same amounts to the same recipients, including the funding to support women and children's centers".** It would be the height of unfairness to cut off Tiwahe funding to initial tribal recipients like Red Lake. Your Subcommittee's vital support is helping our children and families to have better lives and safer communities, and we thank you for your help.

BIA Justice Services: Law Enforcement, Courts, and Community Fire Protection. Congress intended the Tribal Law and Order Act (TLOA) to give tribes the resources needed to fight crime. But since TLOA was enacted, BIA law enforcement funding has shrunk, hindering our ability to reduce crime and protect lives. Our greatest need is for funding increases for more tribal officers. The BIA is obligated to provide full funding to meet basic public safety needs but has repeatedly failed to do so. We appreciate the $8.2 million increase you provided for more police officers across Indian Country to fight the opioid epidemic. We also thank you for the additional $2.4 million for more detention officers for tribal jails across all reservations.

But even if BIA transferred all these national increases to Red Lake, it would not meet our public safety funding requirements. Red Lake is understaffed and undersupplied relative to BIA safety standards. Last year, we had to budget $5 million more than the BIA provided, by taking funds from other critical tribal programs that are already underfunded, just to maintain minimal public safety. In 2017 Red Lake declared a Public Health Emergency because of the sharp increase in opioid overdoses. We had 87 overdoses, with 55 lives saved by the use of Narcan. Red Lake Law Enforcement has waged a fierce war on drugs, and we are holding drug dealers accountable. But we need more resources to end this epidemic. We request **an additional $20 million in FY 2021 for tribal law enforcement operations, $5 million more for tribal detention operations, and an additional $3 million for Red Lake Law Enforcement to combat our opioid crisis.** Tribal Courts are a top priority for tribes but are severely underfunded. We appreciated your efforts to increase Court funding in FY 2020 by $18 million, which helped get an enacted increase of $5 million. We ask that you **provide an additional $15 million in FY 2021 for Tribal Courts.** Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our Reservation and protecting lives on a yearly BIA-funded budget of only $42,500. We ask that you **provide $10 million for Community Fire Protection in FY 2021,** and that some of that increase be dedicated to meeting the costs of two replacement fire trucks at Red Lake.

Financing for 105(*l*) Lease Costs. Thank you for raising the issue of financing for 105(*l*) lease costs in the FY 2020 Interior Appropriations bill and asking the Administration to propose a plan in consultation with tribes. At Red Lake, we were pleased to recently finalize Section 105(*l*) leases for our Criminal Justice Complex and two new fire halls, after good and productive negotiations with Interior. We ask that you include "indefinite appropriations" authority, or mandatory spending authority, for Section 105(*l*) leases in the FY 2021 Interior Appropriations

bill, which would facilitate the funding of lease payments without impacting other tribal programs and obviate a time consuming and costly reprogramming process that frustrates both federal and tribal administrators. At the very least, we ask you to consider adding the following "indefinite appropriations authority" bill language for FY 2021, modeled after what has been requested by the Administration and adopted by Congress in prior years for Contract Support Costs: ***"For payment of compensation to tribes and tribal organizations, pursuant to 25 C.F.R. § 900 (Subpart H), for Section 105(l) leases by the Secretary for tribally-owned facilities associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs and the Bureau of Indian Education for fiscal year 2021, such sums as may be necessary, which shall be available for obligation through September 30, 2022."***

Housing Improvement Program (HIP). HIP provides housing assistance for our poorest and elderly members. Thank you for restoring HIP and adding $2 million more in FY 2020, as well as for providing $1.7 million for HIP under the Tiwahe Initiative. We request **an additional $10 million for HIP in FY 2021.**

Trust Natural Resources. Thank you for providing significant increases in Trust Natural Resources in FY 2020. Most tribal natural resources base programs, which fund our day-to-day conservation responsibilities, have not been increased for years. As a result, tribes have been unable to adequately manage their resources (e.g., Red Lake must manage the 6th largest freshwater lake in the U.S. on less than $1 per acre). Most tribal resource management activities are funded under the BIA budget categories of Tribal Management Development, Natural Resources TPA, Wildlife and Parks TPA, and Forestry TPA. We urge you to **increase funding for each of these programs by at least $5 million above FY 2020 enacted levels.**

Indian Health Service (IHS). There is a tremendous unmet need for IHS and tribal health programs, stemming from years of chronic under funding. IHS mandatory increases for inflation, population growth, pay costs, and CSC surpass the requested increase. Per capita expenditures for IHS in 2017 were only $4,078 person, compared to $9,726 for the general population, a great disparity. For FY 2021, we support the IHS Tribal Budget Formulation Workgroup request and ask that you **provide $9.1 billion for IHS.** We join with others in asking that the IHS be required to provide a request for full funding for IHS-Tribal Section 105(*l*) leases, based on accurate estimates, and that you provide sufficient funding in FY 2021 to ensure that these mandatory costs are met.

EPA Programs. Our Tribe has 60% of the Indian trust land in EPA Region 5. We span a geographic area the size of West Virginia. Our water, wetlands, animals, and plants are vital to us. Vital EPA programs like General Assistance (GAP), Clean Water Act Sections 106 Pollution Control and 319 Nonpoint Source, Brownfields, and Clean Air Act Section 105, provide only 50 percent of the staff and support needed. We ask that you **restore all of the FY 2021 proposed cuts for these programs, and that you consider increasing them.**

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Nation in FY 2021, and for your consideration of these needs.

Ms. MCCOLLUM. No pressure. No pressure from one of my tribal leaders back home. Please, sir.

Mr. HILL. [Speaking native language.] Hello, everyone. My name is Tehassi Hill, chairman for Oneida Nation. Chairwoman McCollum, Ranking Members Joyce, and the committee, thank you for inviting tribal leaders to testify before you today. It is an honor to be here on behalf of more than 17,000 members of the Oneida Nation. I am here today to advocate for a number of critical programs and policies that directly impact the Oneida Nation and Indian Country as a whole.

As you know, tribes and tribal organizations face many challenges as identified in the "Broken Promises" report. In addition, both the Indian Health Service and the Bureau of Indian Affairs are on the Government Accountability Office's High Risk List. Indian Country has been underfunded and underserved for too long. Below are just some recommendations the Oneida Nation has to improve the health, safety, and welfare of our community.

One of the fundamental trust responsibilities of the Federal Government is healthcare, and the committee has our thanks for the substantial funding increase it provided in the Indian Health Service in the appropriations measure enacted in December. I would like to highlight the growing use of Section 105(l) leases through which IHS enters into a lease for facilities owned and/or leased by tribal or tribal organizations, and used to deliver the healthcare services under the Indian Self-Determination and Education Assistance Act. Section 105(l) leases have been a great success for reimbursing tribes for the cost of providing healthcare facilities that IHS would otherwise have to provide. They provide much-needed funds to help with maintenance and improvement of facilities we are providing to carry out our Title V compacts with IHS.

Unfortunately, IHS has failed to adequately plan for the widespread adoption of Section 105(l) leases, and while this committee has increased funding for the program, IHS budget requests have not kept pace with demand. Of the $125 million the committee appropriated in Section 105 leases in December, we understand that at least 95 percent is needed to support existing leases. In order to address this deficiency, I request the committee take two actions. First, the committee should consider creating a separate funding line for Section 105(l) leases to ensure the use of the program is fully recognized. Second, the committee should classify Section 105(l) lease appropriations as separate and indefinite in the manner it did with contract support costs.

Next, I would like to reiterate Oneida's strong support for tribal self-governance. This is tribal control of the distribution and administration of Federal funding. At Oneida, we have assumed responsibilities for our healthcare, education, and most BIA programs, and the results have been undeniably positive. Environmental, health, and education indicators have gone up while administrative costs have gone down. Just as important, our tribal government capacity has also improved. Our staff now have the knowledge, skills, and experience to take on new and more complex governance operations, and they do so on a regular basis.

Every culture has a story of how the world was created. Oneida Nation's creation story teaches us that everything is connected.

There must be balance for the environment to thrive. It is philosophy that has let us become long-term partners with the EPA on the Great Lakes Restoration Initiative. Launched in 2010, the initiative protects and restores the largest system of fresh surface water in the world, the Great Lakes, which happens to be in our backyard. Since then, Oneida Nation has been awarded nearly $4.5 million for watershed improvement projects, which not just benefit our community, but the greater region. Oneida Nation strongly urges the committee to fully fund the Great Lakes Restoration Initiative.

Lastly, I ask Congress to fully fund the Native American Languages Program. For more than 80 years, we have worked hard to preserve and revitalize the Oneida language. In the 1930s, the Oneida Nation began documenting our language and how it has evolved. In the 1970s, we partnered with a linguist from the University of Wisconsin, Green Bay, to develop a dictionary that is still in use today. Unfortunately, our people have not spoken Oneida as a first language for more than a century. To combat this, we launched a 10-year language immersion plan in 1996 that created the Oneida language curriculum available to hundreds of students.

In 2010, thanks to a Native American language preservation and maintenance grant, we developed and implemented an 18-unit course curriculum coupled with an online learning program that has provided Oneida language learning access to thousands of students and Oneida citizens. Oneida language is a key component of our cultural identity. Language [Speaking native language]. When we use [Speaking native language], the good medicine of our language, we begin to heal our students and community. For these reasons, we respectfully request you fully fund the Native American Languages Program at the $13 million level as just been recently reauthorized with the passage of the Esther Martinez Language Revitalization Act.

[Speaking native language.] Thank you again for this opportunity.

[The statement of Mr. Hill follows:]

Oral Testimony of Tehassi Hill
Chairman
Oneida Nation
February 12, 2020

Chairwoman McCollum, Ranking Member Joyce, Members of the Committee, thank you for inviting tribal leaders to testify before you today. It is an honor to be here on behalf of more than 17,000 members of the Oneida Nation.

I am here today to advocate for a number of critical programs and policies that directly impact the Oneida Nation and Indian Country as a whole. As you know Tribes and Tribal Organizations face many challenges as identified in Broken Promises Report. In addition, both the Indian Health Service and Bureau of Indian Affairs are on the Government Accountability Office's High Risk List. Indian Country has been underfunded and underserved for too long. Below are just some of the recommendations the Oneida Nation has to improve the health, safety, and welfare for our Community.

Section 105 (l) Leasing

One of the fundamental trust responsibilities of the federal government is health care, and the Committee has our thanks for the substantial funding increase it provided the Indian Health Service in the appropriations measure enacted in December.

I'd like to highlight the growing use of Section 105(l) leases, through which IHS enters into a lease for facilities owned or leased by a tribe or tribal organization and used for delivery of health care services under the Indian Self-Determination and Education Assistance Act. Section 105(l) leases have been a great success, reimbursing tribes for the cost of providing health care facilities the IHS would otherwise have to provide. They provide much needed funds to help with maintenance and improvement of facilities we are providing to carry out our Title V Compact with the IHS. For example, the roof of our health clinic needs to be replaced and we requested funds in 2016 to assist with this project. We received notice last fall that we were approved for Backlog of Essential Maintenance, Alteration, and Repair funds for the roof replacement and are hoping that the work can begin this Spring. The Section 105 (l) leases will allow tribes to make these vital improvements in a more timely manner.

The Nation has had a compact and funding agreement with the Department of Health and Human Services since 1997 and owns and operates health care facilities serving over 10,000 patients. Our facilities are aging and deteriorating at an alarming rate and the $306,809 we received in Maintenance and Improvement funds in FY 2019 is inadequate. That is why we decided to pursue and are in the process of finalizing Section 105 (l) leases for our facilities. This will ensure that our Community will receive the best health care in updated, safe facilities.

Unfortunately, IHS has failed to adequately plan for the widespread adoption of Section 105(l) leases and, while this Committee has increased funding for the program, IHS budget

requests have not kept pace with demand. Of the $125 million the Committee appropriated for Section 105(l) leases in December, we understand that at least 95% is needed just to support existing leases.

Just as concerning, IHS is covering the shortfall of Section 105 (l) leasing funds by reprogramming funding intended to address cost of living increases across the IHS system. This reprogramming perpetuates health disparity in Indian Country and is an imperfect solution that must be addressed by this Committee.

In order to address this deficiency, I respectfully request the Committee take two actions:

- First, the Committee should consider creating a separate funding line for Section 105(l) leases to ensure the use of the program is fully recognized.
- Second, the Committee should classify Section 105(l) lease appropriations as separate and indefinite in the manner it did with contract support costs.

Self-Governance

Next, I would like to reiterate Oneida's strong support for Tribal Self Governance—that is tribal control of the distribution and administration of federal funding.

At Oneida, we have assumed responsibility for our healthcare, education, and most BIA programs, and the result has been undeniably positive. Environmental, health and education indicators have gone up, while administrative costs have gone down. Just as important, our Tribal Government capacity has also improved. Our staff now have the knowledge, skills and experience to take on new and more complex governance operations, and they do so on a regular basis.

We thank Congress for continuing to expand the scope of programs that are eligible for self-governance, and this committee for providing funding to support tribal self-governance. The success of these initiatives reach far beyond the Oneida Nation and we all reap the benefits of their success.

Great Lakes Restoration Initiative

Every culture has a story of how the world was created. Oneida Nation's creation story teaches us that everything is connected. there must be balance for the environment to thrive. It is this philosophy that led us to become a long-term partner with the Environmental Protection Agency (EPA) on the Great Lakes Restoration Initiative.

Launched in 2010, the Initiative protects and restores the largest system of fresh surface water in the world—The Great Lakes, which happens to be in our backyard. Since then, the Oneida Nation has been awarded nearly $4.5 million for watershed improvement projects

which benefit not just our community, but the greater region. Greater detail about the many projects Oneida has undertaken has been included in my written testimony for your consideration. In short, the Initiative has been the single most successful federal program designed to restore our lands.

The Oneida Nation strongly urges the committee to fully fund the Great Lakes Restoration Initiative.

Esther Martinez Act Funding

Lastly, I ask Congress fully fund the Native American Languages Program.

For more than 80 years, we have worked hard to preserve and revitalize the Oneida language. In the 1930s, the Oneida Nation began documenting our language and how it has evolved. In the 1970s, Oneida partnered with a linguist from the University of Wisconsin Green Bay to develop an Oneida dictionary, which is still in use today.

Unfortunately, our people have not spoken Oneida as a first language for more than a century. To combat this, we launched a 10-year language immersion plan in 1996 that created an Oneida language curriculum available to hundreds of students. In 2010, thanks to a Native American Language Preservation and Maintenance Grant, we developed and implemented an 18-unit course curriculum coupled with an online learning program that has provided Oneida language learning access to thousands of students and Oneida citizens.

The Oneida language is a key component of our cultural identity. Language is medicine, and when we use kanukwatslyo, the good medicine of our language, we begin to heal our students and community. For these reasons, we respectfully request you fully fund the Native American Languages Program at the $13 million level that was just recently reauthorized with the passage of the Esther Martinez Native Languages Reauthorization Act.

Conclusion

There are dozens of other vitally important programs within the Interior, Environment and Related Agencies Appropriations bill that are important to Oneida Nation; however, in the interest of time, I will conclude my remarks here. Thank you again for this opportunity, and I look forward to working with you to ensure that Indian Country can continue to thrive in Fiscal Year 2021, and beyond.

Ms. ANDREWS-MALTAIS. Good afternoon, Chairwoman McCollum.

Ms. MCCOLLUM. Is the red light on? And would you like some more water than that? We can pour you a glass now.

Ms. ANDREWS-MALTAIS. Sure. That would be great.

Ms. MCCOLLUM. I can hear it in your voice.

Ms. ANDREWS-MALTAIS. But good afternoon, Chairwoman McCollum——

Ms. MCCOLLUM. Good afternoon.

Ms. ANDREWS-MALTAIS [continuing]. Ranking Member Joyce if he was here, and members of the committee. And thank you for your commitment to Indian Country and your continued effort to help fulfill the United States trust and treaty obligations. And thank you for inviting me to testify here today.

My name is Cheryl Andrews-Maltais, and I am the chairwoman of the Wampanoag Tribe of Gay Head Aquinnah in Massachusetts on the island of Martha's Vineyard, and I am currently serving in my fourth term. I also serve on the board of directors of the United South and Eastern Tribes, USET, and the BIA/NIH's Self-Governance Advisory Committees, the Tribal Interior Budget Council, and the HHS Secretary's Tribal Advisory Committee. And I also previously served as a senior adviser to the assistant secretary on Indian affairs in the Obama Administration.

My tribe, the Aquinnah Wampanoag, is part of the great Wampanoag Nation known as the people of the first light. We have occupied our homeland since time immemorial. Our ancestors were the people who met and helped the pilgrims survive in these lands, and we were signatories to the original Treaty of Peace between our nation and King James of England. As one of the first Indian nations to encounter European explorers and settlers, we have endured centuries of warfare and disease, legal prohibitions against our culture and language, loss of our aboriginal homelands, discrimination, and forced assimilation. Indian people have suffered incalculable losses and we have paid dearly with our lands, our resources, and the lives of our ancestors.

So in an effort to end the centuries of slaughter, tribal nations agreed to settle these bloody conflicts with treaties and negotiated settlements with disproportionate concessions from us. Indian Country has paid it forward, and I will repeat that: Indian Country has paid it forward. We trusted the United States when they promised that in exchange for our lands and our vast natural resources that they would, in turn, provide for the health, education, and well-being of our people. And today, the trust obligation that resulted from those agreements has not been honored. We have honored our end of the bargain. However, the United States has not honored theirs.

As this committee understands and tries to address, the United States owes us a financial debt, an obligation to fund the tribal governments to ensure our continued health, education, and well-being. The U.S. Commission on Civil Rights report, "Broken Promises," describes how grossly inadequate the Federal funding is, and it exposes the utter failure of the United States to live up to its trust and treaty obligations, resulting in devastating impacts across Indian Country that this committee is all too familiar with.

Federal Indian funding should not be discretionary or subject to political discourse of Congress. This solemn obligation is not discretionary, and Congress' failure to fund the rest of the Federal Government should not diminish its obligations and fiduciary responsibility to tribes. We appreciate your efforts and your attempts to appropriate critical funding necessary to help meet the United States' obligations. However, tribal governments need full funding and in parity with other Federal programs.

We fully support H.R. 1128, the advanced appropriations bill, and thank you for putting that forward. We also thank the subcommittee for rejecting the Administration's proposed cuts to the Fiscal Year 2020 appropriations and for the increases you have proposed as outlined in more detail in my written testimony.

What I would like to articulate are some of the more specific asks. I ask that the committee when developing appropriations language truly consider the United States' unique relationships with tribes, and how tribes are capable of governance. Tribal sovereignty should not be subjugated to States by having to receive our Federal funding through grants or set asides administered by States because many tribes never receive those funds. Funding should be disbursed to us through our compacting and contracting agreements, not through States or competitive grants, pitting tribes against each other for those desperately-needed resources. Funding needs to be consistent and sustained. Our governments cannot create or run programs or services on small grants or inconsistent funding. Tribes, especially small tribes like mine, who have no economic development and rely completely on our Federal funding. And last year's shutdown was devastating to us.

Unlike States and municipalities, tribes do not have a tax base to supplement the cost of running our government's essential programs and service. If special language or authority is needed, then I ask that the committee consider including such language that allows the exercise of discretionary authority to fully fund us and includes as much flexibility as possible so we can develop our programs and services in a manner that best meets our unique and individual tribal nations' needs.

Funding also needs to be timely. As a self-governance tribe for almost 2 decades, my tribe has not received our lump sum full annual payment required by law since 2001 or 2002. Finally, I ask that the committee include language in its appropriations accompanying report that directs the BIA and the IHS to explain the reasons that prevent their offices from complying with the statutory mandate which requires the Secretaries to award funds to tribes not later than 10 days after the apportionment of such funds by the Office of Management and Budget; and that the departments identify remedies to overcome these challenges, including any required funding to implement such changes.

Thank you again for the opportunity to be here today, and I am happy to answer any of the questions you may have.

[The statement of Ms. Andrews-Maltais follows:]

Testimony of Cheryl Andrews-Maltais
Chairwoman of the Wampanoag Tribe of Gay Head Aquinnah
Before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
Regarding FY 2021 Funding Needs Within the BIA, IHS, and EPA Accounts
February 12, 2020

Good afternoon Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee. My name is Cheryl Andrews-Maltais. I am the Chairwoman of the Wampanoag Tribe of Gay Head Aquinnah, located on the Island of Martha's Vineyard, seven miles off the coast of Massachusetts. I am serving in my fourth term as Chairwoman. I also serve on the Board of Directors of the United South and Eastern Tribes (USET), the Eastern Region Delegate on the BIA Tribal Self-Governance Advisory Committee, the IHS Office of Self-Governance Advisory Committee, the Tribal-Interior Budget Council (TIBC), and the Health and Human Services Secretary's Tribal Advisory Committee (HHS-STAC).

Thank you for inviting me to present testimony today concerning the Tribe's needs for FY 2021 funded through appropriations by this Subcommittee for the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), EPA and related agencies. The Wampanoag Tribe of Gay Head Aquinnah is part of the Great Wampanoag Tribal Nation, known as *The People of the First Light*. We have occupied our lands since time immemorial. Our ancestors were signatories to the 1621 Treaty of Peace between the Wampanoag Nation and King James I of England. Like other New England Tribes who were among the first Indian Nations to encounter European settlers and explorers, we endured centuries of warfare, disease, loss of our aboriginal lands, discrimination and forced assimilation. However, like all indigenous peoples of the United States, we maintained our cultural and religious practices, language, heritage, and Tribal government.

In the 1980s, like many other New England Tribes, we brought lawsuits to assert our aboriginal ownership rights to the lands of our ancestors on Martha's Vineyard, which were taken from us in violation of the Trade and Intercourse Act of 1790. On April 10, 1987 the Tribe regained our Federal Acknowledgement as a sovereign Indian Nation through the administrative procedures administered by the Department of the Interior, and became eligible for the services and benefits of the United States enacted for the benefit of Indian Tribes and their citizens. It was only after almost a decade of efforts to restore our Federal acknowledgement that State and Federal officials came to the negotiating table to work out a settlement. Subsequently, on August 18, 1987, with enactment of the Massachusetts Indian Land Claims Settlement Act, Pub. L. 100-95, with our Federal relationship acknowledged, we eventually placed just under 600 acres of land in trust for the benefit of our members. Thus began our restoration.

While a portion of our approximate 1,300 Tribal Member citizen reside on Martha's Vineyard, about three-quarters of our People reside on the mainland in southern New England, southeastern Massachusetts, and in other states. According to recent HUD data, Tribal families in our service area earn between 30% - 80% of Median Family Income, live in overcrowded housing, have housing needs in excess of 50% of family income, or experience housing shortage. On the island, affordable housing is virtually non-existent, especially during the tourist season, and too many of our Tribal Members "couch surf" in search of temporary housing. During the off-season, jobs are scarce and too many community members struggle, and are often unable to make ends

meet. Our Tribal and Federal dollars are stretched ever so thin, as we work to develop our reservation trust lands to serve our community's needs. As you can imagine, the cost to build on the island of Martha's Vineyard is exorbitant. Over the last 33 years, we have made some progress, however the demands and cost of living within our homelands continue to grow.

Today, we operate BIA- and IHS-funded programs under Tribal Self-Governance Compacts to serve our members and we receive funds from EPA for critical environmental work to monitor the waters, air, and lands that are the life-blood of our Tribal citizens. We have 13 departments, including, Education, Health, Natural Resources, Social Services, After School and Summer Children's Program, Tribal Historic Preservation Office, Women's Center, Administration, Finance, and Planning. We operate a housing authority and operate our own waste water treatment plant. We have operated under Self-Governance for nearly two decades. I set out our recommendations for FY 2021 appropriation needs below.

1. BIA and IHS Must Improve the Timely Transfer of Federal Appropriations to Tribes Under the Indian Self-Determination Act

In FY19, our Tribe was hit hard by the 35-day government shutdown. We came very close to suspending services and laying off staff. And the Continuing Resolutions while more helpful than nothing, simply do not allow for the consistent financial support necessary to operate our Tribal Government programs and services. We don't have any economic development. Our Tribe depends exclusively on the timely transfer of annual appropriations from the Offices of Self-Governance at BIA and IHS to ensure that we can perform the programs, services, functions and activities we assume from those agencies in an efficient manner and meet the payroll requirements for our dedicated staff. We have not received any discernable funding increases since we entered into Self Governance almost two decades ago.

The funding that the United States owes to all Tribes, including us, is a fiduciary responsibility and an obligation to us, not an entitlement. However, we are funded as a discretionary aspect of the federal budget. All too often, we receive our Federal program funds late, and in small installments rather than in a lump sum as agreed to under our Self Governance Compact and which we negotiate annually with BIA and IHS in our funding agreement. The Tribe fully supports the measures introduced by Members of the House and Senate to protect Tribal programs by requiring advance appropriations to Tribes (e.g., H.R. 1128). An additional burden placed upon the Tribe is trying to manage a Tribal Government on competitive grant basis. Tribes do not have a tax base from which to draw revenue to support the government functions. Funding should be consistent and included in the Tribe's base funding in order to properly execute the programs and functions performed on behalf of the United States.

I also ask that the House Appropriations Committee include language in the report accompanying the FY2021 appropriation measure to direct the BIA and IHS to explain to Congressional appropriators the reasons that prevent those offices from complying with statutory mandate of Pub. L. 93-638, which requires the Secretaries to award funds to Tribes "not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department" (see, e.g., 25 U.S.C. § 5388(a)), and to identify remedies to overcome these challenges, together with any required appropriations language to implement such changes. As the first of only two Self-Governance Tribes in the BIA Eastern Region, we routinely receive our

annual recurring base program funds late and rarely in the lump sum as required. The same is also true for payment by BIA and IHS of our Contract Support Cost (CSC) funds. We ask that the Committee also direct the agencies to promptly improve the methods and procedures by which they calculate and pay CSC funds to Tribes, including an explanation of the distribution formula employed. The Tribes should not have to incur the cost of filing a Contract Disputes Act (CDA) claim against the BIA and IHS in order to get the agencies to award funds owed us.

The agencies must comply with the ISDEAA. If special authorization is needed or changes are required to the finance systems they operate, the agencies should consult with Tribes and implement agreed upon changes. No Tribe should have to wait on Federal appropriations for months because an agency budget office cannot or will not improve its systems and procedures.

2. Continue to Increase Funding for BIA Public Safety Services (Criminal Investigations/police services)

We thank the Subcommittee for rejecting the Administration's proposed cuts in the FY 2020 appropriation. We appreciate Congress approving $22.8 million in additional funding in FY 2020 within the BIA's Public Safety and Justice account. Funding for this account will increase to $434 million, an increase of 5.5%, including an additional $1 million to solve Missing and Murdered Indigenous Women cold cases, and an additional $1 million for background checks to speed the hiring of more law enforcement officers. This covers such programs as criminal investigations and public services, corrections, the Indian police academy, Tribal courts, VAWA, and the BIA's law enforcement special initiative.

The Wampanoag Tribe of Gay Head Aquinnah receives direct program funds from BIA for Criminal Investigations/Police Service. Under our authority, we use these funds to help finance the salaries of three cross-trained Tribal personnel, a Natural Resources Director and two Tribal rangers trained at the BIA Police Academy and all are deputized as Special Officers of the Town. Our law enforcement budget is $6/100^{th}$ of one percent (0.0006) of the BIA's FY 2020 Criminal Investigations. We simply need more funds. Our Rangers must patrol our nearly 600-acre reservation. During tourist season on the Vineyard, they must work every day to keep visitors out of sensitive environmental and cultural areas and keep tourists for coming into our Housing Authority to "look for the Indians." During hunting season, they must ensure the safety of our Tribal Members and non-members who cross our lands. Our Rangers are crossed trained as EMTs, and First Responders, receive training to administer Naloxone for opioid overdose, serve eviction notices, no trespass and restraining orders, they coordinate with each Town and the County's law enforcement personnel in all aspects of public safety and disaster preparedness.

We need to triple our staff and request that the Subcommittee continue to recognize the shortage of trained public safety officers in Indian country. This remains a priority for the Tribe. The opioid crisis, the safety of our Tribal citizens, especially women and children – who are among the most vulnerable for domestic violence and neglect – requires targeted appropriations by Congress. Despite the helpful increases the Subcommittee has supported for public safety in Indian country, we have not seen an appreciable increase in funding. Small Tribes like Aquinnah need additional public safety officers to keep our Tribal community safe.

3. Support Increases for the Indian Child Welfare Act (ICWA) Program

Within our BIA Self-Governance compact, we operate the ICWA Program serving our Tribe. We receive less than $8,000 which is wholly inadequate for the program needs of our Tribe. The FY 2019 budget for BIA's ICWA Program was $19.1 million. While we understand that Congress appropriated $1 million in the current FY 2020 budget to implement grants for off-reservation programs for Indian child and family services (25 U.S.C. § 1932), it is unclear to us whether the FY 2020 ICWA budget was otherwise reduced to $14.3 million, a reduction of nearly 25% from the FY 2019 enacted level.

So long as Tribes must deal with the ills of poverty, underemployment, overcrowding, substance and alcohol use, misuse and abuse, we must address the associated challenges of child abuse and neglect. Please recognize the importance of recurring funding for the Indian Child Welfare Act Program and the critical importance to Tribes to retain the professional staff who monitor and protect the most vulnerable Tribal children. We recommend increases to the FY 2019 enacted level for the ICWA Program in the FY 2021 budget.

4. Support Increases to the IHS's Purchased/Referred Care Program and Dental Health Program

The Tribe appreciates the support of the Subcommittee for continued increases to the Indian Health Service (IHS) budget for FY 2020, adding $212 million above the FY 2019 enacted level for IHS Services accounts. The Tribe operates a small out-patient ambulatory clinic on the island. We barely have sufficient funds to have a full-time Nurse Practitioner, however our clinic physician only comes monthly to examine patients and prescribe medications. For that reason, the Tribe is dependent on our IHS Purchased/Referred Care (P/RC) funds to allow our Tribal members to receive adequate health services off-reservation and off-island. We request that the Subcommittee increase funds for this critical program to ensure the long-term health of our Tribal citizens and other eligible Tribal beneficiaries of IHS-funded services.

In FY 2020, Congress provided $965 million for P/RC, the same funding level as provided in FY 2019. We ask that the Subcommittee consider the needs of small Tribes that operate out-patient clinics and which must rely on P/RC funds to ensure that our members receive the healthcare services they require as you develop the FY 2021 appropriation.

We also appreciate Congress appropriating $210.5 million for Dental Health in the FY 2020 budget, an increase of nearly $6 million above the FY 2019 enacted level. Our Tribe is witnessing a deterioration in our members' oral health as they age, at almost an epidemic level. Too many of our Tribal members went without routine dental exams as children and young adults. As a result, they are experiencing oral health problems as older adults. We ask the Subcommittee to target dental health needs in the FY 2021 IHS budget so that we may better ensure the long-term health of our members. The Surgeon General has identified the issue as one of his priorities because good oral health promotes longevity and a better quality of life as we age. Thank you for the opportunity to present testimony regarding our Tribe's funding needs.

Ms. MCCOLLUM. Thank you. Please, sir.

Mr. AZURE. Thank you, Chairwoman——

Ms. MCCOLLUM. You might want to pull that a little closer.

Mr. AZURE. Okay.

Ms. MCCOLLUM. Thank you.

Mr. AZURE [continuing]. And your committee for allowing me to speak here for the Fort Peck Tribes. I am Floyd Azure. I am the chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. We appreciate the subcommittee's continued commitment to addressing the substance abuse and consequential challenges that arise from this plague. When someone is suffering from addiction, it is not just the person who is impacted. It is the entire family, and, for tribal communities, it is the entire tribe. The addictions our people are facing today, and, in particular, meth and heroin, are so much more destructive than alcohol. I am not sure we can survive another generation with our people locked in the grasp of the addiction of these drugs. Thus, I would like to take my time today to talk about the importance of supporting the Indian Health Service and the need to support the Indian Health Service's capacity to collect from third-party payers, like Medicaid, Medicare, and private insurance.

At the Fort Peck Service Unit, the increase in third-party collections from expanded Medicaid in Montana has allowed the Indian Health Service to actually provide healthcare rather than band-aids, which all too often were prescription painkillers. It is an old story across Indian Country that the biggest drug dealer on the reservation is IHS clinic. This is because the IHS historically did not have the resources to treat serious conditions like torn ACLs, rotator cuff injuries, or even gallbladder disease. Because these conditions are not life or limb conditions and would not qualify for PRC contract care, consequently the private providers, who were led to believe that painkillers would be a safe alternative to real care, prescribed painkillers. Thus, for a generation we had to deal with people who were given pills and became addicts——

Ms. MCCOLLUM. That is right.

Mr. AZURE [continuing]. Which led to the destruction of lives, families, and, in the end, compromised the very foundation of our community and our future. However, since Medicaid expansion, the numbers tell us that the people are getting real healthcare, and their quality of life is improving, which means the quality of life for our children is improving. No longer are people being told that they are not sick enough to get quality healthcare and given a bottle of pills for pain.

Specifically, we have had scores of hip and knee replacements and other orthopedic surgeries, and other preventive and screening healthcare includes substance abuse treatment. While there is no magic solution to combatting the many issues that are caused by drug and alcohol addiction, I am certain that ensuring people have access to quality healthcare is a big part of the solution. As our people here, we must work to heal our families, and that is why I am here again asking for additional funding for our tribal social services program. Over 36 percent of children in the foster care system in Montana are Indian children. Indian people represent only

10 percent of the State population. More than 100 Fort Peck children are in the foster care system today.

Montana is one of the six States in the country to have instituted an ICWA court. The court handles State ICWA cases in Yellowstone County from Fort Peck, Northern Cheyenne, and Crow Tribes. The team approach of the ICWA court in Montana fosters collaboration between the State and tribal stakeholders, promotes meaningful State compliance with the Child Indian Welfare Act, and improves outcomes of Indian children and their families involved in the foster care system. This kind of support and dedicated staff can only continue with that additional funding for the BIA tribal social services and the ICWA programs.

Relatedly, while we appreciate increased funding for tribal courts that Congress has provided, it has not been enough. Tribal courts are the backbone of tribal sovereignty. Without sound tribal courts, we would not be a community where people feel safe, where businesses want to open, and our children, who are the most vulnerable, receive protection. Currently, the Bureau of Indian Affairs only provides a fraction of the funding to operate our tribal court. Our court is one of the few tribal courts in the country exercising an expanded VAWA jurisdiction. This work is important to making our reservation a safe place for women and children. However, it takes additional resources to retain legal-trained defense counsel, prosecutors, and judges.

Finally, my tribes and others are resisting the construction of the Keystone pipeline that will cross the Missouri River, just one-quarter mile from the western boundary of the Fort Peck Reservation. This project presents a grave threat to the land the water resources of the Fort Peck Tribes. Thus, while we remain hopeful that the legal process will stop this pipeline from becoming a reality, we fear we will lose, and my community will be left to do deal with the consequences of this pipeline. We are worried about the man camps that will be built and the increased burden on our law enforcement and social services programs as a result.

We know too well about the impact that the Bakken boom had on our community with increased drugs and violence and the introduction of modern human trafficking. We believe most of the increased activity will be from the company's man camps. We ask Congress to provide us with additional resources to be able to address these impacts if Keystone is built. Thank you.

[The statement of Mr. Azure follows:]

TESTIMONY OF FLOYD AZURE, CHAIRMAN
ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION
TO THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
ON THE IHS, BIA AND THE OFFICE OF SPECIAL TRUSTEE'S FY 2021 BUDGET

FEBRUARY 12, 2020

I am Floyd Azure, Chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. I would like to thank the House Interior Appropriations Subcommittee for the opportunity to present testimony concerning FY 2021 appropriations for the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and the Office of the Special Trustee.

The Fort Peck Reservation is in northeast Montana, forty miles west of the North Dakota border, and fifty miles south of the Canadian border, with the Missouri River defining its southern border. The Reservation encompasses over two million acres of land. We have approximately 12,000 enrolled tribal members, with approximately 7,000 tribal members living on the Reservation. We have a total Reservation population of approximately 11,000 people.

Congress has long recognized that the foundation for economic development and prosperity in Indian country lay in community stability, which begins with quality health care and infrastructure, such as safe drinking water, roads, and public safety.

A. SUBSTANCE ABUSE AND ITS IMPACT ON OUR COMMUNITY

We appreciate the Subcommittee's continued commitment to addressing substance abuse and the consequential challenges that arise from this plague. When someone is suffering from addiction, it is not just the person who is impacted it is the entire family, and for tribal communities it is the entire Tribe. Drug addiction destroys lives and it destroys families. We know Indian children suffer from higher suicide rates, Indian women are victims of domestic violence far higher than the rest of society, and Indian people suffer from deadly health conditions like diabetes, cancer and heart disease at rates far higher than the rest of America. I believe these tragic statistics can all be traced back to addiction to drugs and alcohol. The addictions our people are facing today, in particular meth and heroin, are so much more destructive than alcohol, I am not sure we can survive another generation with our people locked in the grasp of addiction to these drugs.

Thus, I would like to take my time today to talk about the importance of supporting the Indian Health Service and the need to support the Indian Health Service's capacity to collect from third party payers like Medicaid, Medicare and private insurance. At the Fort Peck Service Unit, the increase in third party collections from expanded Medicaid in Montana has allowed the Indian Health Service to actually provide health care, rather than band aids, which all too often were prescription painkillers.

It is an old story across Indian country, that the biggest drug dealer on the Reservation is the IHS clinic. This is because the IHS historically did not have the resources to treat serious

conditions like torn ACLs, rotator cuff injuries or even gallbladder disease, because these conditions are not "Life or Limb" conditions and would not qualify for PRC/contract care. Consequently, the providers, who were led to believe that painkillers would be a safe alternative to real care, prescribed painkillers. Then, when the IHS could no longer refill a prescription for someone who became addicted to painkillers that person was left to self-medicate the pain and addiction, often times with alcohol, or worse, illegal drugs like methamphetamine or heroin.

Thus, for a generation we have had to deal with people who were given pills and became addicts, which led to the destruction of lives, families, and in the end compromised the very foundation of our community and our future. As one generation was locked in the grasp of addiction, they were raising another generation locked in the grasp of poverty, social dysfunction and despair. We as a people cannot survive a third generation whose condition would be worse than the two that came before it. I am hopeful that will not happen.

Today at Fort Peck we can tell a different story. The Service Unit is no longer giving out bottles of pills to cover the pain. The Service Unit is at Medical Priority 4, which means the IHS will refer patients to outside providers for all care that cannot be provided by the clinics. The Service Unit is also expanding direct care through telemedicine opportunities. Specifically, since Medicaid expansion, we have had scores of hip and knee replacements and other orthopedic surgeries. We have had over 1,300 patients receive preventive services, including 67 patients who received colonoscopies; with 19 possible cases of colon cancer averted; 414 patients received outpatient mental health services, with 62 people are now in treatment for substance abuse disorders. These numbers tell us that people are getting real health care and their quality of life is improving, which means the quality of life for our children is improving. No longer are our people being told that they are not sick enough to get quality health care.

This happened because the State of Montana expanded Medicaid and the Fort Peck Service Unit made third party collections a priority. In the last two years, the Fort Peck Service Unit and the Tribes have increased third party collections by $7.5 million-for a total of $15 million almost a 50% increase in collections. This is the story across the Nation as confirmed by a September, 2019 GAO Report that found that third party collections at IHS has increased by 51% in the period between from 2013 and 2018. This Report also confirmed what we know to be true at Fort Peck, that as a result of this increase in third party collections, the quality of both direct and PRC health care for Indian people has improved across the country.

While there is no magic solution to combating the many issues that are caused by drug and alcohol addiction, I am certain that ensuring people have access to quality health care is a big part of this solution. In this regard, I believe Fort Peck is working toward this and I would urge Congress to continue to support expanded Medicaid and IHS initiatives that support Tribes' and the Indian Health Service's work to increase third party collections.

B. BUREAU OF INDIAN AFFAIRS

1. Social Services and ICWA Funding

As I testified last year, increased funding for our Tribal Social Services program is critically

needed. There has not been any increase in this program for several years, and while we hope the tide of addiction and abuse is turning at Fort Peck, we still have significant needs to address for the most vulnerable of our community: our children. Over 36% of the children in the foster care system in Montana are Indian children – Indian people represent only 10% of the State population. More than 100 Fort Peck children are in the foster care system.

Montana is one of six states in the country to have instituted an ICWA court. This court handles State ICWA cases in Yellowstone County from the Fort Peck, Northern Cheyenne, and Crow Tribes. The team approach of the ICWA Court in Montana fosters collaboration between State and Tribal stakeholders, promotes meaningful State compliance with the Indian Child Welfare Act, and improves outcomes for Indian children and their families involved in the foster care system.

In this era where ICWA is under constant attack, in spite of it providing needed protections for Indian children, families and Tribes, the Committee should encourage the BIA to work collaboratively and strategically with Tribes to expand ICWA courts across the country. This kind of support and dedicated staff can only be done through additional funding for the BIA Tribal Social Service and ICWA programs.

2. Tribal Court Funding

Relatedly, while we appreciate the increased funding for Tribal courts that Congress has provided, it has not been enough. Tribal Courts are the backbone of tribal sovereignty. Without sound tribal courts, we could not be a community where people feel safe, where business want to open and where our children and our most vulnerable receive protection. The Fort Peck Tribal Court is one of the oldest in the country and we are very proud of the work our judges, prosecutors, defense attorneys and clerks do.

Currently, the Bureau of Indian Affairs only provides a fraction of the funding to operate our Tribal Court. Our court is one of the few Tribal Courts in the Country exercising expanded VAWA jurisdiction. This work is important to making our Reservation a safe place for women. However, this takes additional resources to retain legal trained defense counsel, prosecutors and judges.

3. Bison Program Funding

Presently, the Indian Buffalo Management Act has been introduced and is pending before Congress. This legislation will create a permanent buffalo restoration and management program within the Bureau of Indian Affairs, and authorize an appropriation of funds. While this legislation is pending, we want to thank the Subcommittee for the $1.8 million you provided for the Tribal Bison program for FY 2020. This funding is critical to bringing traditional food and traditional practices back to our communities.

The Fort Peck Tribes have implemented a robust bison restoration program and now have partnered with the National Park Service to conduct post quarantine assurance testing of NPS bison from Yellowstone National Park. These efforts resulted in the restoration of over 600

bison to the Fort Peck Indian Reservation. Following completion of assurance testing, some of these bison will be translocated to other Tribes for their herd development.

4. Impact of the Keystone Pipeline Construction

My Tribes and others are resisting the construction of the Keystone pipeline that will cross the Missouri River just ¼ of a mile from the western boundary of the Fort Peck Reservation. This Project presents a grave threat to the land and water resources of the Fort Peck Tribes. Thus, while we remain hopeful that the legal process will stop this pipeline from becoming a reality, we fear we will lose and my community will be left to deal with the consequences of this pipeline.

Beyond our concern about the impact to our natural environment, we are worried about the man camps that will be built and the increased burden on our law enforcement and social services programs as a result. We know too well about the impact that the Bakken boom had on our community with the increased drugs and violence, and the introduction of modern human trafficking. We believe most of this increased activity can be traced to those living in the companies' man camps.

We are worried about the impact to our roads. Highway 2 is the primary road through our Reservation and it will take the bulk of the heavy truck traffic that will be a part of the construction of this pipeline.

We ask Congress to provide us with additional resources to be able to address these additional needs if Keystone is built and if there is a rupture and spill from this massive pipeline.

C. OFFICE OF SPECIAL TRUSTEE

Finally, I would ask the Committee to exercise some oversight with regard to the Office of Special Trustee (OST). Last year the OST received $105 million in appropriations. This Agency, through its Office of Field Operations, is supposed to be "the first and primary point of contact for trust beneficiaries seeking information and services in conjunction with their trust assets." I think oversight into how this agency is carrying out this function is critically needed. At Fort Peck my members tell me time and time again that OST is responsible for delays in them receiving loans, appraisals and probates. All too often our members are given the run around about their own trust accounts. In short, I do not believe this Agency is being held accountable to anyone.

It has been four years since the enactment of the Indian Trust Asset Reform Act that called for the termination of the Office of Special Trustee, I think it is time for this to happen.

Mr. ALLEN. Well, good afternoon, Madam Chair and committee members. I am Ron Allen, chair and CEO for the Jamestown Skallam Tribe located in western Washington State. It is always an honor to come here and advocate not just for my tribe, but for many issues that I am very familiar with with Indian Country. I have many hats. I participate on behalf of Indian Country, and one of the co-chair of the TIBC, and I think the TIBC for the BIA is going to be testifying. If not, I am going to highlight some points.

It is often tempting to look down at my colleagues and say "ditto," and I am sure you hear that regularly through the 2 days of hearing of testimony from the tribes. We want to thank you, Congressman Kilmer, with regard to updating the civil rights crisis, "Broken Promises." Without a doubt, it should be a roadmap for the committee and for Congress with regard to the needs of Indian Country. I have been involved for many years advocating for budgets across the board—IHS, BIA, HUD, and transportation, and on down the line—and we are well aware that as a result of the original crisis report, and we forced OMB to give us an update on what are the numbers available for Indian Country.

So we know that there are probably $20, $21 billion available for Indian Country across all Indian programs. That is not enough. So we can tell you just by some analysis that we have done on some of the programs, the need of Indian Country is probably north of $200 billion. That is a big gap.

So how do we do that? How do we fill that gap, and the gap really is about how you can help us empower tribes to become more self-reliant the way we were historically, but being self-reliant here in the 21st century. So that is a huge issue for us in terms of how we are going to move that agenda forward and how we are going to try to advance any country's agenda.

So I am advocating also for the 105 budget. We know that in 2020, that there is a good number in there for the 105 leases, and I just want to underscore the point that we can't wait for the Federal Government to deal with schools, and incarceration facilities, and clinics, and the other kinds of facilities we need or upgrading of any of those facilities that carry out Federal functions. So we have to go out and build themselves, borrow money to make it happen. So that program is a way to help us get to effective programs and effective facilities to carry out these Federal functions. So that is a huge deal.

We want to underscore to you and your committee the need for your support for the advanced funding. These CRs are a pain, and they really are a pain and shutdown for Indian Country. So in the same way that you recognize the importance of veterans, we want you to recognize the unique important relationship with Indian Country. The number is not that big when you are thinking about the one-plus trillion-dollar budget that the Federal Government deals with in order to get those resources out to the tribes. And many of our sister tribes just don't have the resources to lean on to carry out their Federal functions. So that is a huge issue that we want to advocate.

The base funding for the BIA is going to be a big issue for us, and so we are continuing to advocate. We continue to encourage you to make sure that you don't let them zero out HIP programs,

general assistance type programs, things that they just constantly put on chopping blocks that actually serve our people in the economically disadvantaged. So that is a huge issue for us.

Infrastructure is a huge issue, and with the BIA program, primarily you are dealing with road maintenance. Road maintenance, you know, it is well over $300 million queue list that is sitting out there. And those Indian roads out there need help, and we know you have been bumping it up, but we are still losing ground. I just want you to know we're losing ground if we show you the inventory updated, it will show you what is going on here. It is just basically those road and infrastructure is essential whether it is healthcare, getting the kids to school and so that they have safe programs.

I want to emphasize my point about the bridging of the gap of the $20 billion to $200-plus billion is economic development. So we enhance an economic infrastructure, but also loan guaranty programs, surety guaranty programs. That is how you can help tribes, you know, get businesses off the ground, generate unrestricted revenues for tribes to become more successful themselves, develop their own unrestricted revenues in order to fill that gap of the need of our communities. Last but not least, I just want to underscore I am from the northwest where natural resources are a big issue for us. I serve on the U.S./Canada Pacific Salmon Treaty. We have resources that we need in order to deal with that. You bumped it up this year. We appreciate that, but it is a very complicated process between us, Alaska, and Canada to get our salmon back to a healthy state.

So I will close with the urging of the recognition that you did help some programs in Alaska with regard to that matter, but we also need help with the tribes and our programs, our rivers, our stocks, that are very important to us in Washington State and Oregon. So with that, I thank you and look forward to answering any questions you may have.

[The statement of Mr. Allen follows:]



Written Testimony of
THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE submitted to the
House Appropriations Subcommittee on Interior, Environment and Related Agencies
"2021 Appropriations Testimony for BIA and IHS"
February 12, 2020

On behalf of the Jamestown S'Klallam Tribe, I am honored to submit this written testimony on our funding priorities and requests for the Fiscal Year 2021 Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) budgets. Our Tribe relinquished vast tracks of our Tribal homelands and resources in exchange for the U.S. Government's solemn promise to uphold and provide adequate resources to secure the health and well-being of our Tribal citizens and community. Despite minimal increases to certain Tribal programs and services, funding to address the unfulfilled Federal obligation in Tribal communities is at a crisis level as documented by the U.S. Commission on Civil Rights 2018 Report, "Broken Promises: Continuing Federal Funding Shortfall for Native Americans." The Report found that inadequate Federal funding undermines Tribal sovereignty and that the Federal Government's failure to uphold the trust obligations has resulted in American Indians/Alaska Natives (AI/AN) facing disproportionate challenges as compared to other Americans in health, education and employment outcomes. These sub-standard statistics are exacerbated by the insufficient funding levels. In order to address these inequities and Treaty and trust violations, the Commission has recommended that Congress substantially invest in AI/AN programs and services.

The need for providing steady, equitable, non-discretionary funding directly to Tribal Nations to support core government programs and services is well documented and we have shown time and again that the Federal investment in our community is a good investment. Self-Governance has allowed us to redesign programs and services and provides the flexibility to utilize the Federal investment in a way that best addresses the needs of our community. Some of our more notable successes include most of our Tribal citizens seeking secondary or higher education degrees, the growth of our Tribal businesses and revenue, our esteemed Family Health and Dental Clinics, and the Tribe's status as the second largest employer in the Clallam County Region on the Northern Olympic Peninsula. The success we have attained demonstrates that continued Federal support is invaluable to growing sustainable Tribal economies and bolstering surrounding regional economies. Yet, as we seek to identify opportunities that support our goal of self-reliance, we must also acknowledge the barriers that impede our ability to reach our full potential, including, the severe and persistent underfunding of Tribal programs and services, the substandard or non-existent data collection throughout the Federal system for Tribal programs, management weaknesses[1] and the consistently late distribution of funding. In the four decades since the current system for budgeting and spending, Congress has managed to pass all its required appropriations measures on time only four times: in fiscal 1977 (the first full fiscal year under the current system), 1989, 1995 and 1997.[2] All of these, and many other factors attribute to the persistent shortfalls and overwhelming unmet needs/unfulfilled Federal obligations in

[1] GAO High Risk Reports on BIA, IHS and BIE – GAO-17-589T, GAO-17-790T, and GAO-18-616T
[2] FACTTANK News in Numbers, Pew research Center, January 2018

Tribal communities.[3] The agencies need to be held accountable and directed to work in partnership with Tribes to collect data that quantifies the true unmet needs/unfulfilled Federal obligations in Indian country with credible metrics that will provide an accurate profile of the unmet needs in Indian country.

Tribal Priorities and Recommendations for the BIA/BIE and IHS:

1. **Advanced Appropriations for Tribal Programs and Services**
2. **Increase Funding for Tribal Base Budgets/Recurring Programs**
3. **105(l) Leases Separate and Indefinite Appropriation**
4. **Invest in Tribal Infrastructure**

Advanced Appropriations for Tribal Programs and Services - Providing appropriations one year in advance will mitigate the adverse financial effects of Federal budgetary uncertainties on Tribes and enable the BIA and IHS to uphold their fiduciary obligations and more adequately and effectively serve AI/AN. Continuing Resolutions and late distributions of funding, sequestration, across the board budgetary rescissions and/or reductions, spending caps and numerous and prolonged government shutdowns have further exacerbated the well-documented funding crisis in Indian country. Tribal Nations are resilient, however, the persistent delays and/or lapse of Federal funding disrupts our governmental programs and services and attenuates our ability to protect the health and well-being of our communities and citizens. In addition, the 35 day government shutdown of 2018-2019 put our Treaty rights at risk jeopardizing the survival of our resources, inhibited our economic development potential, stifled our ability to recruit and retain staff, delayed the process for the reacquisition of our Tribal homelands and, most significantly, jeopardized our sovereignty and culture. In order to mitigate these potentially devasting impacts to our Tribal citizens and our community, we had to identify alternative revenue sources through limited Tribal funds, loans, or other means to keep programs and services operational. Advanced Appropriations will allow Tribes to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economy and businesses and increase the quality of care and well-being of our Tribal citizens and community.

Increase Funding for Tribal Base Budgets/Recurring Programs – We urge Congress to increase funding for Tribal base budgets by funding Tribal Priority Allocations and other Recurring Programs. For decades, funding reductions/permanent rescissions of Tribal programs and services has become commonplace in order to pay for tax cuts, wars, natural disasters and technology upgrades. These budgetary rescissions are permanent, unsupportable reductions to Tribal base programs - our core governmental programs and services. Factoring in the inflationary rate, Tribes are not even maintaining level funding. Compounding the fiscal volatility of Federal funding, there has been a growing trend among agencies to fund Tribal programs and services with grant dollars rather than providing base and recurring funding. Grant funding undermines Self-Governance because it is competitive short-term funding which creates uncertainty in planning, imposes extensive regulation and reporting requirements and restricts the use of indirect costs. Grant funding is also inconsistent with the Federal trust obligation.

105(l) Leases Separate and Indefinite Appropriation – A separate, indefinite appropriation for 105(l) lease costs (similar to Contract Support Costs) needs to be appropriated in order to avoid adverse impacts to other lines in the IHS, BIA and BIE budgets. At the behest of any Tribe or Tribal organization, the agencies are legally required to enter into and fund Section 105(l) lease obligations in accordance with the Indian Self-Determination and Education Assistance Act

[3] GAO-19-87 Interior Should Address Factors Hindering Tribal Administration of Federal Programs

(ISDEAA). In FY2019, the IHS received 205 lease proposals totaling approximately $101 million, quadrupling the requests from FY2018. It is anticipated that the BIA/BIE will experience a similar number of requests, if not more, given the amount of programs under their purview. The U.S. Supreme Court ruled in *Maniilaq Association v. Burwell* that the leases must be paid in full and that the agency is required to make additional funds available for these growing requests. It is incumbent upon the agencies and Congress to establish a permanent full funding solution that does not implicate current budget lines and services to Tribes.

Invest in Tribal Infrastructure - Increased Federal funding and investments could effectuate Tribal infrastructure development and, in turn, promote Tribal economic growth and self-sufficiency. Tribal governments and their citizens face profound infrastructure challenges that are acute and longstanding. Decaying, unsafe infrastructure is not only a public health issue but an impediment to economic development and job growth and reflects a failure of the government to uphold its trust obligations. The breadth and severity of the unmet infrastructure needs must be addressed.

Tribal Priorities & National Requests and Recommendations for the BIA:

1. **Trust Natural Resources**
   - **$56.5 million BIA Rights Protection Implementation**
   - **$10 million Wildlife & Parks**
2. **$25 million Economic Development TPA**
   - **$25 million Indian Guaranteed Loan Program/Surety Bonds**
3. **Human Services**
   - **$55 million Social Services**
   - **$80 million Welfare Assistance**
   - **$20 million Indian Child Welfare Act**

$10 million - Natural Resources (TPA) - The vitality and sustainability of our Natural Resources is integral to the health and welfare of our Tribal citizens, communities, culture and religious practices and economies. Our Tribal Treaty Rights are at risk. Sufficient natural resource funding is essential for our Tribes to effectively participate in the U.S./Canada Pacific Salmon process. Climate change is having a profound impact on Tribal communities, lands, resources and infrastructure and degradation of our natural environment is happening faster than we can restore it in the Northwest. The Federal investment in Tribal Natural Resources is essential to restore ecological functions, healthy habitats, and protect our resources. This investment fosters Tribal self-sufficiency and supports Tribal economies by allowing us to cultivate cross jurisdictional partnerships with state and local governments that create jobs and promote and advance trade. It allows us to preserve for future generations important cultural and religious practices.

$25 million- Indian Guaranteed Loan Program/Surety Bonds - Increased funding, reduced regulatory burdens and greater access to financing tools and incentives will allow us to continue to diversify our successful business portfolio and expand our revenue generating opportunities resulting in a stronger Tribal economy and less dependence on the Federal component of our resources. Loan guarantees are an attractive financial tool because Tribes can leverage limited Federal funding in a prudent budgeting effective way and promote economic growth by investing in projects that can generate their own revenue streams. The Federal government is in a unique position to help advance Tribal projects and provide sustainable economic opportunities for Indian businesses and Tribal governments through the Indian Loan Guarantee Program and

Surety Bonding for Indian contractors. Federal credit programs should continue to facilitate Tribal access to private capital markets where Tribes frequently encounter market resistance to conventional lending.

Human Services

Providing opportunities for personal growth through education, training and employment is a high priority for the Social and Community Services Department. While the programs cater to the needs of our most vulnerable populations by providing critical services to our elders, our children and Tribal families in need of guidance. They are structured with the goal of developing self-reliance, self-sufficiency and developing strong Tribal citizens and community members. The success of our human services programs is demonstrated through the high number of Tribal citizens and descendants entering higher learning and earning degrees, our 80% hiring rate and growing workforce of Tribal citizens, descendants and other Natives, our cultural preservation classes that create marketable products that can be sold through the Tribe's retail outlet and our flourishing language program. We lead our citizens down the path of self-sufficiency by developing their leadership skills, educational skills, job skills, fostering health and well-being in a culturally appropriate way.

Tribal Priorities & National Requests and Recommendations for the IHS:

1. **$257 million to Support Current Services**
2. **$485.7 million for Purchased and Referred Care**

$257 million to Support Current Services - It is critical that the IHS budget honors and respects the Federal trust obligation. To maintain current services, factors such as the inflationary rate, pay costs, contract support costs, population growth and staffing needs for recently constructed facilities all need to be fully funded. When these mandatory factors are not funded, Tribes must supplement programs with their own limited revenue, or chose between limiting services or shutting down services completely.

$485.7 million Purchased and Referred Care (PRC) - PRC funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition and pharmacy services. Most IHS and Tribally-operated direct care facilities do not provide the required emergency specialty care services, so Tribes are forced to turn to the private sector to fulfill this need. When PRC funds are depleted, services are denied to Tribal patients.

The Jamestown S'Klallam Tribe continues to support the requests and recommendations of our Northwest Regional and National Indian Organizations including NCAI, NIHB, NPAIHB, NWIFC and ATNI. Thank you.

Ms. MCCOLLUM. Thank you. Mr. Stewart, do you have a question at this time?

Mr. STEWART. No. I am sorry I missed it, and just would thank the chairwoman and members for being here.

VOICE. We can repeat it for you. [Laughter.]

Ms. MCCOLLUM. I am sure Mr. Amodei will fill him in on the floor. So, Chairman Seki, I have got a question for you. I think I know the answer. You spoke of opioids and other things, but we heard it in testimony today. I have heard it from other tribal members that meth is making a comeback. And with that, on top of the opioid epidemic, and congratulations for saving as many lives as you have. Meth also brings other problems with pollution, sometimes losing a house and other things like that. Are you seeing that as well?

Mr. SEKI. Yeah, you are correct on that statement regarding the drugs because we got one of the largest lakes in Lake Superior is Red Lake, and, yes, because we have fishermen all in our lake, and, you know, it does pollute our lake somewhat. But we deal with it because of our law enforcement, and all the different programs we have, just like this Tiwahe program for our youth. We have this children's healing center to advocate for our kids to be reunited with their families. And as you are aware, we do a lot, but we question it expanded. This program expanded to other tribes and pilot tribes be kept where they are at in the funds because these help families to understand the teachings that they are being given by this healing center, you know, what the effects are on the drugs that are being out there on our reservations, and not just Red Lake. It is throughout Indian Country, even our surrounding communities are like that. They have the same problems.

Ms. MCCOLLUM. That is true.

Mr. SEKI. We ask that you get the Appropriations Committee to assessment on this endeavor to try and keep our families healthy because are almost complete building on our treatment center, because that is what you need to do is to heal our people, to understand, to train them, to treat them so they can have healthy lives and get their families together and have appropriate jobs and all that, because, you know, like you say, sure, even if it is the water, the drugs. Sure that trickles down to the water, and rivers, and the rec center.

Ms. MCCOLLUM. So you mentioned fire stations and firehouse. And we were talking about climate change, and we heard from some of the tribes that were dependent upon timber harvests for economic development about, you know, what's happening with climate change and the threat of fire, and probably because of invasive species, and drought and that. So how close is your fire station if you don't have good fire halls?

So this is the first time I think that I can remember in testimony anybody talking about it. You think about how isolated tribal areas are, and some of the situations you are in, especially in the northwest, in the Midwest. So you have two fire stations for the whole reservation?

Mr. SEKI. Yes, we have four districts. We have Pima, Rugby, Red Lake. We are a large-based tribe. We have members that live off our reservation, so we have a fire hall at Pima. And we had a

whole fire hall that was under the Bureau of Indian Affairs, and we had to borrow money to fill our new fire halls. Right there, it is the trust responsibility of the Federal Government. We did ask, but there were no funds available, so we didn't do Red Lake because the other one was contaminated because it was falling apart. The rest of them were falling apart, so we had to borrow money from the USDA to build these fire halls, plus fire trucks.

Ms. MCCOLLUM. So that funding comes from USDA.

Mr. SEKI. Yeah, we got a loan.

Ms. MCCOLLUM. That is a loan, okay.

Mr. SEKI. That is a loan.

Ms. MCCOLLUM. Okay. You have given more food for thought, talking about firehouse when we talk about public safety.

Mr. SEKI. So that is why we went through that lease agreement so we could pay for the land.

Mr. ALLEN [continuing]. Line item in the budget.

Ms. MCCOLLUM. Yeah, you know, you see things sometimes in the budget, and until somebody says something, then all of a sudden a light goes off. And it is like, okay, another of our underfunded promises.

Mr. SEKI. Yeah. We already get $47,000 a year for——

Ms. MCCOLLUM. Okay. You mentioned about, you know, you were supposed to get the tribal awarded grants in a timely fashion, and you are not getting them. About how long does it take it before you are seeing the——

Ms. ANDREWS-MALTAIS. It really just depends on where the continuing resolutions are. But according to our Self-Governance Compact, we are supposed to get it October 1st, you know, so that we have our full amount pending in advance so that we are able to really continue our programs and services. It has been years since we have gotten a lump sum, and it comes in incremental installments during the course of the year. And we continuously ask the Bureau of Indian Affairs, the Office of Self-Governance, why they have it going from Treasury to Bureau to the region to Self-Governance to the region, and then back to us. It does this crisscrossing. We have discussed how some [Audio malfunction in the hearing room], and it delays us.

So for a group that is supposed to show status and we see there are no monies right up front, we wind up getting our monies no later than some of the contract times do because of the redundancy and how they allocate it. And we are also concerned with all the increases appropriated through this committee, even with the Tiwahe increase in 2016. A majority of these self-governance tribes weren't even going to be receiving that money until the Asia office actually stepped in and required the Office of Self-Governance to work for the tribes, and then to find what those funds were when they actually had a line item 15, 20 years ago.

So they are working on obsolete and incorrect information, and if you look at the funding on a lot of the self-governance tribes, there hasn't been increases because as Congress is appropriating it, if it is not specifically said, oftentimes it is self-governance tribes get left out of the loop, so we don't receive those increases as we are supposed to. And it has been very difficult trying to unpack all of that. We have been able to just kind of accumulate with confu-

sion. And a failure for transparency is why we are asking for a report from BIA and IHS to show or demonstrate to you how come they are not able to fulfill their obligation as mandated by the statute?

Ms. MCCOLLUM. Well, I hope the report shows how they can do it quicker. In just the few minutes remaining, Medicaid expansion came up, and that is in the Affordable Care Act, along with permanent reauthorization for Indian healthcare and health services, so I know that we are all waiting to see what happens with that. I am just kind of doing the States in my mind. I know we did the expansion in Minnesota. You don't have it.

Mr. HILL. Not in Wisconsin.

Ms. MCCOLLUM. Oh, that is right. I remember your former governor. That is right, yeah. You have it in Massachusetts, Montana.

VOICE. Washington.

Ms. MCCOLLUM. Washington. It makes a huge difference, so it makes a huge difference. And I will just mention it, I am going to figure out more about if there is anything that could happen. You are the second person to bring up man camps with Keystone pipeline. Having spent a lot of time in western North Dakota, eastern Montana, I know what happens with the oil bust booms and what happened with the man camps there. And for the tribes all of a sudden to be picking up an extra cost when Keystone is being put in because of all the jobs it was going to bring, and all the money that was going to happen with the oil moving forward. And then you have a pipeline running through your property, and then you are paying, you know, well, you are paying public safety dollars to keep the tribe safe. So thank you for bringing that up. I am going to look into that a little more.

Thank you all for your testimony. I appreciate it.

VOICES. Thank you.

Ms. MCCOLLUM. Miigwetch.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 2

WITNESSES

JULIAN BEAR RUNNER, PRESIDENT, OGLALA SIOUX TRIBE
JONATHAN M. NEZ, PRESIDENT—NAVAJO NATION, NAVAJO NATION
MARTIN HARVIER, PRESIDENT, SALT RIVER PIMA-MARICOPA
DAVID HILL, PRINCIPAL CHIEF, MUSCOGEE (CREEK NATION)

Ms. MCCOLLUM. So, gentlemen, we have a timer. It is set for 5 minutes. I am going to ask you to introduce yourself, but your introduction will not count against your testimony. And when the light is yellow, that means you are at 4 minutes, and when it turns red you are at 5. And so if we could start with you, sir. Introduce yourself, and then when you start your testimony, we will start recording. And the red button needs to be on in order for you to be recorded. Thank you.

Mr. BEAR RUNNER. Thank you, Chairwoman McCollum. My name is Julian Bear Runner. I am currently serving as the 43rd president for the Oglala Sioux Tribe on the Pine Ridge Indian Res-

ervation in South Dakota. Thank you, again, Madam Chair and members of the subcommittee for the opportunity to testify on Fiscal Year 2021 funding recommendations for the tribal government and human services programs.

In 1868, the United States agreed to the terms of the Fort Laramie Treaty, cementing this country's obligation to the Oglala Sioux Tribe. While this should guarantee our well-being, the chronic underfunding of Indian Country programs has taken a detrimental toll on our tribe and our members. Throughout the Federal budget process, we can improve the safety of our communities, strengthen families, and promote tribal health with this goal. I offer the following recommendations. Public school safety communities are safe when the roads are well maintained, law enforcement is supported, and detention and substance abuse treatment facilities are well resourced. Yet public safety programs in Indian Country are constantly and consistently underfunded. And the Oglala, we bear this burden. Tribal members must confront dangerous road conditions on a daily basis. Law enforcement is grossly understaffed. Detention facilities are deteriorating. Meanwhile, methamphetamine ravages our communities, and these issues undermined our safety and our self-sufficiency. I did declare us in a state of emergency due to the meth epidemic, and, you know, I fell on the BIA and relied on them for additional law enforcement support.

With the subcommittee's support, our roads can become safe passages to work and school, our law enforcement officers can respond quickly to public safety threats, and we can treat more people for drug addiction, and safely detain those who break our laws. Accordingly, we urge Congress to increase funding for the BIA road maintenance and ensure funding for our tribal roads. We currently don't receive any funding for our tribal roads, only for the BIA roads, as well as for the tribal law enforcement and detention services, and to maintain funding for the tribal opioid response grants while expanding these grants to include other drugs other than just the opiates, like methamphetamine. We also need to increase the funding for our tribal court systems. Our Supreme Court is woefully underfunded.

Families and children thrive when given the access to robust social services and adequate housing. While many Americans access these resources, my tribe must contend with high rates of infant mortality limited to the non-existent economic development and extreme housing shortages. Yet these challenges are not insurmountable. When we promote the personal development of tribal citizens and provide safe and stable living environments, Indian children and families and communities can flourish.

You know, a lot of our communities, and I want to thank you for coming out to our reservation, Madam Chair. And, you know, some of these roads are almost, you know, non-existent. And, you know, for the Oglala Sioux Tribe, I mean, I mean, we are, I think, severely, severely underfunded when it comes to roads, and that is why I chose to come here today and ask, you know, and share, you know, some of our information with our roads, because some of these communities are, I mean, was once paved and now it is just like craters hit the road, you know. And we have school buses or ambulances are on these roads, and you know, we are still waiting

on FEMA funding from our emergency from the last year. And, you know, for us to have so many miles of road, I believe, 516 miles of BIA road, and approximately 1,900 miles of tribal roads. And like I said, we don't get no funding for the tribal roads. It falls on the tribe itself to maintenance.

And, you know, it is really detrimental, you know, to the people, I mean, and then it creates such an obstacle for our law enforcement and our ambulances, you know. Our ambulances are already being, you know, mileaged out so quickly because of the, you know, the distance between the hospital and wherever, you know, they receive their medical calls at, you know. But, you know, these are just some of the things, you know, that we face every day in Indian Country, you know, and especially for, you know, not only the Oglala Sioux Tribe, but the Great Plains, you know. It seems like nobody knows that we exist. Yes, ma'am. I appreciate that.

But, you know, anything that you all can do to help, you know. It is just these roads have been like this since I was a child, you know, and still, you know, they just continue and continue to deteriorate. And a lot of them are gravel road, you know. And our dialysis patients live on these roads. Our elders live on these roads. And especially during a storm, you know, it is very hard and it is very critical for them to receive the care and report to dialysis, you know. It is just tremendous, and it just continues to pile up and create more and more problems.

[The statement of Mr. Bear Runner follows:]

Written Testimony of Julian Bear Runner, President of the Oglala Sioux Tribe
"Public Witness Testimony: Fiscal Year 2021 Appropriations"
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
February 12, 2020

Recommendations:

1. BIA – $60 million for the BIA Road Maintenance Program.
2. BIA – $15 million to establish a targeted BIA roads improvement program.
3. BIA OJS – Prioritize and expand opioid and drug crisis funding in Indian Country.
4. BIA – $200 million increase for law enforcement and detention services.
5. BIA – Increase support for Welfare Assistance, Social Services, and the Tiwahe Initiative with dedicated funding in each of these categories for the Great Plains Area.
6. BIA – Increase funding for ICWA and child protection services.
7. BIA – $23 million for the Housing Improvement Program.
8. IHS – Provide full funding and advance appropriations for the Indian Health Service.
9. IHS – Increase funding for IHS Facilities Construction and Maintenance with dedicated funding to address outstanding needs in the Great Plains Area.
10. IHS, EPA – Increase support for IHS Sanitation Facilities Construction and EPA Revolving Funds to complete the Mni Wiconi Project.

Introduction. Thank you Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee for the opportunity to testify on FY 2021 funding recommendations for Tribal Government and Human Services programs under your jurisdiction. My name is Julian Bear Runner and I serve as the President of the Oglala Sioux Tribe, a part of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation). The chronic underfunding of Indian Country programs and treaty obligations over the years has taken an enormous toll on our Tribe and our members. The Fort Laramie Treaty of 1868 cemented the United States' obligations to the Oglala Sioux Tribe, and we look to you to fulfill those obligations through the federal budget process.

We believe that two ways to do this are through reformation of the budget process so that Department of Interior funds are distributed based on demonstrated need and full funding of Tribal Priority Allocations (TPA) identified in Interior programs. Needs-based funding would more efficiently and effectively make use of federal resources, while also respecting the diverse needs of tribal nations. Together, needs-based funding and TPA make for a stronger and more responsive federal budget. In the spirit of advancing the welfare of my Tribe and other tribal nations, I offer the following budget recommendations for FY 2021.

I. Tribal Government Sub-Activities

Connect Communities to Essential Services through Increased BIA Roads Funding. Funding for the BIA Road Maintenance program has been under-resourced for several fiscal year cycles, despite the accumulation of over $60 million in backlogged maintenance needs in the Great Plains Region and almost $300 million nationwide. We are often forced to expend our limited tribal funds to cover the difference in roads maintenance needs—a financial strain that is compounded by the fact that efforts to control snow and ice our roadways can consume up to 50% of our annual budget each winter. Funding is so tight that routine bridge maintenance is not performed until it reaches a critical state. Consequently, our members must confront unsafe road

conditions every time they drive their children to school, commute to work, or try to access emergency services in Pine Ridge and nearby urban centers. This is unacceptable. The BIA should receive and distribute adequate funding to tribal nations so that we can maintain safe transportation networks in our communities.

Such dire circumstances require bold solutions. One bold solution is a drastic increase in the BIA Road Maintenance account so tribal nations, such as ours, can receive a funding amount that is actually viable to get the much needed maintenance work done adequately. Another solution is to create a new BIA roads maintenance account that targets backlogged road and bridge projects by taking mile inventory, remoteness, and weather conditions into consideration. An influx of funding for road construction, maintenance, and equipment would increase public safety, facilitate economic development, decrease costs, and alleviate the hardships our members currently endure. **We respectfully request Congress provide $60 million for the BIA Road Maintenance program and an initial amount of $15 million to establish a targeted BIA roads improvement program that accounts for a tribe's geographic size, location, and mile inventory.**

Maintain Funding and Expand the Scope of Dedicated Drug Crisis Funding in FY 2021. We appreciate the continued focus of Congress and federal agencies on addressing the burgeoning substance abuse crisis in America. On the Pine Ridge Indian Reservation, we recently declared a State of Emergency due to the increasing rates of homicide and methamphetamine use on tribal lands. Such activities are antithetical to the Lakota way of life and balance of society. The deployment of federal funding and resources into Indian Country is urgently needed in FY 2021 and today. One of our most pressing needs is for on-Reservation drug treatment facilities. Our existing residential and outpatient treatment facilities, for example, are in desperate need of renovations to accommodate additional patients. We would also like to offer skills-based transitional living facilities to assist patients with their long-term recovery goals, but we lack the necessary resources for development and operations. The ability to provide comprehensive and culturally-appropriate care within our community would be life-changing for tribal members. **We, therefore, urge Congress maintain funding for the Tribal Opioid Response grants and expand the scope of the initiative to include other drugs, such as methamphetamines, that are causing immeasurable harm across Indian Country.**

Improve and Expand Security Infrastructure in Indian Country. Today, the Oglala Sioux Tribe is operating with less than 40% of the police officers that the BIA agrees are needed to provide adequate police coverage on our Reservation. Our limited officers respond to an average of 71,900 calls a year, of which around 18,500 are emergency calls to 911. Despite their best efforts, their response time remains around 30-40 minutes, which creates a dangerous situation for the victims of accidents and crime, and for our police officers.

The existing meth and opioids epidemic on Pine Ridge is an ever increasing problem has been next to impossible to address with our current staffing level. While, we appreciate the dedicated law enforcement opioids funding that was provided in previous fiscal years, we regret to inform you that after those funds are divided among the 190 existing law enforcement programs, our share of those funds will not even fund one additional officer at Pine Ridge. To reach the staffing levels required by the BIA's own needs assessment, our Tribe alone needs an increase of $12 million in federal law enforcement funding.

Public safety facilities and housing construction programs have been critically needed for many years. When the BIA prepared to condemn our Medicine Root (Kyle) Detention facility in 2010, that building became the last emergency jail design that was funded by this Subcommittee. The facility remains unbuilt today due to a lack of resources. In the interim, we have prisoners and staff working in a below substandard building that fails to meet federal safety standards, all while the costs of construction continue to rise. This Subcommittee deemed the replacement of our Kyle facility to be an emergency in 2010, and that situation has only grown worse with time. Please help us put an end to this ever escalating problem appropriating the funding necessary to finally replace this building. We understand that carrying out the necessary construction activities will require innovative planning to strategically and quickly move this project forward. We stand ready to work with you and the BIA in realizing this long overdue goal. **In light of these pressing security infrastructure concerns, we strongly recommend that Congress provide an additional $200 million for tribal law enforcement and detention services in FY 2021.**

II. Human Services Sub-Activities

Maintaining Critical Social Services and Support for the Tiwahe Initiative. The unmet needs of our Reservation are alarming and well-documented. The average American can expect access to quality healthcare, childcare services, employment opportunities, and diverse recreational experiences. The average Oglala tribal member faces a much starker reality. We must contend with high rates of infant mortality, chronic illness, intergenerational trauma, limited to nonexistent economic development, and limited recreational outlets, among other factors. Social services operated by the Interior and BIA (along with other federal agencies outside of this Subcommittee's jurisdiction) are, therefore, essential to meeting our citizens' complex needs and promoting their personal development and well-being. Welfare Assistance, Social Services, and the Tiwahe Initiative provide an array of irreplaceable services to tribal communities. To strengthen the delivery of Social Services in Indian Country we recommend that Congress direct the BIA to develop a 5-year Strategic Plan pursuant to tribal consultation as a funding condition. **We recommend Congress increase support for Welfare Assistance, Social Services, and the Tiwahe Initiative in FY 2021. We also urge the Subcommittee to provide dedicated funding within these categories to address the staggering unmet needs in the Great Plains Area.**

Protecting Tribal Youth and Communities under ICWA. Our Child Protection Services (CPS) and ICWA program conduct integrated child and family services on our Reservation. Families form the bedrock of our community – transmitting our Oglala traditions and cultures across the generations and ensuring the future prosperity of our Tribe. Providing safe, nurturing home environments to both children and adults is one of the primary goals of all tribal nations. Our efforts to achieve this goal have been challenged by chronic underfunding, which limits our ability to deliver services, manage caseloads, and to recruit and retain qualified staff. Our CPS and ICWA programs cost almost $600,000 annually to administer. Additionally, our Emergency Youth Shelter (EYS) Program is in desperate need of additional funding. EYS provides emergency shelter to youth age 12-17, which includes clean bedding, meals, toiletries as well as making health, vision and dental appointments, meeting with school personnel for school needs and cultural and entertainment activities. We currently have one Residential Care Provider, but need a minimum of four to effectively operate the program. We also need funding for building repairs, a program van, sufficient groceries and utility bills. **We ask Congress to increase funding for ICWA and child protection services. We also ask Congress to increase the BIA Social Services budget to address the needs of our EYS program.**

Support the BIA Housing Improvement Program Funding to Promote Homeownership. Our Reservation has a terrible housing shortage with an unmet need of 4,000 new housing units and 1,000 housing units repaired. Many of our citizens live in dilapidated, overcrowded, and often unsafe conditions that no American should have to endure. Chronic and even short-term exposure to these conditions affects the physical, social, and mental state of our people. HIP has played a central role in assisting families under 150% of the HHS Poverty Guidelines that live in substandard housing and have no other resource for housing assistance become homeowners. A stable living environment translates into improved family conditions, employment rates, and academic achievement. **We recommend that Congress provide $23 million for HIP in FY 21.**

III. Healthcare – the Heart of Tribal Government and Human Services

Provide Full Funding and Advance Appropriations for the Indian Health Service. Providing for the health of our community lies at the very heart of Tribal Government and Human Services. Yet, in the Great Plains, this moral and legal responsibility is nearly impossible to carry through. Decades of underfunding and under-resourcing the IHS have contributed to a severe healthcare crisis in our community – residents of Oglala Lakota County, for example, have among the lowest life expectancies in America. Full advance appropriations for the IHS would promote greater stability in services, medical personnel recruitment and retention, and facilities management. It would also provide the IHS with parity to other federal healthcare agencies, such as Veterans Affairs, that have demonstrated success in delivering consistent medical services under advance appropriations that have otherwise been interrupted by budget-related complications like continuing resolutions. We are also pleased to see that Contract Support Costs have been fully funded under the FY 2020 omnibus, and we urge that support to continue going forward. **We urge Congress to fully fund IHS advance appropriations under the FY 2021 budget and beyond.**

Increase Funding for IHS Facilities Construction and Maintenance. Adequate and safe medical and treatment facilities are essential not just for patients and staff, but for instilling community trust and confidence in the services they receive. The Pine Ridge Hospital struggles with inadequate facilities and a burgeoning user population. The Hospital was designed to serve a user population of 22,000 but in fact serves almost double amount with an active user population of over 51,000. **We urgently recommend that Congress provide an additional increase in the IHS Facilities account for FY 2021 and we ask that funding within this account be directed to address the critical facilities needs of the Great Plains Region.**

Promote Access to Clean Water for Human Health through the Mni Wiconi Project. Our Tribe is the lead sponsor of the Mni Wiconi Project (Pub. L. 100-516, as amended), which provides potable water from the Missouri River to three reservations and the West River/Lyman-Jones Water District. Funding is needed to complete the necessary community systems upgrades on the Pine Ridge Reservation. We are working with several federal agencies to implement its plan to complete the upgrades. We need almost $25 million to upgrade 19 existing systems and transfer them into the Mni Wiconi Project, as intended by the Act. Once transferred, they will be operated and maintained pursuant to authorized funding under the Mni Wiconi Project Act. **We recommend Congress increase funding for the IHS Sanitation Facilities Construction account and EPA Revolving Funds to bring this monumental project to completion.**

Ms.MCCOLLUM. Thank you. Thank you, and you have very comprehensive testimony. It has been entered into the record. Thank you. Sir.

Mr. NEZ. Good afternoon, Madam Chair McCollum, Rep. Stewart, Representative Stewart, tribal leaders. My name is Jonathan Nez. I am the president of the great Navajo Nation, and I am also joined today by my wife, the first lady of the Navajo Nation, Phefelia Nez. Also members of our lawmaking body, delegate and chairman Oto So, Raymond Smith, and Pernell Halona. In addition, we have cabinet members of our administration and our staff here today. We appreciate this opportunity to testify on the Navajo Nation's funding priorities and needs in Fiscal Year 2021, and it can take more than 5 minutes to let you know our priorities, but we appreciate the opportunity to be before the committee.

Funding allocations to programs must consider the commitments the United States government made when they entered into treaties with Indian nation. And as you know, Madam Chair, to this day, tribal nations have honored and respected this sacred agreement. American Indians serve in the U.S. in greater numbers than any other ethnic group. And we need remind the U.S. government of that. A lot of our warriors are the biggest percentage to volunteer among American Indians today.

In the interest of time, I would like to focus my testimony on the importance of transportation and infrastructure and the related nodes of the Navajo Nation, and there are a lot of commonalities with other tribes that have testified before you. I won't highlight other Navajo Nation appropriation priorities, all of which can be found in more detail in my written testimony.

In regards to transportation and infrastructure, the Navajo Nation has the largest land base, Native American tribe, in the country, 27,000 square miles. It has more than 11,200 miles of roads with over 9,500 remaining unpaved. Additionally, there are 179 bridges on the Navajo Nation. Thirty-eight are eligible for rehabilitation, and 28 are eligible for replacement. The Navajo Nation transportation officials estimate that it would take 116 years and $7.9 billion to meet current transportation infrastructure needs. It costs the Navajo Nation nearly $3 million—$3 million—to pave 1 mile of new road, and a lot of the material has to be brought in off our nation.

Funds appropriated each year only allows the Navajo Nation to build 12.2 miles of new roads annually. The Navajo Nation's roads lifelines and provide critical thoroughfare for school buses, public safety services, emergency responders, as well as access to governmental and public services, shopping, and utilities. It is imperative that the Navajo Nation is appropriated funding for investment in maintenance and infrastructure of on-reservation highways, roads, and bridges. And I think my brothers and sisters throughout the country, tribal nations, are looking forward to the infrastructure bill.

Education and scholarship. The Navajo Nation commends this subcommittee and Congress on authorizing an independent budget for the BIE. Many BIE schools are in severe need of upgrades and replacements, so we hope to see an increase in the line item. We also request $51.5 million for the academic year in order to provide

scholarships to our nearly 16,000 scholarship applications. And you know that was taken out of the budget as well, the President's budget.

Healthcare. The IHS has a Federal trust responsibility to provide access to healthcare and health services for American Indian and Alaska Native patients, which also includes funding. The Navajo Nation has declared war on diabetes. The Special Diabetes Program for Indians is a beacon of hope in a Federal tribal healthcare system that struggles in the shadow of Federal funding shortfalls. The Navajo Nation respectfully requests SDPI receive a permanent reauthorization in the amount of $200 million per year.

In terms of the [Audio malfunction in hearing room] mine cleanup, according to the U.S. EPA, there are approximately 524 burial sites on the Navajo Nation, but only 219 of those sites have available funds for cleanup and remediation efforts. That leaves 305 sites unaddressed. The Navajo Nation estimates it will cost $4 to $5 billion to address the remaining 305 sites, which doesn't include the cost monitoring and maintenance of areas where hazardous waste maybe containing disposal soil. The Federal Government is responsible for funding the cleanup of the remaining sites. Therefore, we urge Congress to appropriate funds to develop a comprehensive cleanup plan and funding package to remediate the remaining sites.

Navajo Indian irrigation project. The Navajo Nation established NAPI to operate the Navajo Indian irrigation project to manage the nation's industrial agribusiness to build a profitable commercial enterprise, provide jobs and training for Navajo people, and to expand markets for NAPI's products. The Navajo Nation respectfully requests that the subcommittee consider full funding of NIIPs operation and maintenance expenses in Fiscal Year 2021 and beyond. Increase the funding for irrigation projects in the Water Infrastructure Improvement for the Nation Act from $10 million annually to $35 million, and increase the funding level for resources management construction fund. We request that NIIP, as we call it, receives $4 million from this fund in Fiscal Year 2021.

In conclusion, the priorities outlined by the nation seek to strengthen the sacred trust relationship and assistant the Navajo Nation's furtherance of self-determination and tribal sovereignty. These programs provide critical services to the Navajo Nation neighbors and to our communities in the Indian Country.

Thank you for the opportunity to testify before you today, and, again, we invite you out to the Navajo Nation once again. I know a few years ago, committee members joined us on the Navajo Nation, and we welcome you to see what has been done, and little has been done since your last visit. Thank you.

[The statement of Mr. Nez follows:]

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Testimony of Jonathan Nez, President of the Navajo Nation
Before the United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Hearing on Wednesday, February 12, 2020

Yá'át'ééh. Good afternoon Chairwoman McCollum, Ranking Member Joyce, and members of the Subcommittee. My name is Jonathan Nez and I am the President of the Navajo Nation. I appreciate this opportunity to provide testimony to the Subcommittee to address the Navajo Nation's funding priorities and needs in fiscal year 2021. I commend this Subcommittee for working on a bipartisan basis to increase funding for Indian programs in past years. As you well know, Indian country receives far less from sufficient funding, however it is good to see incremental increases in funding for Indian programs these past few years. As with prior years, we are concerned that the President's budget will request cuts in Indian programs. These programs are critical to Indian communities. We again request that the Subcommittee refrain from recommending any cuts to Indian programs and maintain a positive funding trend for fiscal year 2021. In my testimony, I want to highlight our priority items for your consideration as you appropriate funding to meet the needs of Tribal Government and Human Services in fiscal year 2021.

Transportation and Infrastructure

As the largest land-based Native American tribe in the country, the Navajo Nation encompasses over 27,000 square-miles across three states and has a registered enrollment of over 350,000 members. With such a broad land base and areas that lie within multi-jurisdictional boundaries, the Navajo Nation encounters some of the most challenging obstacles when it comes to transportation and infrastructure needs.

The Navajo Nation ranks second in population and first in road mileage out of all of the BIA regions. The Navajo Nation has more than 11,200 miles of roads, with over 9,500 miles remaining unpaved. Additionally, there are five airports and 179 bridges on the Nation; 38 are eligible for rehabilitation and 28 are eligible for replacement. Navajo Nation transportation officials have estimated that it would take approximately 116 years and $7.9 billion to meet current transportation infrastructure needs. Pavement deficiencies need approximately $1.4 billion in repair and upgrades to the remaining roadway system need $6.5 billion.

The Navajo Nation receives about $54 million annually in Federal funds. Of this amount, nine percent or $4.9 million goes to Operations and Planning; over ten percent or $5.6 million goes to Road Maintenance and Safety Projects; over 12% or $6.9 million goes to Preliminary Engineering and Construction Engineering; and the remaining over 67% or $36.6 million goes to Construction. Since it costs nearly $3 million to pave one mile of new road, funds appropriated each year only allows the Navajo Nation to build 12.2 miles of new road annually.

The Navajo Nation's roads are lifelines and provide critical thoroughfare for school buses, public safety services, emergency responders as well as access to governmental and public services, shopping and utilities. It is imperative that the Navajo Nation is appropriated funding for investment in maintenance and infrastructure of on-reservation highways, roads and bridges.

Education-Scholarship

The Navajo Nation commends this Subcommittee and Congress on authorizing an independent budget for Bureau of Indian Education (BIE). It is our hope that adequate funds be appropriated for the operation and maintenance of BIE schools to educate our children. Many BIE schools are in severe need of upgrades and replacement, so we hope to see an increase in that line item. Finally, we would like to see an increase in scholarship funding. In 2018, the Office of Navajo Nation Scholarship & Financial Assistance (ONNSFA) received nearly 16,000[1] scholarship applications. Due to limited funds, ONNSFA was only able to provide partial scholarships (approx. $2,500/semester) to nearly 51 percent of those applications. If we were to fund all applications, we would need $51.5 million for the academic year. Moreover, all Federal funds made available are used solely for awarding undergraduate students. As a result of this investment, in fiscal 2018, 915 students received their associate's degree, 480 obtained their bachelor's degree, 126 earned their master's degree, and 12 received their doctorate.[2]

Healthcare

The Navajo Nation appreciates the increases in fiscal 2020 funding of the Indian Health Service (IHS). The Navajo health care system consists of five federal service units, one urban health program, and several tribal healthcare corporations. The Indian Health Service has a federal trust responsibility to provide access to health services for American Indian and Alaska Native (AI/AN) patients. Health care facilities across the Navajo Nation differ and are outdated, which requires action to expand services, renovate, or replace facilities.

The Navajo Nation has also declared war on diabetes. The Special Diabetes Program for Indians (SDPI) is crucial in our fight against a disease that threatens too many of our tribal members and their unborn children. SDPI achieves astounding results throughout Indian Country. Since 2011, there has been no increase in the prevalence of diabetes among AI/AN[3]. In just the first seven years of SDPI, diabetes-related end-stage renal disease among AI/AN adults decreased by 54%[4]. Also, Medicare cost savings from this reduction in kidney failure among AI/AN are between $208 million (if 40% of the savings are attributable to SDPI) to $520 million (if 100% of those savings are attributable to SDPI).[5] The FY2020 budget extended funding to SDPI only until May 22, 2020. SDPI is a beacon of hope in a federal tribal health care system that struggles in the shadow of federal funding shortfalls. The Navajo Nation respectfully requests that SDPI receive a permanent reauthorization in the amount of $200 million per year.

Housing

In recent years, there have been cuts every year to our Housing Improvement Program (HIP) even though there is a need to provide decent housing. HIP is a secondary safety-net housing program to address substandard housing and homelessness for very low-income tribal members that have no other resource for assistance. The Navajo Nation has a very high unemployment rate, which creates a high rate of poverty and a high number of residents who live in substandard housing. In

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[1] https://img1.wsimg.com/blobby/go/74cd80dd-d6f0-4609-8ed6-615cdf892847/downloads/2018%20Annual%20Report.pdf?ver=1580332541521

[2] Ibid.

[3] https://www.cdc.gov/vitalsigns/aian-diabetes/index.html

[4] Ibid.

[5] https://aspe.hhs.gov/system/files/pdf/261741/SDPI_Paper_Final.pdf

fiscal 2017, our HIP had 753 applicants that were eligible for assistance, but we can only help seven. To serve all those applicants, it would require about $207 million.

Public Safety

Another funding priority this upcoming fiscal year is public safety. Our public safety division includes Criminal Investigations, Department of Corrections, Training Academy, Police Department, and seven police districts. Every year, we request increases in our funding and, even with the small increases, it is insufficient to meet the demands of our public safety system. Navajo police, criminal investigations and corrections anticipates in FY2021 a salary shortfall of approximately $3 million due to minimal new hires, salary increases, fringe benefit, and retirement rates on the current mature contract. We estimate that it would take at least $74 million in additional funding per year to ensure proper law enforcement, detention, and judicial services including prosecution and public defenders.

Annual reporting to the FBI indicates that violent crime rates have fallen by 48 percent over the past 25 years. However, the Navajo Division of Public Safety's (NDPS) most recent annual crime report illustrates an increase of violent crimes on the Nation—particularly rape, motor vehicle theft, and arson. The number of reported rapes in 2018 is an alarming 1.28% increase from 2017. These statistics illustrate why the Navajo Nation has one of the most violent crimes in Indian Country with 2,436 violent crimes; 2,193 aggravated assaults; and 205 rapes reported to law enforcement in 2018.[6]

The Nation also has difficulty gathering specific information to prosecute criminal activity. The Nation does not have funding to hire any medical examiners and also does not have a crime lab. Evidence for federal crimes can be submitted to the federal crime lab, however it takes months to receive results. Our prosecutors just recently received the results of a rape kit they submitted eight months ago. I ask this Committee to pay attention to our public safety concerns, which are likely similar concerns for many other Indian tribes. It is imperative to improve funding of our public safety and justice programs in order to protect Navajo Nation members and its law enforcement.

Welfare Assistance – Human Services

The Navajo Nation Department of Family Services (DFS) utilizes welfare assistance funding for case management involving placement of children, adults and elders in residential care, adult in-home care, institutional care, foster care and group homes, youth/children emergency shelter homes, burial assistance, and assistance to individuals and families with needs during temporary financial hardship.

Due to lack of available foster homes and placement facilities on the Navajo reservation, DFS has to contract with off-reservation shelter homes for out of home placement of children. DFS services 886 cases per month, an 18 percent increase from 2015, of which 72 percent were children in out-of-home placement. Most children are in out-of-home placement due to abuse and neglect. The number of children in need of foster care also increases every year with 2,581 in 2019 as compared to 1,305 in 2015. While funding increased in fiscal 2020, it has not kept up with the increasing cost of services. We continue to seek an increase in funding.

[6] https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-11/table-11-state-cuts/arizona.xls

Natural Resources

Our Natural Resources Division oversees our natural resources and about 17.2 million acres of land through twelve departments. The Navajo Nation consists of semi-arid land where drought conditions continue to exist. Since Navajo people travel long distances to haul water for their livestock and livelihood, the backlog in the construction of over 100 livestock water facilities and maintenance needs to be addressed. Our current funding only allows us to construct one facility per year.

Abandoned Uranium Mine Clean-up

According to USEPA, there are approximately 524 abandoned uranium mine sites on the Navajo Nation. Unfortunately, only 219 of USEPA's identified sites have available funds for clean-up and remediation efforts, leaving a total of 305 unaddressed sites that pose severe environmental and health hazards to surrounding areas and people. Although the Federal government provides approximately $1.7 billion for the 219 sites, it is not yet clear whether this amount is sufficient. Moreover, the Navajo Nation estimates that it will cost an additional $4 to $5 billion to address the remaining 305 sites, which does not include the cost of long-term monitoring and maintenance of areas where hazardous waste may be contained in a disposal cell. It is the Navajo Nation's position that the federal government is responsible for funding the clean-up of the remaining 305 AUM sites, which is currently stagnant with no remediation efforts taking place. Therefore, we urge Congress to appropriate funds to develop a comprehensive clean-up plan and funding package to remediate these remaining 305 AUM sites.

Navajo Indian Irrigation Project (NIIP)

In 1962, P.L. 87-483 authorized construction of 110,630 acres of farmland and an annual diversion of 508,000 acre-feet of water from Navajo Reservoir to the Navajo Indian Irrigation Project ("NIIP") lands in exchange for diversion of 100,000 acre-feet of water from the Navajo Nation's claim in the San Juan Basin to the Rio Grande Basin. In 1970, the Navajo Nation established NAPI to operate the NIIP and manage the Nation's industrial agri-business to build a profitable commercial enterprise, provide jobs and training for Navajo people, and to expand markets for NAPI's products. However, Navajo Nation has never received the full benefit of what was promised in the legislation. Approximately, 35,000 acres remain undeveloped and we have been hit with a funding shortfall for Operations and Maintenance ("O&M") that have totaled over $4.3 million since 2013. Accordingly, we respectfully request the following from this Committee for the upcoming fiscal year:

1. Full funding of the NIIP O&M expenses in FY 2021 and beyond. Total funding needs in FY 2021 for NIIP's O&M needs is $6.9 million.
2. Increased funding for Indian Irrigation projects in the Water Infrastructure Improvement for the Nation (WIIN) Act from $10 million annually to $35 million.
3. Increase funding level for the Resources Management Construction Fund. We request that the NIIP receive $4 million from this fund in FY 2021.

Conclusion

In conclusion, the Navajo Nation entered into a treaty with the United States in 1868. The federal government, therefore, has a treaty responsibility, as well as a trust obligation, to protect and assist the Nation in securing our land and resources, and developing a sustainable permanent homeland. The priorities outlined by the Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-determination and tribal sovereignty. Thank you.

Ms. MCCOLLUM. So many reservations, and so little time. Mr. President.

Mr. HARVIER. Thank you. Good afternoon, Chairwoman McCollum, members of the committee. Thank you for this opportunity to testify on the Fiscal Year 2021 Interior Appropriations. My name is Martin Harvier. I am the president of the Salt River Pima-Maricopa Indian Community, located in the metropolitan Phoenix area in Arizona.

From healthcare, transportation, to law enforcement, annual funding provided to our community is vital to the day-to-day operations of many programs. Although I will focus on just a few items for this testimony, it is fair to say the Federal Government must increase funding for nearly every Indian program to fulfill its trust responsibility. First, as a matter of policy and practice, our community believes in self-governance. We fully endorse the philosophy of removing Federal bureaucracy from tribal programs to allow tribes to directly use Federal funding in the most efficient manner to meet the tribal needs. Congress must ensure that IHS implements self-government agreements in a way that is consistent with Federal law.

Second, Federal tribal transportation programs are woefully underfunded. For example, an annual basis, our community receives $92,000 from the BIA for road maintenance. This represents 6.5 percent of total need. As a result, we must supplement Federal funding with nearly $1.4 million each year. Put another way, we receive only $1,300 per mile per year to maintain BIE roads. Even according to the BIA, they estimate an annual cost of $10,000 per mile per year. However, according to our own staff, the true cost succeeds $11,000 per year per mile.

In total, according to the BIA's own estimate, our annual road maintenance need for our community is $720,000, separate from regular maintenance costs. If we look at the community's 5-year new construction plan, BIA funding will provide only 3 percent, or $7 million, of the overall budget. In short, we believe an increase in funds for tribal transportation programs will help tribes establish, maintain, and sustain these vital activities. We are hopeful the committee and the Congress will increase the level of funding to these programs.

Madam Chair, I also want to make you aware of an issue we are having with the U.S. Forest Service. This issue will impact cultural resources on Forest Service lands that border our community. While many stakeholders work to solve an issue related to the management of wild horses, the Forest Service just informed us they are going to build a large fencing project. We believe this project will impact the cultural resources in the area, and we have formally requested the Forest Service to complete a full environmental review so that all impacts are studied, and provide reasonable options. We would ask the committee to support our efforts to protect cultural resources.

In closing, Madam Chair, the community is excited to have recently broken ground on a large Phoenix Indian Medical Center Northeast Ambulatory Care Center. Working in partnership with the Indian Health Services, it is expected the construction of the facility will be completed by December 2021. First, I want to thank

the Congress for funding this important project because it will better serve the needs of our community and the tribal population throughout the Phoenix area.

We will be working with IHS in the coming year to include the NEACC staffing package in Fiscal Year 2022 budget. We look forward to working with this committee to ensure the staffing package is executed in a timely manner. I want to thank the committee for working with Indian Country to fund critical BIA and IHS programs. Thank you for the time.

[The statement of Mr. Harvier follows:]

Martin Harvier
President
Salt River Pima-Maricopa Indian Community
Testimony before the House Committee on Appropriations
Subcommittee for Interior Appropriations and Related Agencies
February 12, 2020

Chairwoman McCollum and Ranking Member Joyce, and Members of the Committee. Thank you for the opportunity to provide testimony before the Subcommittee regarding the Fiscal Year 2021 Interior Appropriations. My name is Martin Harvier and I am the President of the Salt River Pima-Maricopa Indian Community (SRPMIC), located in the metropolitan Phoenix area in Arizona. In brief, our Community was established by Executive Order in 1879 and today is nearly 53,000 acres and has nearly 11,000 enrolled members.

From health care and transportation, to law enforcement, the annual federal funding provided to the SRPMIC to fulfill the federal trust responsibility is vital to our day to day operations. While I will focus on just a few priorities for this testimony, to truly fulfill its responsibility, the federal government must increase funding for nearly every Indian program across the board.

HEALTHCARE:

In 2019 our Community entered into a Title V Construction Project Agreement with the Indian Health Service (IHS) to design and build a much needed new Phoenix Indian Medical Center Northeast Ambulatory Care Center (NEACC) on Community land. Design work related to this project has been completed and construction recently started. It is anticipated the construction of the facility will be completed by December of 2021. As is normal for a new IHS facility we will need additional funds from Congress to equip and staff the new facility in anticipation of a January 1, 2022 opening date. The SRPMIC will be working with the IHS over the upcoming year to ensure they include the NEACC staffing package in the budget request the Agency will propose to Congress in February 2021. We look forward to working with this Committee over the upcoming 18 months to ensure this staffing package is executed in a timely way.

SELF-GOVERNANCE:

As you know, there are two primary ways for tribal governments to receive funding from the federal government: direct service and self-governance. As a matter of policy and practice the Salt River Pima Maricopa Indian Community believes in self-governance. We fully endorse the philosophy of removing the federal bureaucracy from tribal programs and to allow tribes to directly use federal funding in the most efficient manner to meet tribal need.
The Community has worked successfully to transition the administration of many essential government functions from BIA control to the responsibility of our Community. To date, we have assumed responsibility for administering a host of programs from trust services, detention and corrections, social services, to road maintenance, law enforcement, probate, and most recently the Land Title and Records function.

We are proud to say our experience with tribal self-governance compacting has been very successful and is a perfect example of the most efficient use of the federal dollar. However, the one caveat that I would stress to the Committee and the Congress is that funding for BIA programs continues to be woefully inadequate.

I believe funding for Self-Governance Programs should be the highest priority for the Administration and the Congress to fund for the reason mentioned above. I am hopeful that you will continue to invest in Indian Country and in tribal self-governance as you draft the FY 2021 appropriations bill.

As you may be aware, tribes begin an internal process with the BIA and the Office of Self-Governance about two years ahead of the fiscal year. We outline every government function that the tribe administers and oversees and the anticipated costs associated with every line item under that program. For most, the amount received from BIA is a mere fraction of the actual cost to administer.

As such, I would like to draw your attention to a couple of points as they relate to self-governance, including transportation programs and other critical programs.

The bottom line is that federal tribal transportation programs are significantly underfunded. For example, on an annual basis our Community receives $92,000 from the U.S. Department of Interior, Bureau of Indian Affairs (BIA), for road maintenance. This represents 6.5 percent of the total need. As a result, the Community supplements the meager federal funding with nearly $1.4 million dollars each year. For example, the Community received only receives $1,300 per mile, per year, from the BIA to maintain BIA roads. In addition, the BIA, itself, estimates the total maintenance need is $10,000 per mile, per year. However, the actual cost that we estimate for annual road maintenance is $11,145 per mile, per year.

Based on the BIA estimate the annual road maintenance need is $720,000.00

Further, for the Community's 5-year new-construction plan, BIA funding will provide only 3%, or $7 million dollars, of the overall budget. Clearly, there is not enough money to meet the basic **maintenance** needs of our current roads, let alone the funding necessary to support a robust 21st century transportation system. As a result, we believe an increase in funds for tribal transportation programs will help tribes establish, maintain and perpetuate tribal transportation programs.

Second, Law Enforcement and Detention services are critical parts of tribal programming. For example, our detention and corrections program cost $6.8 million annually, however the Community receives only $206,000 dollars in its base funding agreement with BIA. This represents only 3% of the annual budget for detention and correction programs, with the Community backfilling the remaining 97%. We are not suggesting the Federal Government is responsible for funding 100% of these programs, but we do encourage you to seek more equitable funding levels.

Similarly, for law enforcement the need in our community is $3,836,000 per year according to the BIA Law Enforcement Cost estimating table. The tribe currently receives $ 3,272,449 per year, leaving an unfunded obligation of $ 563,551 per year. The lack of adequate funding hampers the tribe's ability to provide adequate public safety for the tribal members. From fiscal year 2015 – 2016 calls for service increased 20%. Additional funds will enable the tribe to reduce response times and provide a bigger, much needed presence in Community.

CULTURAL RESOURCES:

Protecting cultural resources is a vitally important objective for the SRPMIC. So much so that it has established a designated Tribal Historic Preservation Office (THPO) that is a liaison to all agencies, internal and external, on the care, preservation, and repatriation of cultural resources that have ties to the SRPMIC.

As such, the SRPMIC is concerned about recent actions by the U.S. Forest Service (USFS) that may disrupt the cultural resources on USFS lands that borders the SRPMIC. In brief, the SRPMIC borders the Tonto National Forest on our eastern boundary. As many local, tribal, state, and federal stakeholders have been attempting solve an issue related to the management of wild horses in the area the USFS has recently notified the SRPMIC that it will construct a significant fencing project.

We believe this will have an impact on the cultural resources in the area and we have formally requested the USFS to complete the necessary environmental activities so that an appropriation evaluation can be made to the impact on any cultural resources. USFS leadership can and should do more to protect these resources, but as yet they have not indicated that they will conduct any formal review of the property. Without the assurances that cultural artifacts will be protected, the Community will likely formally oppose this project. We ask the Committee to work with the Forest Service to help educate them about how to respectfully engage tribes in matters like this, so that needed projects do not unnecessarily destroy tribal artifacts.

Chairman McCollum and Ranking Member Joyce thank you for the opportunity to provide testimony to the Committee. As you prepare to write the Fiscal Year 2021 Interior, Environment and Related Agencies appropriations bill, I hope you will consider the contents of this request. I look forward to working with both of you to ensure that our Community, and Indian Country as a whole, can thrive in years to come.

Ms.MCCOLLUM. Thank you. Mr. Hill.

Mr. HILL. Good afternoon, Chairman McCollum and subcommittee members. It is my pleasure during my first trip to Washington, D.C. as principal chief to testify on behalf of the Muscogee Creek Nation. This committee and its members play a crucial role in upholding the United States trust responsibility and holding executive agencies accountable in the government-to-government relationship.

The Muscogee Creek Nation and United States Congress have a relationship more than 200 years old, resulting from an exchange of millions of acres and removal from our southeastern homelands. Today, the Muscogee Nation is the fourth largest federally-recognized tribe with nearly 90,000 tribal citizens across the nation, building on Muscogee cultural and traditional lifeways.

A modern government assumes responsibility to provide decisional services, such as health, public safety, social services, and natural resource management. Collectively, these efforts support and protect our citizens, bolster our historic institutions, and protect Muskogee traditions.

First, I want to thank the hard work and leadership of this committee to honor our historical relationship with the United States through continued support for advanced appropriation. Without your commitment to these initiatives, tribal government will continue to face a difficult decision between filing short-terms lapse in government funding and long-term investments for ongoing, critically-needed services across our communities. I hope that both chambers can come to agreement and pass advanced appropriations soon to prevent future instability in Federal funding owed to tribal nations.

The nation takes seriously our responsibility to provide stability within reservations for all our citizens. That is why Muscogee Creek Nation invests more than $5 million annually to support policing and patrol activities and fund investigative and special operation divisions. The Muscogee Creek Nation light horse department offers resources and technical capacity that are leveraged by local, county, and State, and Federal law enforcement agencies to support regional drug enforcement, anti-trafficking patrolling, and interagency investigations alike. Our investment is 7 times the funding available on a recurring basis from BIA, and our police officers work tirelessly to maximize the little funding we do receive.

I hope this committee will consider additional reoccurring investment in tribal policing and investigation funding. Interagency cooperation will remain critically important as we work under our leadership to encourage the Senate to pass the Violence against Women reauthorization Act that had bipartisan support in this chamber. This legislation's ongoing efforts to support missing and murdered indigenous women initiatives are crucial to protecting our most important resources, our citizens. The nation makes every effort to support and assist citizens during their most difficult times. Muscogee Creek Nation provides tribal funding to citizens who experience natural disaster, high energy costs, and loss of employment. We also leverage funds from the BIA welfare assistance program to support citizens and their family during the loss of loved ones.

However, funding available for burial systems remains wholly inadequate. The BIA funds do not cover a third of the amount needed for proper burial, and to make matters worse, BIA funds do not last the entire Fiscal Year. This leaves a nation with no choice but to further subsidize Federal funding. I ask that the committee fully fund the welfare assistance program and encourage agencies to update to 1990 regulation to reflect tribal operations in the 21st century.

Muscogee Creek Nation provides resources for citizens at all points in their lives, including those families who are not well positioned to appropriately support children. In Fiscal Year 2020, Muscogee Creek Nation invested more than $2 million to provide ICWA services to Muscogee Creek Nation families and State and county governments. In Fiscal Year 2019, our ICWA program provided service to more than 500 families and nearly 2,000 Indian children. The work these social services do on a day-to-day basis is critical to ensuring the safety and well-being of Muscogee Creek Nation youth and families. Additional resources are critically needed to increase the number of Indian foster families and homes, and to focus on risk prevention earlier in the case process.

Though citizens' needs our top priority for me, I am equally committed to protecting our natural resources, existing lands, and sacred sites. Muscogee Creek Nation leveraged funding provided through National Park Service to protect sacred sites across the nation. We appreciate the increase that this committee supported in Fiscal Year 2020 and hope future investments are possible to continue the important work. Further, I hope this committee will consider the critical role tribal historic preservation offices play, and encourage agencies to suspend or conclude funding to those offices that fail to adequately protect sacred tribal sites. In its history, this committee has consistently supported tribal sovereignty and respected the unique government-to-government relationship tribes have with Congress.

Thank you for the opportunity to provide Muscogee Creek Nation's funding priorities for Fiscal Year 2021. I look forward to working with this committee and the appropriation process as it moving forward. And I also want to acknowledge the other tribal members: Second Chief Beaver, Speaker Hicks, and Second Speaker Proctor, as well as our ambassador, Jonodev, and our family members as well. Thank you, and it is an honor to be here.

[The statement of Mr. Hill follows:]

Testimony of the Principal Chief David W. Hill for the House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies American Indian and Alaska Native Public Witness Hearing

February 12, 2020

Good Afternoon Chairwoman McCollum, Ranking Member Joyce, and Subcommittee Members. It is my pleasure, during my first trip to Washington, DC as Principal Chief, to testify on behalf of the Muscogee (Creek) Nation. This Committee and its members play a crucial role in upholding the United States' Trust Responsibility and holding Executive agencies accountable in the government-to-government relationship.

The Muscogee (Creek) Nation and the United States Congress have a relationship more than 200 years old, resulting from the exchange of millions of acres and removal from our southeastern homelands. Today, the Muscogee (Creek) Nation is the fourth largest federally recognized Tribe with nearly 90,000 tribal citizens across the Nation. Building on Mvskoke cultural and traditional lifeways, our modern government assumes responsibility to provide essential services such as health, public safety, social services, and natural resources management. Collectively, these efforts support and protect our citizens, bolster our historic institutions, and protect Mvskoke traditions.

First, I want to thank the hard work and leadership of this committee to honor our historical relationship with the United States through continued support for Advance Appropriations. Without your commitment to this initiative, tribal governments will continue to face difficult decisions between filling short-term lapses in government funding and long-term investments for ongoing, critically needed services across our communities. I hope that both Chambers can come to agreement and pass Advance Appropriations soon to prevent future instability in federal funding owed to tribal nations.

DEPARTMENT OF THE INTERIOR

Second, I want to raise issues and opportunities related to the funding provided under the Department of the Interior, including the Bureau of Indian Affairs and the National Park Service.

The Nation takes seriously our responsibility to provide stability within the reservation for all citizens. That is why Muscogee (Creek) Nation invests more than 5 million dollars annually to support policing and patrol activities and fund investigative and special operations divisions. The MCN Lighthorse Police Department offers resources and technical capacity that are leveraged by local, county, state, and federal law enforcement agencies to support regional drug enforcement anti-trafficking, patrolling, and inter-agency investigations alike. Our investment is seven times the funding available on a recurring basis from the BIA and our police officers work tirelessly to maximize the little funding we do receive. I hope this Committee will consider making additional recurring investments in tribal policing and investigation funding.

Inter-agency cooperation will remain critically important as we work under your leadership to encourage the Senate to pass the Violence Against Women's Reauthorization Act that had bipartisan support in this Chamber. This legislation and ongoing efforts to support Missing and

Murdered Indigenous Women initiatives are crucial to protecting our most important resource – our citizens.

The Nation makes every effort to support and assist citizens during their most difficult times. MCN provides tribal funding to citizens who experience natural disasters, high energy costs, and loss of employment. We also leverage funds from the BIA Welfare Assistance Program to support citizens and their families during the loss of loved ones. However, funding available for burial services remains wholly inadequate. The BIA funds do not cover a third of the amount needed for a proper burial and, to make matters worse, the BIA funds do not last the entire fiscal year. This leaves the Nation with no choice but to further subsidize federal funding. I ask that the Committee fully fund the Welfare Assistance Program and encourage the agency to update the 1990s regulation to reflect tribal operations in the 21st century.

MCN provides resources for citizens at all points in their lives, including those whose families are not well positioned to appropriately support children. In Fiscal Year 2020, MCN is investing more than $2 million dollars to provide ICWA services to MCN families and state and county governments. In FY19, our ICWA program provided services to more than 500 families and nearly 2000 Indian Children. The work these social workers do on a day-to-day basis is critical to ensuring the safety and well-being of MCN youth and families. Additional, resources are critically needed to increase the number of Indian foster families and homes and to focus on risk prevention earlier in the case process.

Not only does the Nation support youth at home, we work collaboratively with local public school districts to encourage Native youth at school. The MCN JOM Program provides educational and cultural support to American Indians and Alaska Natives across the Nation's eleven-county jurisdiction. In FY18, MCN provided services to more than 17,000 students in 45 school districts. However, the need for support services continues to grow due to budget constraints in Oklahoma. The funding has become so limited that MCN provides nearly one-third of the total funding necessary to operate the program. As such, the Nation asks that Congress continue to invest in this program as it provides a critical source of funds to allow students to pursue educational and cultural opportunities within the public school setting.

Though citizens' needs are a top priority for me, I am equally committed to protecting our natural resources, existing lands, and sacred sites. MCN leverages funding provided through the National Park Service to protect sacred sites across the Nation. We appreciate the increase that this Committee supported in Fiscal Year 2020 and hope future investments are possible to continue this important work. Further, I hope this committee will consider the critical role Tribal Historic Preservation Offices play and encourage the agency to suspend or conclude funding to those Offices that fail to adequately protect sacred tribal sites.

Protecting existing property and ownership for citizens is paramount for families and cultural activities. Though MCN realty services continue to thrive, the need for funding continues to be a barrier, particularly for probate wills. In Eastern Oklahoma, probate courts maintain supervision over the distribution of a decedent's estate throughout the entire probate process. Due to this requirement, The Nation is required to pay the court fees associated with all probate decrees. The implementation of the Tribal Asset and Accounting Management System has been helpful for

both Tribes and the BIA. In order to maintain the present level of management additional one time funding is required to continue the support of this system. We ask that you consider the budgetary cost of these procedural processes and the need for system maintenance in developing the next fiscal budget.

INDIAN HEALTH SERVICE

MCN supports the FY2021 Budget Request developed by the Indian Health Service (IHS) Tribal Federal Budget Formulation Workgroup. In addition to their testimony, MCN would like to include the following priorities for the Nation.

Our health care facilities provide a significant service in rural Oklahoma, as they are often the only outpatient facilities for tribal citizens for miles and other rural health care facilities have limited services or are closing all together. MCN is working to systematically replace old, outdated facilities to meet the modern health care needs. We recently invested more than $70 million to replace decades old IHS facilities in Eufaula and Okemah, Oklahoma – two of the most impoverished counties within our reservation. It is essential that this Subcommittee continue supporting Tribal investments in health care delivery and respect our partnership by encouraging IHS to regularly advertise the Joint Venture Construction Program Applications. While IHS opened up the program for applications in 2019, only five of the 43 applications are expected to be awarded, due to expected Appropriations caps. As it stands, the program is small and highly competitive; MCN requests that the Committee urge IHS to reopen the solicitation on a regular and frequent basis so that Tribes can address higher priority projects.

The other source of funding for physical asset support is 105(l) leases and Tribes are quickly learning to leverage the opportunity. Courts have determined that these are mandatory payments and IHS has obliged Tribes through lease negotiations and payments using unspent and unallocated funds in Fiscal Years 2018 and 2019. However, this is not a sustainable method for the Agency to meet its obligations, because it erodes investments this Committee has made to better fund health care operations overall. The lack of a specific funding source or separate appropriation for this requirement is problematic when considering expected future needs and competition among other funding priorities. Therefore, the Muscogee (Creek) Nation asks that the Committee to consider this dilemma when drafting the FY 2021 budget by identifying additional funding and providing it to Tribes through a separate permanent line item specifically for 105(l) lease costs.

Another area the MCN expects to see significant growth and need, is in the Electronic Health Records Modernization Project. Muscogee (Creek) Nation appreciates the $8 million investment for the Project, but anticipates the full cost of the project to grow significantly by FY2021. We support this effort and ask that the Committee consider the requested developed by IHS and the Department of Health and Human Services in the final version of the FY21 appropriations.

There are two other funding items that MCN wants to highlight which specifically impact the direct and indirect delivery of care to MCN patients – the Indian Health Care Improvement Fund (IHCIF) and funding for the Purchased/Referred Care (PRC) Program. The IHS Oklahoma City Area Tribes continue to rank among the lowest level of need funded tribes across the country. Funds provided to through the Indian Health Care Improvement Fund are distributed to those

programs and service units that need it the most and, perhaps more importantly, provide recurring and stable funds for all programs. These funds can be used to make systematic changes that benefit program and service unit patients. In an era of limited funding IHCIF provides this Committee an opportunity to make the largest impact for the most underfunded programs in the IHS System. The Nation asks that this Committee also make significant investments in the Fund to better align funding levels across the United States.

The Purchased/Referred Care (PRC) Program pays for urgent, emergent, and other critical services that are not directly available through IHS and Tribally-operated health programs. MCN uses these funds to secure critical care needed to treat serious injuries, cardiovascular disease, and cancer, among other medical needs. MCN limits referral services to the highest priority cases and contributes significant tribal funding to meet the needs of our citizens. The current strain on PRC Programs is not likely lighten as the industry trend to construct smaller, outpatient ambulatory care centers grows. MCN urges this Committee to continue to support increases to the PRC Program.

ENVIRONMENTAL PROTECTION AGENCY

Supporting the health of MCN citizens goes beyond the work we do in clinics and hospitals. It includes improving the environment and cleaning up those areas where unintentional injuries and disease transmission are curable. Funding distributed to Tribes through the Indian General Assistance Program (IGAP) remains severely limited. EPA set $110,000 as the average cost for a Tribe to sustain a basic environmental program in 1999. However, this amount has not kept up with inflation, leaving Tribes with just sixty-seven percent (67%) of the buying power today. An additional $98 million is needed to close the inflationary gap so that these funds can provide meaningful assistance Tribal communities.

Additional funding is also needed to improve access to safe drinking water. The lack of access to basic sanitation facilities poses a serious risk to the public health of Tribal communities. Therefore, MCN asks that the Committee increase the Tribal set-aside for the Safe Drinking Water State Revolving Fund (SRF) to provide additional opportunities to build necessary infrastructure to support safe drinking water and to require all agencies with similar funding to coordinate to ensure that citizens have access safe water. MCN Further recommends that the Committee encourage IHS to complete Tribal consultation on the distribution of these funds, because recent agency action is redirecting funds away from Oklahoma.

In its history, this Committee has consistently supported Tribal sovereignty and respected the unique government-to-government relationship Tribes have with Congress. Thank you for the opportunity to provide Muscogee (Creek) Nation's funding priorities for FY 2021. I look forward to working with this Committee as the appropriations process moves forward.

Ms. MCCOLLUM. Thank you. Something that has happened in passage since we have been doing public witnesses talking about roads, and obviously the backlog has gotten worse and worse, and everybody has described it. Roads, from what I am hearing, are really a public safety issue at this point. You mentioned, you know, someone who is injured in an ambulance, kids going to and from school so the school bus is safe, and then the wear and tear on the equipment, people going to dialysis back and forth and that.

I think everybody has made the case on it, so I am not going to use one of my questions for that. But I think we need to have a conversation with the Transportation Committee and the authorizers about what we are going to do about America's roads, right, and make sure it is always including tribal roads as well. The other thing we heard, too, along with the roads comes the equipment, and the equipment aren't considered life, health, and safety.

So we know snowplows, and graders, and all those other kinds of things, and, you know, I am going to use the term "our neck of the woods," but the Plains, too, where there aren't as many woods, can really be life or death. And that is even true in other parts of the country with climate change. Now you have these snowfalls that just come out of nowhere, and it can take you 2 or 3 days to dig out of it those of you who are not from that area.

What I would like to ask, though, is the Forest Service fencing wild horses. Mr. Stewart, who left, we have been working on wild horses trying to humanely control. Our goal is to humanely control the populations that doesn't destroy the environment and horses don't starve. So I am going to look into this because the solution was not dilution to start moving them around to other places and having something. So I want you to know you got my attention with the wild horses.

A couple of things have come up with drinking water, and I just want to put on your radar screen, it is not going to be Mr. Joyce's and my intention. But President cut the drinking water funds in his budget as well as sewer and that. So that is something that this committee now has to come up with, you know. We want to be taking more and more steps forward and not just standing still, but President's budget wasn't helpful in that regard with, you know, no light at the end of the tunnel, that we were getting the signal that more investments were to be made in Indian Country, especially for things that you folks have identified.

So you have given me, as I said to the other group, a lot of homework, so I want to thank you for your testimony. And everything is in the book, and it was a lot more than what you had the 5 minutes to do, and I want to acknowledge that. Thank you so much.

VOICES. Thank you.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 3

WITNESSES

GERALD GRAY, CHAIRMAN, LITTLE SHELL TRIBE OF CHIPPEWA INDIANS

BRANDON MAUAI, COUNCILMAN, STANDING ROCK SIOUX TRIBE
TILFORD DENVER, VICE CHAIRMAN, BISHOP PAIUTE TRIBE

Ms. MCCOLLUM. We are minus one person on this panel, and that is Chairman Kat Brigham with the Confederated Tribes, I want to say it right, Umatilla Indian Reservation. The chairwoman is not here today because of the devastating flooding going on in Oregon, and I want to acknowledge that because people have been displaced, livelihoods have been lost. It is a very serious issue, and climate change is having a real impact on households and, as I said, being evacuated. And even more seriously, we have learned of the death of a tribal member. So we understand her absence. Our thoughts and prayers and my prayers are with her and the tribe and all the people in that part of Oregon and Washington State that are just kind of dealing with with climate change in a very devastating way. And her testimony will be entered into the record, but I just wanted to acknowledge that.

Ms. MCCOLLUM. So I am going to just kind of go through the timer really quick. It is 5 minutes. When the light goes yellow, there is 1 minute remaining. When it goes red, all 5 are gone. We would like you to please introduce yourself, but we will not count your introduction against your testimony. All your testimony will be entered into the record, so don't feel rushed if you don't get to everything because there is so much to cover. So if we could start with you, please, sir. The red button has to be on in order for it to be on. Thank you, Mr. Grey.

Mr. GRAY. So I am Gerald Gray. I am chairman of the Little Shell Tribe. We are the newly-574th recognized tribe, and I want to thank all of you for your votes that helped pass us our legislation through Congress.

Ms. MCCOLLUM. Historic. First time testifying.

Mr. GRAY. Yeah, here, definitely. Introduce?

Ms. MCCOLLUM. Go ahead.

Mr. GRAY. Okay. So good afternoon, Chairwoman McCollum, Ranking Member Joyce, and honorable members of the subcommittee. Thank you for the opportunity to testify about the tribe's funding. With the enactment of our legislation, the Little Shell Tribe is now taking the first few steps of a new journey to fully restore our relationship with the Federal Government, rebuild our tribal government, create a tribal economy, provide services to our tribal citizens, and establish a land base. As we undertake this challenge, we keep in mind those who have passed on waiting for this day as well as our future generations.

As a newly restored tribe, we have numerous funding priorities. First, new tribes funding at the Bureau of Indian Affairs. The BIA's new tribes funding is intended to assist newly-recognized tribes carry out the day-to-day responsibilities of establishing and operating tribal government. Once recognized, the tribe remains in the new tribes category for 3 Fiscal Years. This funding is critical for newly-recognized tribes because it provides seed money to hire staff, purchase equipment, and begin developing procedures and law.

The Fiscal Year 2020 budget contains $1.28 million for new tribes under the BIA's operation of Indian programs. This funding was to continue Federal support for the six Virginia tribes recog-

nized in January 2018. The Little Shell Tribe requests that the subcommittee provide an increase in funding for new tribes in order to assist the tribe in operating our government. Knowing well the struggle that the Virginia tribes endured, we would like to ensure their funding levels are not decreased as a result of our recognition.

Second, the new tribes funding at the Indian Health Service. IHS new tribes funding assists the agency in carrying out its mission to provide direct healthcare services to citizens of newly-recognized tribes. The fiscal year 2020 deal contained $11.4 million for new tribes under IHS hospitals and health clinics category. That funding was to provide direct healthcare services to the six Virginia tribes. The Little Shell Tribe requests that the subcommittee provide additional funding in order for the Indian Health Service to be able to provide services to Little Shell tribal population for approximately 5,400 citizens. Once again, the tribe would like to ensure that the funding levels for Virginia tribes are not decreased as a result of our recognition.

Next, funding for Indian Health Services care facilities construction. With a long-term goal of establishing a tribal health clinic, the tribe would like to see an increase in funding for healthcare facilities construction. I recently met with IHS in Billings, Montana to discuss healthcare options for my people. The IHS staff were very helpful in discussing the tribe's status as a direct service tribe and outlining options that the tribe could pursue when providing healthcare to our people. However, when I asked IHS if the IHS could construct the clinic for the tribe and Great Falls, Montana to serve our people, their answer was no. IHS informed me that there is a list for replacement facilities that it must follow when constructing new facilities.

Unfortunately, from what I understand, it could be generations before the Little Shell Tribe would be eligible under the list for funding because the list is so long and the funding is so limited with the IHS. IHS said I would need to take my plea to Congress, so here I am. I am hopeful that something can be done to provide my tribe with funds to construct a clinic.

Finally, funding for BIA and BIE construction. I have had a lot of meetings over the past month since my tribe's recognition was restored, and I appreciate our Federal partners' proactive outreach and offers to assist us. One of the things that I learned through these meetings is that facility construction funding for schools, government facilities, public safety complexes, and similar buildings is very sparse. Most of the facility construction dollars are tied to a priority list, none of which the Little Shell appears on. The tribe does not want to take funding away from other tribes or to jump over those that have waited on the priority list, but there should be some sort of funding directed for newly-recognized tribes so that they can construct the essential government building that they need to support services.

I appreciate the opportunity to testify, and I am happy to answer any questions.

[The statement of Mr. Gray follows:]

Testimony of Chairman Gerald Gray
Little Shell Tribe of Chippewa Indians
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 12, 2019

Summary of Budget Requests:

I. Bureau of Indian Affairs - Increase funding for "New Tribes"
II. Indian Health Service – Increase funding for "New Tribes"
III. Indian Health Service – Increase funding for "Health Care Facilities Construction"
IV. Bureau of Indian Affairs/Bureau of Indian Education – Increase funding for Construction generally

Introduction & Background

Good afternoon Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Gerald Gray and I am honored to serve as Chairman of the Little Shell Tribe of Chippewa Indians. Thank you for the opportunity to testify regarding the Tribe's funding priorities within the Subcommittee's jurisdiction.

The Little Shell Tribe is a political successor to signatories of the Pembina Treaty of 1863, which ceded a large area of land in the State of North Dakota to the United States. In 1892, Chief Little Shell refused to sign the so-called "Ten Cent" treaty ceding nearly 10 million acres of prime farm land in the Red River Valley for 10 cents an acre. This action marked the beginning of my Tribe's nearly 130-year effort to have our relationship with the federal government restored.

The painstaking journey to reestablish our relationship with the federal government recently came to an end on December 20, 2019 when the President signed the National Defense Authorization Act (NDAA). Section 2870 of that Act restored the Little Shell Tribe's relationship with the federal government, making us the 574th federally recognized tribe.

The Tribe's provision in the NDAA provides that all Federal laws of general application to Indians and Indian tribes shall apply to the Little Shell Tribe and our tribal citizens. In addition, it makes the Tribe and tribal citizens eligible for all services and benefits provided by the United States to Indians and federally recognized Indian tribes. Finally, the legislation provides that the Secretary of the Interior shall acquire 200 acres of land within the service area of the Tribe to be used for a tribal land base.

With enactment of our legislation, the Little Shell Tribe is taking the first few steps of a new journey to fully restore our relationship with the federal government, rebuild our tribal government, create a tribal economy, provide services to our tribal citizens, and establish a land base. As we undertake this challenge, we keep in mind those who passed on waiting for this day, as well as our future generations.

As a newly restored tribe, we have numerous funding priorities. However, my testimony today will focus on the need to increase the "New Tribes" funding at the Bureau of Indian Affairs and the Indian Health Service. In addition, the Tribe would like to see an increase in funding for Health Care Facilities Construction within the Indian Health Service.

I. Bureau of Indian Affairs – New Tribes Funding

The Bureau of Indian Affairs' "New Tribes" funding is intended to assist newly recognized tribes carry out the day-to-day responsibilities of establishing and operating a tribal government. Once recognized, the tribe remains in the "New Tribes" category for three fiscal years. This funding is critical for newly recognized tribes because it provides seed money to hire staff, purchase equipment, and begin developing procedures and law.

The FY 2020 budget contains $1.28 million for New Tribes under the Bureau of Indian Affairs' Operation of Indian Programs. This funding was to continue Federal support for the six Virginia tribes recognized in January 2018. The Little Shell Tribe requests that the Subcommittee provide an increase in funding for "New Tribes" in order to assist the Tribe in operating our tribal government. Knowing well the struggle that the Virginia tribes endured, we would like to ensure that their funding levels are not decreased as a result of our recognition and classification as a "New Tribe."

II. Indian Health Service – New Tribes Funding

The Indian Health Service's "New Tribes" funding assists the agency in carrying out its mission to provide direct health care services to citizens of newly recognized tribes. The Fiscal Year 2020 spending deal contained $11,463,000 for "New Tribes" under the Indian Health Service's Hospitals & Health Clinics category. That funding was to provide direct health care services for the six Virginia Tribes recognized in January 2018. The Little Shell Tribe requests that the Subcommittee provide additional funding in order for the Indian Health Service to be able to provide services to a Little Shell tribal population of approximately 5,400 tribal citizens. Once again, the Tribe would like to ensure that the funding levels for the Virginia Tribes are not decreased as a result of our recognition and classification as a "New Tribe."

III. Indian Health Service – Health Care Facilities Construction

With a long-term goal of establishing a tribal health clinic, the Tribe would like to see an increase in funding for Health Care Facilities Construction. I met with the Indian Health Service (IHS) in Billings, Montana on Wednesday, January 29, 2020 to discuss healthcare options for my people. The IHS staff were very helpful in discussing the Tribe's status as a direct service tribe and outlining options that the Tribe could pursue when providing healthcare to our people.

However, when I asked if the IHS could construct a clinic for the Tribe in Great Falls, MT to serve our people the answer was no. IHS informed me that there is a list for replacement facilities that it must follow when constructing new facilities. Unfortunately, from what I understand, it could be generations before the Little Shell Tribe would be eligible under the list for funding because

the list is so long and the funding so limited. The IHS said I would need to take my plea to Congress – so here I am. I am hopeful that something can be done to provide my Tribe with funds to construct a clinic.

IV. BIA/BIE – Increased Construction Funding

I have had a lot of meetings over the past month since my Tribe's recognition was restored and I appreciate our federal partners proactive outreach and offers to assist us. One of the things that I learned through these meetings is that facility construction funding for schools, governmental facilities, public safety complexes, and similar buildings is very sparse. Most of the facility construction dollars are tied to priority lists, none of which the Little Shell Tribe appears on. The Tribe does not want to take funding away from other tribes or jump over those that have waited on priority lists, but there should be some sort of funding directed for newly recognized tribes so that they can construct the essential governmental building that they will need to support services.

Conclusion

I appreciate the opportunity to testify to the Subcommittee today. I am available to answer any questions that the Subcommittee may have regarding my testimony.

Ms.MCCOLLUM. Thank you. Sir, please go ahead.

Mr.MAUAI. Thank you. First of all, my name is Brandon Mauai, councilman from the Standing Rock Sioux Tribe, and with me I have to my right Councilwoman Avis Little Eagle, and right directly behind me, Councilwoman Nola Taken Alive. Madam Chairperson McCollum, Ranking Member Joyce, thank you for this opportunity, an honor to present this testimony here concerning the President's 2021 budget. I would like to express our appreciation for the strong support of Indian tribes of this community this committee.

The Administration's proposed budget for Fiscal Year 2021 came out on Monday. It would do great harm to the Standing Rock Sioux Tribe by cutting Federal social service and other core programs that we contract from the BIA. And I am here today to ask you to increase those funds. Our reservation encompasses 2.3 million acres in North and South Dakota. The reservation's population of some 8,500 tribal members and 2,000 non-members reside in eight districts and in smaller communities. Our main industries are cattle ranching and farming. The tribe struggles to provide core services to our members, and we work hard to provide jobs and to improve the standard of living on the reservation, but we need a strong Federal presence. The appropriations by this subcommittee spell the difference between the success or failure of our tribal programs.

Today my focus is on the tribe's children, our most precious resource. And in North Dakota, Indian children make up about 40 percent of the children in foster care. In South Dakota, Indian children make up about 50 percent of the children in foster care. And according to the Department of Justice, Indians have the highest rate of victimization in the country. The statistics tell us a powerful story. Our families are in crisis, and if our families are in crisis, our children are in crisis, and this means we are not breaking the cycle of trauma and abuse, but we are perpetuating it. And because of the continuing addiction to drugs, like meth and heroin, violence and crime in our community is escalating.

We are raising a generation of children at risk. And without increasing Federal support to provide more social workers, case workers, law enforcement officers, and teachers, and provide them with community stability, their futures will be far worse than mine. I appreciate and encourage Congress' support for Tiwahe initiative. According to the recent OIG report, the program is designed to support child welfare and family stability, and to promote an integrated approach to addressing the interrelated problems of poverty, violence, and substance abuse in tribal communities. Tiwahe is intended to expand social services and similar programs to address children and family welfare, job training, and incarceration issues.

And this is the kind of initiative that tribes have been demanding for decades. But unfortunately, according to the OIG, the BIA has failed to properly distribute the funding for the lifesaving initiative. The tribe should have long ago received $54,000 in additional social service funding for 2019, and an additional $23,000 for ICWA funding for this initiative. We learned only Monday that the funds are available for us to draw down, and we are now five

months into Fiscal Year 2020, and we have not received any of the 2020 funds for these two critical programs.

As a result of long delays in funding, our tribal social service programs are in crisis. The tribe has done what it can do to sustain child social services, but with a nearly $1 million dollar, shortfall the tribe must consider returning or retro-ceding this program to the BIA. This would be a step backwards in self-determination, and we need additional funds to take care of the most vulnerable in society, our children.

Our tribe learned the hard way that sexual abuse, and alcohol, and substance abuse are leading predicates to youth suicide. We learned this only after a cluster of seven suicides occurred among our children 1 decade ago. We learned that they did not feel loved, respected, or safe, and when they do not feel loved or safe, they self-medicated, and, tragically, in some cases, they hurt themselves and took their own lives. I don't want to bury any more children, but we want to celebrate them.

Our ICWA office, which handles foster care placements off the reservation, is staffed by one person. She has 92 open cases in 18 different states, totaling 172 Standing Rock children in foster care across the nation. Our 92 cases represent less than 10 percent of the cases that we are notified about. This means the tribe has to decline to intervene in 90 percent of the cases where our children are being placed into foster care systems. ICWA lacks sufficient funding, and I ask Congress to provide additional support to tribes so that we can uphold our obligation to our children.

With that, I thank you for your time.

[The statement of Mr. Mauai follows:]

Testimony of Brandon Mauai, Councilman
For the Standing Rock Sioux Tribe
Before the House Appropriations Subcommittee on Interior and Related Agencies
Concerning the BIA, BIE, THPO, and IHS FY 2021 Budgets
February 12, 2020

On behalf of the Standing Rock Sioux Tribe, I submit this testimony concerning the President's FY 2021 budget for the Indian programs within the Department of the Interior, including Tribal Historic Preservation, the Bureau of Indian Affairs, the Bureau of Indian Education, and the Indian Health Service. I would like to express our appreciation to this Subcommittee for its support of Indian tribes.

The Standing Rock Sioux Reservation encompasses 2.3 million acres in North and South Dakota. The Reservation's population – approximately 8,500 Tribal members and 2,000 non-members – reside in eight districts, and in smaller communities. The Tribe's primary industries are cattle ranching and farming. The Tribe struggles to provide essential governmental services to our members. It is the Tribe's desire to provide jobs and improve the economic standard of living on our Reservation.

The Standing Rock Sioux Tribe has a government to government relationship with the United States of America, reflected in our Treaties which were signed in 1851 and 1868. We ask the government to honor its commitments in these treaties by adequately funding these federal programs enacted for our benefit, so that our members may enjoy a standard of living comparable to that enjoyed by the rest of the Nation. Despite the Tribe's best efforts, our unemployment rate remains above 50%. In fact, over 40% of Indian families on our Reservation live in poverty – more than triple the average U.S. poverty rate. The disparity is worse for children, as 52% of the Reservation population under age 18 lives below poverty, compared to 16% and 19% in North and South Dakota, respectively. The federal programs established and promised by treaty to aid tribes and their members are essential.

BIA CHILD SOCIAL SERVICES and ICWA: In North Dakota Indian children make-up approximately 40% of the children in the foster care system and in South Dakota Indian children make-up approximately 50% of the children in the foster care system. According to the Department of Justice, Indians have the highest rate of victimization in the country.

Unfortunately, the BIA Child Social Services and ICWA funding to support these children has not been increased in a number of years. We have a 638-contract with the BIA for this program, but Tribal Council has had to supplement this program with tribal funds. However, this is not sustainable for the Tribe. Thus, because of the shortfall in funding and the overwhelming need, the Tribe is considering retroceding this program back to the Bureau of Indian Affairs. This is a major step backwards in Self-Determination. We have asked the BIA for assistance and they have offered nothing but that their hands are tied – that it is up to Congress to provide more funding. We have one child whose special needs requires care in a facility that costs $500 a day. Again, we are talking about the most vulnerable of our community, and we are worried that a tragedy will happen because we do not have the resources to prevent it so we are asking for your help.

Again, the Tribe's Child Protection Service program works very hard to address the needs of our children. But there are too few investigators for this program to protect our children in eight widely scattered communities across our Reservation. The CPS program is outstanding, but it is overwhelmed by the scope and magnitude of the problems it must address. Where child victims need to be placed in a different environment for their safety, there are far too few alternatives. We do not have enough approved foster homes on the Reservation. These homes are always at capacity, so we have no choice but to place some of these children – who have faced the trauma of violence in the home – off the Reservation, generally on a temporary basis, again adding trauma and victimizing the victim. There is simply an inadequate supply of safe housing alternatives for children who must be moved for their own safety.

We urge the Committee to increase funding for both the BIA social services program and for the ICWA programs. Without these resources, we will not be able to meet the needs of our most vulnerable population.

BUREAU OF INDIAN EDUCATION (BIE): We request a substantial increase in funding for Bureau of Indian Education programs. Standing Rock relies on BIE funding for three Tribal grant schools – the Standing Rock Community School (K-12), Sitting Bull School (K-8), and Rock Creek School (K-8). We also have five state public schools on the Reservation (Cannonball, Selfridge, McLaughlin, McIntosh, and Wakpala). These schools depend on federal impact aid to cover the costs of the public school's share of the school operations. The children in the schools on the Reservation are among the most at-risk students in the Nation. At Rock Creek, Cannonball, Selfridge, and Wakpala schools, 100% of the students receive free or reduced price school lunches because their families live at or below poverty. At other schools, the percentage of children receiving free or reduced price lunch is comparable – Sitting Bull, 98%; McLaughlin, 85%; Fort Yates, 80%; Standing Rock, 80%. These statistics tell us that it is incumbent on our schools to provide much more to these children than an education.

The near flat line funding for virtually all aspects of BIE programs does not account for population growth, increased costs, or inflation. Student Transportation funding, intended to cover the costs of buses, fuel, maintenance, vehicle replacements, and drivers, has stayed almost constant for several years. The substantial increases in fuel costs alone make it impossible to cover these costs. For Standing Rock, funds are further strained because we are a rural community, where bus runs for many of our students may take 1½ to 2 hours each way and can include travel on unimproved roads.

LAW ENFORCEMENT: The Tribe has seen firsthand that adequate law enforcement funding was key to reducing crime. A number of years ago, the Standing Rock Sioux Tribe was selected to participate in the High Priority Program Goals initiative, which dramatically increased law enforcement positions on our Reservation. This had a significant positive impact in reducing crime. Increased numbers of police officers allowed pro-active policing rather than reactive policing. This initiative enabled officers to be assigned within each Reservation community, which meant quicker response time to calls and more positive relationships between law enforcement officers and the communities they served. The increased law enforcement presence and patrols deterred crime and resulted in our members feeling safer. The data confirms this.

When compared to the number of violent crimes (homicide, rape, robbery, assault) that occurred between 2007 and 2009, the additional staffing reduced such crimes by approximately: 7% in 2010, 11% in 2011, and 15-19% in 2012. This initiative demonstrated the critical importance that adequate law enforcement staffing can have in our community. However, HPPG ended after FY 2013 and the Tribe's law enforcement personnel were reduced from the numbers that served us so well. Now six years later, we are grappling with increased violence, drug trafficking, and human trafficking in our community. We strongly support an increase in funding for law enforcement personnel. It makes no sense that these programs would not be funded in perpetuity since they have been demonstrated to work to reduce crime in Indian country.

Tribal Courts We support an increase to the modest funding appropriated for the Tribal Courts Program. The Standing Rock Tribal Court is an independent branch of government consisting of a Supreme Court, Civil Court, Criminal Court, and Children's Court. Key positions in the Tribal Court require licensed attorneys – the Chief Judge; Associate Chief Judge; Chief Prosecutor; and Public Defender. Our Tribe cannot effectively support these courts with our small BIA allocation, even when heavily subsidized by the Tribe. And yet in order to use our Tribe's authorities provided under the Violence Against Women Act of 2013, Sex Offender Registration and Offender Act, and the Tribal Law and Order Act, we must continue to meet appropriate standards. Our Tribal courts are also crowded, even when spread across three separate buildings. The main courthouse outgrew its ability to meet our needs years ago and the lack of space severely limits our ability to adequately handle the Tribal Court case load of 2,000 to 3,000 cases per year. Funding is critical to providing a safe and secure center to house justice programs.

Tribal Detention Facility Another critical part of public safety in our community is the detention facility. Currently, BIA OJS operates an antiquated 48 bed adult detention center for male and female inmates in Fort Yates on our Reservation. The detention center is a linear style facility which, because of its design, is very staff intensive. The jail was built in the 1960's and has long outlived its utility. Renovated in the 1980's and again in the 1990's, the jail fails to comply with most contemporary detention standards. The jail population is frequently two to three times over the rated bed capacity. To alleviate jail crowding, our Tribal Court is forced to release prisoners early to make room for new prisoners. This sends the wrong message to criminals. This is not safe. We urge the Committee to continue to support detention facility construction within the BIA.

TRIBAL ROADS FUNDING: Thousands of tourists visit the Standing Rock Sioux Reservation each year and help contribute to our economy. They expect and deserve to travel on properly engineered and well maintained roads and bridges to safely transport them from destination to destination. In order for us to attract and maintain businesses and to help our members transport farm produce and cattle to nearby markets, we require infrastructure, including safe drinking water, utilities, telecommunications and all-season roads and bridges. Dialysis patients, students, their parents and grandparents rely on our road system to get them to health centers, jobs and schools.

In July, 2019, we had a tragedy on Reservation. After a heavy storm a culvert on BIA Road 3 washed-out in the middle of the night. In the early morning hours when it was still dark,

four cars drove into to the chasm that resulted from the washout. Two people—an Indian Health Service nurse and a UPS driver died. Two people were rescued, including a bus driver for Sitting Bull College, who is still recovering from his injury. Beyond the tragedy of losing two lives and a man having to struggle now to heal and still support his family, is the fact that this culvert was on the list for repair if only we had sufficient money to do this work.

I cannot think of another BIA-funded program that is so essential to the health and vibrancy of tribal communities that is so poorly funded as the BIA Road Maintenance Program. While we appreciate the increases the Subcommittee has provided to this program, more needs to be done. I ask the Subcommittee to help protect our members and visitors as well as the investment in reconstructed and newly built roads by increasing funding for the Road Maintenance Program.

BIA HIP (HOUSING IMPROVEMENT PROGRAM): The Tribe opposes any proposal to eliminate funding for HIP. HIP has long played a very important role in providing funds to low income persons who have emergency or other specific needs to make home repairs.

TRIBAL HISTORIC PRESERVATION OFFICE: The Tribe supports the National Tribal Historic Preservation Officers Association's request for $20 million for Tribal Historic Preservation Offices (THPO). The current level of funding means that a THPO receives approximately $64,000 to carry-out the critical job of protecting this Nation's historic and cultural resources that are in tribal territories. This work requires trained and experienced archeologists, historians, anthropologists, and Tribal cultural specialists, who must assess and evaluate every federal action that takes place in our territories. If this work is not done, we risk losing sites and resources that are critical to not only my Tribe's history and culture but the Nation's.

INDIAN HEALTH SERVICE: We appreciate the Congress's increases in IHS funding. We depend on IHS to care for our 15,500 enrolled Tribal members, many of whom suffer from diabetes, heart disease and hypertension. The Indian Health facility at Fort Yates was built in 1960s, and is in need of a facility upgrade. In fact, the Tribe had an opportunity to receive a donation for some medical imaging equipment, but the hospital did not have the space to accept the modern imaging equipment. We currently only have 8 dialysis stations. There is a critical need for more. But again, because of space limitations, the Indian Health Service cannot expand these services.

A part of addressing the many social issues that confront our community, is the need to provide additional mental health and behavioral counseling. Too many of our people are locked in addiction, or are dealing with childhood or other trauma, which impacts their ability to be healthy and productive members of our Tribe. We would urge the Subcommittee to provide significant program funding increases for mental health and alcohol and substance abuse counseling and treatment. For too long these programs have largely been held stagnant.

Conclusion: We thank the Subcommittee for the opportunity to present this testimony.

Mr. DENVER. Chairwoman McCollum and members of the committee, good afternoon, and thank you for the opportunity to testify before the committee today. [Speaking native language.] I am Vice chairman of the Bishop Paiute Tribe. I also like to recognize my councilman, Brian Pancho, who is with me today. We are located on the foot of the Eastern Sierra Nevada Mountains and California's Hunt Valley.

The Bishop Paiute tribe's faces a unique set of challenges. With more than 2,100 tribal members, the Bishop Paiute Tribe is the fifth largest tribe in the State of California. Our reservation encompasses less than 1 mile of land. The majority of the tribe already developed with housing and government footprint on it. The tribe has historically used and is currently seeking out a number of Federal grants and loan guarantees to provide services to our people.

ICDBG funding. We are particularly proud of our comprehensive elders program that supports elders living on the Bishop Paiute Reservation. Our tribal elders program offers nutrition support, a caregiver support program, and countless other supportive services for our tribal elders. I am honored to say that the current population of 396 elders is the largest elder population the tribe has ever had. Unfortunately, our existing elder facility is struggling to accommodate the growing population. To address this, the Bishop Paiute Tribe has cemented an ICDBG grant to upgrade the current elders building. If funded, this grant will allow us to make dozens of improvements to the facility and further support our elders. I respectfully request the Congress provide robust funding for this program so that meritorious notorious applications like ours all across Indian Country can be fully funded.

I would also like to talk about the criminal justice funding. The Bishop Paiute Tribe also requests the committee direct the Bureau of Indian Affairs to provide equitable law enforcement and tribal court funding to tribal governments and to Public Law 280 States. As you know, Public Law 280 takes primary criminal jurisdiction away from the Federal Government and gives it to the State law enforcement agencies in California, Minnesota, Nebraska, Oregon, Wisconsin and Alaska. Notwithstanding the limited Federal jurisdiction, our people still are entitled to a functional law enforcement and judicial system. Insufficient funding and support has led to a significant miscarriage of justice for our tribal members and tribal Police Officers. To address this, the Bureau must allocate more robust funding under the operation of Indian programs, public safety and justice account to strengthen these services to PL 280 States.

And my final issue is fair market rent for tribal TANF facilities. Lastly I would like to once again draw the committee and Congress' attention to an injustice our tribes continued to struggle with, the inability for tribes to recoup fair market rent for TANF facilities on reservation lands. As I mentioned, our tribe's land base is woefully inadequate to support our tribal membership. Many tribal members who want to live on the reservation are unable to do so. Still, the tribe chose to provide facilities and land in the center of a reservation for tribal TANF services and headquarters because we wanted to make it easy as possible for our tribal members to access these critical services.

Unfortunately, in a contradiction of how every other program operates under Indian self-determination and Education Assistance Act, HHS has interpreted tribal TANF statute to prevent us from recouping fair market rent for the facilities and lands used by the program.

We knew we do not believe that Congress intended for this. In fact, the underlying statute specifically provides that HHS to regulate rent like other self-determination programs, such as IHS. Instead HHS follow the interpretation for tribes with limited land bases and economic opportunity to locate TANF facilities off reservation and far removed from target populations.

Several years ago, Congress included report language directing HHS to work with tribes to resolve this issue. Despite this, HHS has demonstrated a continued unwillingness to consider a more sensible interpretation of statute. The Bishop Paiute Tribe will continue working with the authorization committee, the Administration, and the committee to address this issue.

In conclusion, I would like to thank you for listening to my testimony and for the committee to support tribal programs, and the opportunity for us to testify here today. We look forward to working together to address these critical issues across the Indian Country.

[The statement of Mr. Denver follows:]

Tilford Denver, Vice-Chairman, Bishop Paiute Tribe
Testimony before the House Committee on Appropriations
Subcommittee for Interior, Environment, and Related Agencies
February 12, 2020

Chairwoman McCollum, Ranking Member Calvert, Members of the committee,

Good afternoon, and thank you for the opportunity to testify before the Committee and to provide input in the federal appropriations process. My name is Tilford Denver, and I am the Vice-Chairman of the Bishop Paiute Tribe. With more than 2,000 enrolled members, the Bishop Paiute Tribe is the 5th largest Tribe in the state of California.

Located at the foot of the Eastern Sierra Nevada Mountains in California's Owens Valley, the Bishop Paiute Tribe faces a unique set of challenges. Our reservation encompasses less than one square mile, the majority of which is already developed with housing and our government's footprint. As a result, we have had to make difficult decisions about how best to use what's left of our land to support our people.

The tribe has historically used, and is currently seeking out, a number of federal grants and loan guarantees. This funding will be used to educate, provide health care, and create economic opportunity for our people.

ICDBG Funding

The Bishop tribe is proud of our comprehensive Elders program that supports seniors living on the Bishop Paiute Indian Reservation. The Bishop Tribal Elders Program offers a nutrition program, caregivers support program, supportive services, and assistance through a combination of a Title VI Nutrition Services Improvement Program grant, support from the Owens Valley Career Development Center tribal TANF program, and direct support from the Bishop Paiute Tribe.

With a total Tribal Elder population of 396 – the largest Elder population that the Tribe has ever had - we are struggling to accommodate growing needs of this community. To achieve this, the Bishop Paiute Tribe is going to submit an Indian Community Development Block Grant (ICDBG) for the remodel of the current Elders building. If funded this grant will provide funding for needed kitchen improvements, fire sprinklers, solar panels, a walk in freezer, expansion for the current dining area and lobby, backup generators, improved access to/from the parking lot, a new multi use room, and other essential upgrades.

I know that ours is not the only meritorious application for funding from this program, so I respectfully request that Congress provide robust funding for this program across the board so that applications like ours can be fully funded.

Hunting Permit

Hunting and fishing have been fundamental components of our history for thousands of years yet, like many tribes, we lack treaty rights allowing us to carry out these cultural practices.

Hunting and fishing on federal lands is generally governed by state laws, and as hunting in our region is popular, access is limited to those individuals who have received a permit through the statewide lottery. As a result, our members who sought to engage in traditional hunting practices have been unable to do so legally for years.

However, we are pleased to report that the Bishop Tribe recently signed a Memorandum Of Understanding with the California Department of Fish & Wildlife that stipulates that Members of the Bishop Tribe may carry out limited traditional hunting activities in support of culturally significant practices.

We appreciate the open mind with which the State Department of Fish and Game approached our request and we would urge the Committee to work federal land management agencies try and replicate agreements like this one for other tribes.

Tribal justice funding

The Bishop Paiute Tribe also respectfully requests that the Committee direct the Bureau of Indian Affairs to provide equitable law enforcement and tribal court funding to tribal governments in P.L. 280 states. As you know, P.L. 280 takes primary criminal jurisdiction away from the federal government and gives it to state law enforcement agencies in California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska.

Notwithstanding the fact that primary jurisdiction resides with the State in our community, our people are still entitled to a functional law enforcement and judicial system. The Bureau must allocate more robust funding under the Operation of Indian Programs, Public Safety and Justice account to strengthen these services in PL 280 states. Failure to do so exacerbates the inability of Bishop Paiute Tribal Police to work in concert with local law enforcement in our county--a failure that has already led to significant miscarriages of justice for our tribal members and officers.

Fair-Market Rent for Tribal TANF Facilities

Lastly, I would like to once again draw this Committee and Congress' attention to an injustice our tribe continues to struggle with. As I mentioned earlier in my testimony, our tribe's land base is woefully inadequate to support our tribal membership. Many tribal members who want to live on the Bishop Paiute reservation are unable to do so. Still, the tribe chose to allow the Owens Valley Career Development Center to locate its headquarters on tribal land because we wanted to make it as easy as possible for tribal members to access the TANF services available there. Unfortunately, in contradiction of how every other program under the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), HHS has interpreted tribal TANF statute to prevent our tribe from recouping fair market rent for the facilities and land used by the program.

We do not believe that Congress intended for this, and in fact the underlying statute explicitly allows the principals of ISDEAA to apply to rent for tribal TANF facilities. Failing to allow tribes to charge fair market rents for the placement of TANF facilities on tribal lands can result in the diversion of scarce resources toward facilities owned by non-Indian landowners that are far removed from reservation communities and target populations.

Several years ago, Congress included report language directing HHS to work with tribes to resolve this issue. Despite this, HHS has done nothing to resolve the problem, and has demonstrated a continued unwillingness to consider a more sensible interpretation of statute. The Bishop Paiute Tribe will continue working with the authorizing Committee, the Administration, and this Committee to address this issue.

Conclusion

In conclusion, I would like to reiterate Bishop Paiute's thanks to the Committee for the opportunity to provide testimony, and for Congress' continued support for tribal programs. While many continue to be underfunded, this Committee has worked hard to support tribes, at times at the cost of other important non-Indian programs. We still have a long way to go to fully funding the federal trust responsibility to tribes, but it is comforting to know that so many of the Members on this Committee are with us and fighting alongside us toward this end. Thank you.

Ms. MCCOLLUM. Mr. Joyce.

Mr. JOYCE. I would like to thank you all for being here today. Your testimony before this committee helps us make educated decisions on how to ship receipts. So thank you.

Ms. MCCOLLUM. Well, Chairman Gray, congratulations on being recognized. But now you are recognizing a whole lot of challenges in getting some of the programs that you want up and funding. It has been a while since we have had one of our tribal nations come forward and talk about the challenges that you are facing, that you are presenting, so that gives Mr. Joyce a lot to think about along with me about how we try to fully embrace your sovereignty, recognize it, including the benefits that you are entitled to under treaty obligations. So thank you for sharing that, and we are going to see what we can do.

You talked about line items in that. I appreciate you saying that you don't want to take away anything from any of the other tribes, so we have to figure out a way to try to make everybody a little more whole. So thank you for that, and talk to the Senate about that, too. I hope you are having conversations with our Senate colleagues.

Mr. GRAY. Oh, of course. Yep.

Ms. MCCOLLUM. Sometimes we have great ideas, and we go to conference committee and the Senate hasn't thought of them, so thank you for that. We have had a couple of panels talk about children and ending the cycle of violence, and if kids don't feel loved and supported, they don't do well in school, and it can create a downward spiral. So you spoke very eloquently about that. I am not asking you to pick one thing, but what might be the two or three things that you think this committee should be focused on?

And I heard fully what you said about Tiwahe. I am a big fan of it, and I helped to work to get it started. Would it be that, or——

Mr. GRAY. Yes, and right now, you know, Child Protection Services, ICWA is not sufficiently funded right now. And you have heard panels before is that the root of a lot of these problems are the drug problems in the communities. You know, the drug problems throughout the system are affecting especially our children. And one way that we can continue to battle that back on Standing Rock is we don't have to utilize as much resources in the CPS area. We are already, you know, understaffed, severely understaffed. And by sufficiently funding that, it is something that we can hopefully take other resources and focus on what is the root of the problem. How can we funnel these other resources to that, such as drug problems or what have you.

And so that is something that, you know, in the testimony we wanted to be sure to emphasize is that Child Protection Services, social workers, case managers, all of these areas is something that we need to focus on because it ultimately affects the children on all reservations.

Ms. MCCOLLUM. Well, thank you for bringing that up. I mean, Tiwahe looks at a whole of community, whole of family approach because it is inner generational trauma, right? But was the number again, 92 cases the social worker had?

Mr. GRAY. Yes, it was 92 open cases. The ICWA office had open cases. The Chairman Perez, those numbers are a lot higher per

case manager. I know one case manager was working on 170, around there, cases that they were constantly trying to push through. And keep in mind, we are both in North and South Dakota, so.

Ms. MCCOLLUM. Right, so you have to deal with both jurisdictions.

Mr. GRAY. Yeah, two caseworkers maybe on one side, and two cases to caseworkers on the other side, and to try to get through that many cases is nearly impossible. We are allowing our children to fall through the cracks, and that is something that we can't continue to do.

Ms. MCCOLLUM. I mean, the caseworkers have too much——

Mr. GRAY. Correct.

Ms. MCCOLLUM [continuing]. On their plate. So, first, I want to recognize that before I say the following. Do North and South Dakota, because you are dealing with State laws, and if you are dealing with out-of-reservation placement in that, are they allowed to work together? Because your reservation is a reservation. You are one whole nation that straddles two State jurisdictions.

Mr. GRAY. Right.

Ms. MCCOLLUM. Do you feel that that adds to the problem, or have the states and the Federal Government worked through that, that is not part of the problem?

Mr. GRAY. Now we are moving forward and working closer with the State. I know North Dakota through Title IV-4E is something that we are trying to, you know, move forward to make sure that all the children are taken care of. South Dakota, same thing. It is a work in progress. We are trying to work through that. It is just that the bureaucratic stuff, it gets to be frustrating. And I know both council people here with me today have backgrounds that worked with children, and can also attest about frustrating that is to try to get to a point where we can work together as one unit, I guess, in a partnership with both Federal and State. And it is just something that it is constantly roadblock after roadblock.

Ms. MCCOLLUM. So you have an appropriations problem.

Mr. GRAY. Right.

Ms. MCCOLLUM. But you also have a bureaucratic problem, too——

Mr. GRAY. Yes.

Ms. MCCOLLUM [continuing]. That might be better addressed by our colleagues in the authorizing committee. So we will follow through with them with the testimony and make sure that they have your contact information. Sometimes you just need to have to get everybody at the table and say who is going to take lead. Sometimes no one is willing to do that. Sometimes somebody stands up and says they are willing to do that, so thank you.

Mr. GRAY. Thank you.

Ms. MCCOLLUM. So both Janet and I wrote down the HHS issue that you brought up because that is not our jurisdiction, but we will be looking into it. And then so you mentioned senior housing, because some States, some tribal nations, some countries, their populations are shifting where it is more elder and not a lot of youth. Do you have the situation of both youth and elder, or you facing more of an elder population explosion?

Mr. DENVER. It is an elder population explosion. And, again, our current facility that the elders we serve all our meals out of, actually it used to be a youth treatment center. But because we were unable to acquire funds to continue operation of that, we moved our elders into that facility. So we are serving over 300 meals out of there, but the kitchen is so small. So we did put the grant in for expansion. We currently serve about 150 meals a day to shut-ins, and that way we get their nutrition out to them. Otherwise, you know, we are in such a rural area, there is nothing there for them.

Ms. MCCOLLUM. Well, and that is really important if somebody is recovering from surgery and they have to have a nutritious meal, and the diabetes issue and everything on reservations. Well, thank you gentlemen. Thank you very much.

VOICES. Thank you.

Ms. MCCOLLUM. And our last panel, if they would please come up to the table.

WEDNESDAY, FEBRUARY 12, 2020.

AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY 2—PANEL 4

WITNESSES

AURENE MARTIN, BOARD MEMBERS, NATIONAL INDIAN CHILD WELFARE ASSOCIATION

MELANIE FOURKILLER, SENIOR POLICY ANALYST, OFFICE OF SELF-GOVERNANCE-CHOCTAW NATION OF OKLAHOMA

OTTO TSO, CHAIRMAN, NAVAJO HOPI LAND COMMISSION

LLOYD B. MILLER, NATIONAL TRIBAL CONTRACT SUPPORT COSTS COALITION

Ms. MCCOLLUM. So would you like me to go over how the timing works, or were you in the room before? I am happy to do it. Everybody is okay? Everybody is good? Well, welcome, and, Ms. Martin, how timely to have you kind of close up what we have heard about the children in Indian Country, the children of the United States country, too. So, Ms. Martin, if you would please lead off.

Ms. MARTIN. All right. So good afternoon, Chairwoman McCollum, Ranking Member, staff. My name is Aurene Martin. I am a member of the Bad River Band of Lake Superior Chippewa in Wisconsin, and I am a member of the National Indian Child Welfare Association board of directors. NICWA is a national American Indian and Alaska Native organization with over 25 years' experience in policy development focused native children and families. Our mission is twofold. First, we address issues of child abuse and neglect through policy research, community and policy development, and we support compliance with Indian Child Welfare Act.

Before I start going into my comments, I would like to thank you for your bipartisan support of native children's issues. Because of that, we have seen a lot of gains over the last year, in particular, on our issues. Two of those developments over the last year I just wanted to mention quickly before going to my requests. First, I think after discussion with staff, it was clear that the Indian Child Protection and Family Violence Prevention Act, which we are huge

believers in, needed to be reauthorized. And H.R. 4957, the Native American Child Protection Act was introduced, and it was referred to House Resources and passed out of committee, so that reauthorized all those programs. And then more importantly, thanks to you, the ICWA Off-Reservation Program was funded for the first time since 1996 with a $1 million allocation. So thank you for that.

The Standing Rock testimony was very moving to me, and I am kind of throwing away the rest of my comments because I would like to talk a little bit about that. One thing I have testified about a few times is the Indian Child Protection and Family Violence Prevention Act, and that act, it is very important because it created two things. One, it created mandatory reporting and background check requirements for people who deal with native children at the Federal level, but the other thing that it did was it provided for two programs, funding that doesn't appear anywhere else in the Federal scheme, which is, one, it provided for prevention activities to help prevent Indian family violence. And the other thing it provided for was direct funding to tribes to treat victims of family violence, children. And those programs have never been funded. And after discussions with your staff last year, it was clear that we needed to reauthorize that act, and so it is our priority to get that working in tandem with you, to get it reauthorized and get those programs funded.

But I can't see how much time I have left, so I am trying not to overstep. But the reason I wanted to concentrate on that today is that after hearing the testimony of the Standing Rock witness—sorry, I don't recall his name—those programs dealing with the mental health issues of children who have been taken into custody, who are part of the system, that is so vitally important because if you don't take care of them, and they don't get to heal, then they become part of the system later on, and it perpetuates the cycle. So just providing for them to be in foster care isn't enough. You have to provide for their well-being and their ability to heal. And we think that the programs under the Indian Child Protection and Family Violence Prevention Act, they meld with what you have for the Tiwahe initiative, what you have for the Indian Child Welfare Program. They all create a system that supports children. So we are continuing to advocate for those programs to be funded, and fully funding those programs on an annual basis would be $43 million. And I am happy to continue to talk with you and your staff about how that might work.

The other programs that we are supporting are the ICWA funding for both on-reservation activities and the off-reservation activities. And as I said, we are hugely appreciative of the $1 million that you have appropriated. It is still to be seen how those funds might be disbursed or allocated. BIA is still working on that, but just having them out there for the first time in so many years is tremendously helpful. So we are asking for, and I think, you know, the prior witness made a much better case than I could about why they are necessary and why increased funding is necessary for those programs.

So I think the last point I would like to make is that statistics tell us that prevention, early intervention, and treatment of childhood trauma saves not only lives but dollars because children who

experience violence are more likely to have problems and move into the system if these issues are unaddressed. So it is imperative that both tribes and off-reservation Indian child welfare programs receive funding to provide these services for children who are in need.

So thank you for the opportunity to testify. I appreciate it, and I am happy to answer questions.

[The statement of Ms. Martin follows:]

National Indian Child Welfare Association FY2021 Testimony
United States House of Representatives
Committee on Appropriations, Subcommittee Interior, Environment, & Related Agencies
Department of the Interior; Bureau of Indian Affairs Recommendations

The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) nonprofit organization. NICWA has been a leader in the development of public policy that supports tribal self-determination in child welfare and social services for over 30 years. This testimony will provide funding recommendations for the following programs administered by the Bureau of Indian Affairs (BIA) in the Department of the Interior: 1) Indian Child Protection and Family Violence Prevention grant programs ($43 million), 2) Indian Child Welfare Act On or Near Reservation Program grant program (Tribal Priority Allocation—$25 million), 3) Indian Child Welfare Act Off-Reservation Program grant program ($5 million), 4) Welfare Assistance ($80 million), and 5) Social Services ($60 million).

In order for AI/AN children and families to have the full protections and supports they need, Congress must appropriate adequate funds to the basic child welfare programs and services that tribal communities, like all communities, need. States also rely on tribes to help them provide appropriate child welfare services to AI/AN children and families that fall under their jurisdiction.[1] This includes partnering on investigations of child abuse and neglect reports, building case plans for families, providing culturally based family services, and securing appropriate out-of-home placements. Investments in these programs will reduce preventable trauma to children and families, reduce future expenditures for more expensive and intrusive services, and decrease long-term involvement with the child welfare system. Increasingly, tribes are developing and implementing child welfare systems that outperform states and make significant progress to reducing the need for child welfare services in their communities.

The recommendations below suggest funding increases that will provide tribal communities with sufficient child welfare funding, avoid unnecessary restraint on local tribal decision making, and support established state and tribal partnerships dedicated to the protection of AI/AN children.

Priority Program Recommendation

BIA Indian Child Protection and Family Violence Prevention Act Recommendation: *Appropriate for the first time $43 million for the three discretionary grant programs under this law—$10 million for the Indian Child Abuse Treatment Grant Program, $30 million for the Indian Child Protection and Family Violence Prevention Grant Program, and $3 million for the Indian Child Resource and Family Service Centers Program to protect AI/AN children from child abuse and neglect. Despite overwhelming need, the two grant programs have never been appropriated funds since their inception in 1990. Only once were funds appropriated under any of these programs and it was just one year in the mid 1990's ($3 million) for the Indian Child Resource and Family Service Centers.*

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA), Pub. L. No. 101-630 (1990), was enacted to fill gaps in tribal child welfare services—specifically child protection and child abuse treatment—and to ensure better coordination between child welfare and domestic violence programs. The act authorizes funding for two tribal programs: (1) the Indian Child Protection and Family Violence Prevention Program, which funds prevention programming as well as investigation and emergency shelter services for victims of family violence; and (2) the Treatment of Victims of Child Abuse and Neglect program, which funds

treatment programs for victims of child abuse. It also authorizes funding to create Indian Child Resource and Family Service Centers in each of the BIA regional areas. These centers would provide training, technical assistance, and consultation to tribal child protection programs.

There is an incredible need for family violence prevention and treatment resources in AI/AN communities. As recently recognized by Congress in the Violence Against Women Reauthorization Act of 2013, AI/AN women are more likely than any other population to experience intimate partner violence. In fact, more than one in three AI/AN women experience intimate partner violence at some point in their lives.[ii] Further, AI/AN children experience child abuse and neglect at an elevated rate. They are victims of child maltreatment at a rate of 13.8 per 1,000, compared to the national rate of 9.2 children per 1,000.[iii] These problems are intricately intertwined. Studies show that in 49–70% of cases, men who abuse their partners also abuse their children,[iv] while child abuse investigations reveal violence against the mother in 28–59% of all cases.[v]

Child abuse prevention funding is vital to the well-being and financial stability of AI/AN communities. Beyond the emotional trauma that maltreatment inflicts, victims of child maltreatment are more likely to require special education services, more likely to be involved in the juvenile and criminal justice systems, more likely to have long-term mental health needs, and have lower earning potential than their peers.[vi] Financially, child maltreatment costs tribal communities and the United States $210,012 per victim.[vii] Child abuse prevention funding is an investment tribal communities believe in, but need support to fulfill.

Other Program Recommendations

BIA Indian Child Welfare Act Program: *Increase appropriations to the Indian Child Welfare Act On or Near Reservation Program grant program to $25 million and the Off Reservation grant program to $5 million.*

The Indian Child Welfare Act (ICWA) was a response to national findings that public and private child welfare agencies were systematically removing AI/AN children from their homes and communities at horrendous rates, often without due process and under questionable circumstances. To prevent these troubling practices, which unfortunately still occur today, Congress provided protections to AI/AN families in state child welfare systems under ICWA. It also recognizes the authority of tribal nations to provide child welfare services and adjudicate child welfare matters. To effectuate these provisions, ICWA authorized grant programs to fund child welfare services on or near reservations and for ICWA support in off-reservation, urban Indian programs.

At the time that ICWA was passed in 1978, Congress estimated that between $26 million–$62 million would be required to fully fund tribal child welfare programs on or near reservations.[viii] Current funding levels falls far short of this estimate—especially after adjusting for inflation.

Appropriate $5 million for the authorized, but unfunded, Off-Reservation ICWA Program to ensure all AI/AN children receive effective services as required by ICWA.

According to the 2010 Census, 67% of AI/AN people lived off-reservation. These children and families are best served when state child welfare systems are not only working with the child's tribe, but also with urban Indian child welfare programs. These programs provide assistance to states and the child's tribe, for AI/AN children and families living off tribal lands and provide culturally appropriate child welfare services that can reduce disproportionality of

AI/AN children in state foster care systems and other poor outcomes. For this reason, ICWA authorizes child welfare funding for urban Indian programs. From 1979–1996, funding was allocated to urban organizations serving AI/AN children and families. When funded, off-reservation programs provided important services such as recruitment of Native foster care homes, child abuse prevention efforts, and culturally appropriate case management and wraparound services. When funding stopped, the majority of these programs disintegrated even as the population of AI/AN children off-reservation increased. This funding must be reinstated.

BIA Welfare Assistance Program: *Increase appropriation levels to $80 million to support tribal services that assist families in crisis, prevent child neglect, sustain kinship placements for children placed outside their homes, support adults in need of care, and provide final expenses.*

The Welfare Assistance line item provides five important forms of funding to AI/AN families: (1) general assistance, (2) child assistance, (3) non-medical institution or custodial care of adults, (4) burial assistance, and (5) emergency assistance.

AI/AN child welfare programs and social service agencies need to have the resources necessary to support families in times of crisis and uncertainty. AI/AN adults—including parents and kinship caregivers—are unemployed on reservations at a rate more than two times the unemployment rate for the total population.[ix] Thirty-four percent of AI/AN children live in households with incomes below the poverty line as compared to 20.7% of children nationwide.[x] The crippling of Native economies before the self-determination era left tribal communities overwhelmingly impoverished, with few economic opportunities and high unemployment. The barriers to employment vary region to region in Indian Country, but include geographic remoteness, a weak private sector, poor basic infrastructure, and even a lack of basic law enforcement infrastructure. These conditions make the programs funded under welfare assistance an important safety net for AI/AN families, especially when similar state services are not locally available, which is often the case.

The General Assistance Program provides short-term monetary assistance for basic needs like food, clothing, shelter, and utilities to individuals who are actively working towards financial stability and ineligible for all other financial assistance programs. The Emergency Assistance Program provides a one-time emergency payment of less than $1,000 to individuals experiencing property damage beyond their control. These programs are essential to families experiencing unexpected job loss or financial crisis. They often provide the assistance necessary to help a family make ends meet and keep their children safely in their home.

The Child Assistance Program provides payments for AI/AN children on tribal lands who must be cared for outside their homes in foster care, adoptive, or guardianship placements and who are not eligible for other federal or state child placement funds or services.

The current funding for the Welfare Assistance Program falls short of meeting the needs in tribal communities. This leaves families in poverty and caregivers willing to take children who have been abused or neglected into their homes without sufficient financial support.

BIA Social Services Program: *Provide $60 million to fortify child protective services and ensure meaningful technical assistance to tribal social service programs across Indian Country.*

The Social Services Program provides a wide array of family support services, filling many funding gaps for tribal programs and ensuring federal staff and support for these programs. Importantly, the Social Services Program provides the only BIA and tribal-specific funding available for ongoing operation of child protective services in Indian Country. It also funds BIA social workers at regional and agency offices, and funds training and technical assistance to

tribal social service programs and workers. Given the ongoing epidemic of opioid abuse in Indian Country, these funds are critical to helping stabilize AI/AN families and children at risk.

The Social Services Program is drastically underfunded and as a result, AI/AN children and families suffer. Recent increases as part of the *Tiwahe* Initiative are to be commended and their momentum must be continued. This recommended increase will ensure that basic child protective services are provided in tribal communities across the country, that tribes have access to meaningful training and technical assistance, and that the BIA has the resources necessary to fill service gaps. The Tribal Interior Budget Council estimated an unmet need of $32 million based upon FY2015 levels and recent appropriations for FY 2019 are still $24 million below the estimate of need.

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[i] U.S. Government Accountability Office. (2005). *Indian Child Welfare Act: Existing information on implementation issues could be used to target guidance and assistance to states*. Retrieved from http://www.gao.gov/new.items/d05290.pdf

[ii] Black, M. C., & Breiding, M. J. (2008). Adverse health conditions and health risk behaviors associated with intimate partner violence—United States, 2005. (Table. 1) *Morbidity and Mortality Weekly Report, 57*(5), 113–117.

[iii] U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2015). *Child maltreatment 2015*. Rockville, MD: Author.

[iv] White Eagle, M., Clairmon, B., & Hunter, L. (2011). *Response to the co-occurrence of child maltreatment and domestic violence in Indian Country: Repairing the harm and protecting children and mothers [Draft]* (pp. 19–20). West Hollywood, CA: Tribal Law and Policy Institute.

[v] Carter, J. (2012). *Domestic violence, child abuse, and youth violence: Strategies for prevention and early intervention.* San Francisco, CA: Family Violence Prevention Fund.

[vi] Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect, 36,* 156–65. doi: 10.1016/j.chiabu.2011.10.006

[vii] Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect, 36,* 156–65.

[viii] S. Rep. No. 95-597 (p. 19) (1977).

[ix] Stegman, E., & Ebarb, A. (2010). *Sequestering opportunity for American Indians/Alaska Natives* (Para. 1). Retrieved from Center for American Progress website: http://www.americanprogress.org/issues/poverty/news/2013/11/26/80056/sequestering-opportunity-for-american-indians-and-alaska-natives

[x] U.S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau. (2013). *Child health USA 2012* (p. 9). Rockville, MD: Author.

Ms. MCCOLLUM. Thank you. Ms. Fourkiller.

Ms. FOURKILLER. Thank you, Madam Chair McCollum and Ranking Member Joyce. My name is Melanie Fourkiller. I am with the Choctaw Nation in Oklahoma, which is the third largest tribe in the Nation, and we are located in the southeast 13 counties of Oklahoma. I bring greetings from Chief Gary Batton and Assistant Chief Jack Austin, Jr., and we really appreciate the opportunity to be able to share budget priorities for 2021.

First of all, I wanted to say and share our appreciation for your support of advanced appropriations for both Indian Health Service and the Bureau of Indian Affairs. It is very important that we be able to continue to operate uninterrupted, especially when we have such life and limb services often that get interrupted when appropriations don't come through.

The second item I wanted to mention is to talk about the special diabetes program for Indians. Unfortunately, we saw in the President's request that it seems that he's trying to phase that out over a 10-year period, and it just seems extraordinary to us given the health outcomes that are proven with this program, even in HHS' own report that 54 percent of end-stage renal disease has been reduced as a result of this program since 1996. It is just astounding to us that you would want to disrupt that kind of accomplishment, but rather we had like to see it permanently obviously authorized.

And I want to take a moment to talk a little bit about workforce development as it goes to our Indian health programs. We have a hospital that is located in a very small community. It is 1,100 folks in southeast Oklahoma, and from there, we have got eight outlying clinics across 13 counties. It is really difficult for us to attract and retain health professionals in such a small community because there just aren't amenities for docs and their families. The schools aren't large. There is not a lot to do out there. So it is really a challenge for us to be able to keep staff, and we use a number of tools to try to do that.

We maintain low vacancy rates as compared to other Indian health facilities, and it takes a lot of work. A couple of the tools we use are graduate medical education programs, residency programs, as well as loan repayment programs, and other types of things to be able to attract and retain those folks for at least a period of time. And we typically, because we are a good employer, we can keep them longer than that. But graduate medical education we started in 2010 through a grant from HRSA. It is competitive grant. We have got to compete with the world, hospitals across the nation. And as far as I know, we are the only tribal location that has been successful in getting one. But that program has been the single most valuable tool to is.

Most of those residents stay in rural Oklahoma, and of those, most of those stay within our health system. So it has been very incredibly valuable for us to grow and keep those health professionals in our system. So the problem there is that it is the funding is intermittent. It is competitive. It is not recurring so to be able to build and sustain a program is really difficult, and we think this is a program that could be replicated in Indian Country and provide that kind of support in rural areas, remote areas oftentimes to get those health professionals there. So if we could talk about

some kind of steady recurring funding in that area, that would be very helpful.

We have a number of other priorities as well, but I just wanted to mention a couple of other things. One is the 105(l) lease situation. We did appreciate the President requesting an indefinite appropriation for that. We have been supportive of that, so we are hopeful that there will be support as that moves forward. Unfortunately, it has been affecting services, even though those inflationary increases didn't get distributed at all, so it was funding we never saw. Certainly those inflationary increases were intended to go to health services, so we are hopeful that that will move forward.

There are also a number of Bureau of Indian Affairs programs that are either eliminated or reduced in the President's request. A couple of them like the Indian Loan Guarantee Program, the Welfare Assistance Program, are being described as being duplicative, which is interesting because in the instance of welfare assistance, you have to exhaust every other resource before you are even eligible for welfare assistance, so how can it be duplicative? So many of these are unique and safety net programs that you know, we certainly want to see restored as considerations on the budget move forward.

So, I know we have a number of other priorities that is in our written testimony, so with that I appreciate again opportunity to speak with you today, and I would be happy to answer questions. Thanks.

[The statement of Ms. Fourkiller follows:]

Gary Batton
Chief

Jack Austin, Jr
Assistant Chief

TESTIMONY OF MELANIE FOURKILLER, SENIOR POLICY ANALYST
CHOCTAW NATION OF OKLAHOMA
ON THE FISCAL YEAR 2021 BUDGETS FOR IHS AND BIA
SUBMITED TO THE U.S. HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
February 12, 2020

On behalf of the Choctaw Nation of Oklahoma, I am providing testimony on the FY 2021 budgets for the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA). This testimony identifies health care funding priorities and budget issues important to the Choctaw Nation and its citizens. First, and foremost, the Choctaw Nation requests that Congress exempt Tribal Government Services and Program Funding from sequestrations, unilateral rescissions and budget cuts in all future appropriations. We request that Congress directs that the tenets of Self-Governance, the trust responsibility and treaty obligations to American Indians and Alaska Natives be honored.

The Nation would like to express appreciation for the Subcommittee's continued support of the *Joint Venture Construction Project* (JVCP). As a Self-Governance Tribe since 1995, the Nation has been solely responsible for managing all aspects of our health care delivery operations. The JVCP has been a very successful partnership that has contributed to the success of the Nation's health system.

The Nation would also like to thank the Committee for *advance appropriations* language in the FY 2020 report accompanying H.R. 3052 directing the IHS to examine changes needed to develop and manage an advance appropriation and report to the Committee within 180 days of enactment [of this Act] on the processes needed and whether additional Congressional authority is required in order to develop the processes. IHS and Tribal leadership have testified before Congress about the benefits of advance appropriations to achieve parity between Federal health service agencies.

The Choctaw Nation of Oklahoma

The Choctaw Nation of Oklahoma is the third largest Native American Tribal government in the United States with over 230,000 members. The Choctaw Nation territory consists of all or part of 13 counties in Southeast Oklahoma, and we are proudly one of the state's largest employers. The Nation operates a hospital at Talihina, Oklahoma, and a system of eight (8) outpatient health facilities serving a user population of approximately 63,000 active patients, along with a broad range of ancillary services.

The Nation also administers referred specialty care and sanitation facilities construction; higher education; Johnson O'Malley program; housing improvement; child welfare and social services; law enforcement; realty and natural resources and many other programs and services. The Choctaw Nation has operated under the Self-Governance authority with DOI since 1994 and in the Department of Health and Human Services' IHS since 1995. As a Self-Governance Tribe, the Nation can re-design programs to meet Tribally specific needs without diminishing the United States' trust responsibility and obligations to our citizens and communities.

Indian Health Service Budget Priorities

1. ***Special Diabetes Program for Indians*** **– Permanently Reauthorize the Special Diabetes Program for Indians and Increase Funding to $200 million per year, plus annual inflationary increases -** SDPI has had positive clinical and community outcomes including: the average blood sugar level (A1c) decreased from 9.0% in 1996 to 8.1% in 2010 and has held steady at this improved average for 7 years; the average LDL ("bad" cholesterol) declined from 118 mg/dL in 1998 to 95 mg/dL in 2010; and more than 80% of SDPI grant programs now use recommended public health strategies to provide diabetes prevention activities and serves for AI/ AN children and youth. Permanent reauthorization of SDPI is a common-sense approach that will support a proven, highly successful program.

2. ***Purchased and Referred Care (PRC) -*** **+$485.7 million** The Purchased/Referred Care (PRC) program pays for urgent and emergency, specialty care and other critical services that are not directly available through IHS and Tribally-operated health programs when no IHS direct care facility exists, or the direct care facility cannot provide the required emergency or specialty care, or the facility has more demand for services than it can currently meet. Although the Nation operates a hospital facility, the hospital is in a very rural area, we are the only provider in the community and services are limited. In fact, our hospital does not have an intensive care unit, which requires patients to be flown to another facility using PRC. Therefore, PRC is significant in order for the Nation to provide intensive care and tertiary care, as well as emergency transportation.

3. ***IHS Mandatory Funding (Maintaining Current Services) - +$257 million*** In FY 2021, this level is needed to keep pace with population growth, inflation and the like, or the result is similar to a reduced budget with less purchasing power. Mandatories are unavoidable and include medical and general inflation, pay costs, contract support costs, phasing in staff for recently constructed facilities, Indian Health Care Improvement Fund distributions and population growth. If these mandatory requirements are not funded, Tribes have no choice but to reduce health services.

4. ***Workforce Development – permanent funding for Graduate Medical Education and Tax Exemption for Loan Repayment –*** The Choctaw Nation has operated an

accredited and successful Graduate Medical Education program (GME) since receiving a grant from the Health Care Resources and Services Administration (HRSA) in 2010, in partnership with Oklahoma State University. The Nation has found the GME and loan repayment programs to be integral to our physician recruiting and retention efforts in a rural, remote area, where there is a severe lack of health care providers. The Nation's hospital is located in Talihina, Oklahoma, a town with a population of approximately 1,100. Nearly all of the Nation's GME residents remain to practice in rural Oklahoma, and a majority of the residents continue to practice in Choctaw Nation health facilities. While HRSA funding has been helpful, it is highly competitive and sporadic – often with uncertain appropriations. GME programs should be funded permanently in the Indian health system so that IHS and Tribal sites with hospitals can address some of the dire challenges in recruiting and retaining health professionals in rural areas. Finally, other agencies, such as HRSA have authority to provide loan repayment programs that are tax exempt, yet IHS and Tribal loan repayment programs are not exempt. We request parity for IHS and Tribal loan repayment programs for health professionals.

5. ***Funding for Electronic Health Record Management - Health Information Technology*** -- The IHS health information technology (HIT) program continues to face increased demand for systems improvements and enhancements, rising costs, and increased information technology (IT) security requirements driven in part by medical advances, and ever-growing and more complex requirements for HIT capabilities. The President's Budget for 2020 included a $25 million request for this initiative, however only $8 million was provided in the appropriations process. Funding is critical to stabilize RPMS and support recommended next steps for the IHS to plan for its information technology requirements and either modernize or convert RPMS. The Nation recommends that the IHS adopt a funding plan that includes resources for Tribes who have already adopted commercial off-the-shelf (COTS) systems and include planning in FY 2021 and budgetary resources for infrastructure modernization, training, and support in the FY2022 Presidential Budget Requests.

Indian Health Service and Bureau of Indian Affairs Budget Priorities

6. ***Contract Support Costs – (IHS and BIA)*** The Nation appreciates the continued support of the Committees to fully fund CSC requirements without impacting direct Indian health programs. The Nation maintains that the practice of grant-making should be concluded and that IHS and BIA should be discouraged from requesting funds for competitive grants, but rather make these funds available under Self-Determination/Self-Governance. A permanent recurring base is a higher priority than competing grant applications or burdensome and expensive grant management processes. The Nation also requests that the Committee instruct the IHS and BIA to consult with Tribes prior to making any changes in the CSC Policy.

7. ***Funding for 105(l) Lease Obligations (IHS and BIA)*** – Very much like CSC obligations, 105(l) lease obligations are not discretionary for the IHS and BIA. The Nation appreciates the Committee report directing the IHS to consider whether costs associated with these leases should be a separate line item in the budget and funded in the same manner as contract support costs and report its determination to the Committee within 90 days of enactment of this Act. Additionally, the Committee directed the IHS to submit the estimated amounts for the current fiscal year and the next fiscal year estimate at the same time the budget request is submitted. To date the IHS has reallocated inflationary increases and costs savings to cover 105(l) lease costs, which would have been otherwise distributed to IHS field operations and Tribes for direct health services. This is temporary relief only, and further erodes the gains that Tribes advocated for and to some degree have achieved. The Nation supports a separate and indefinite appropriation specifically for these obligations of IHS/BIA, based on estimates developed by Tribal and Federal experts. Self-Governance Tribes have repeatedly advocated to Congress and the Administration for an indefinite appropriation, similar to contract support costs (CSC), to avoid using existing program funds that are already insufficient for their intended purposes.

8. ***New Funding Requests should include resources for all Tribes*** – both IHS and BIA have requested and received additional and new funding in recent appropriations. While some Tribes or Federal sites have benefitted directly, not all Tribes have shared in these increases. The Nation urges the Committee to instruct both IHS and BIA to ensure that all new funding be made aware to Tribes and distributed fairly based on Tribal Consultation.

Bureau of Indian Affairs – Request Report Language to Promote Continued Success

9. ***P.L. 115-93 The Indian Employment, Training and Related Services Consolidation Act of 2017*** – authorized the expansion of the [477] program to twelve departments in the Federal government. The 477 program empowers Tribes to develop employment and training plans to address the unique needs of their communities. The BIA testified that the integrated assistance provided to individual program participants not only improves their likelihood of success and achieving future employment, but also increases the economic opportunities available locally to the whole community. The Nation requests that the Committee directs the Department of the Interior to educate the other departments on the success of the program and not to impose unnecessary requirements on the Tribes but instead, be flexible in allowing Tribes to exercise this authority to its fullest potential.

Thank you for accepting my written statement on behalf of the Choctaw Nation of Oklahoma.

Ms. MCCOLLUM. Thank you.

Mr. TSO. Thank you very much. Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee, thank you for this opportunity to testify on behalf of the Navajo Nation Council. I serve as the chairman of the Navajo Hopi Land Commission, and we are deeply, deeply appreciative of this subcommittee's commitment in addressing the hardship inflicting of the Navajo people during the relocation law, and the 40-year-old long construction freeze. Please know that more than anyone, the Navajo Nation at the end, we ONHIR to close. We want the funding to continue to move forth and Congress to continue to move those fundings to fund that program so that the Navajo Hopi Land Office of Navajo Hopi Indian Relocation Program can continue to complete their mission and their job, which is impose on the Navajo-Hopi Land Settlement Act.

So we want to make sure that Congress and then the United States fulfill their obligation to make sure that the people as they are relocated off the lands that was given to another tribe, and moved into such communities of Flagstaff or Newlands, or to a city within the Navajo Nation. And there was a commitment that was made to the Navajo people there, and the commitment is that we will relocate you, and you will have jobs. You will have health benefits. You will have all these amenities because relocated you. And out of this decision, right now, the health aspect has really impacted the Navajo people there. And I really, really, really hope that, you know, for the committee to strongly urge and help and support the need for that office to continue to stay open.

The other is that, you know, the promise. You need to fulfill the promise. And with that, you know, the Navajo Nation has initiated a plan called the Navajo Nation, or the Navajo Thought Plan with that. The Navajo Thought Plan is addressing another aspect of land that had been put into dispute for more than 46 years. People living in that area that was impacted lived on 1.6 million acres of land that halted construction, economical opportunities for these families, and to this day, since the freeze has been lifted, that freeze has no dollars tied for the rehabilitation.

Countries oppress people. In this case, the Navajo people had been oppressed, and people had to move to a certain community in order to have water, in order to have electricity, in order to have the basic necessities of life, or try to make that American Dream. But yet the land was frozen for 46 years economically. Where in the United States has that happened, and that happened on the Navajo Nation. To this day right now, the rehabilitation of the former Bennett Freeze is something that Congress needs to look at. And we need help in social, economical, and even the health aspect, you know, cancer treatments, and so forth, uranium issues, and we need help in those areas that will benefit the Navajo people.

And we really hope that as Federal appropriators you do address those concerns. We are American citizens also, and we appreciate your help and trying to help the Navajo Nation. And under the Navajo-Hopi Indian Relocation, as it is reauthorized. We want to make sure that this office is able to fulfill its duties so that, you know, we can make sure that the need and the mission is completed. And with the closure issue, we want tribal consultation. To

this day right now the Federal Government has not reached out to the Navajo Nation and said, hey, we are going to close right now, we need to talk.

But right now, the Navajo Nation's position is that we are not supporting the closure due the issue of the tribal consultation. Their job is not done, and we appreciate your help in that area to help us complete the mission. With that funding moves forth, we want you to help the Navajo Nation and try to help Navajo people that have been affected by the land settlement case. And just hoping that they can make the American Dream. That is all we want. Thank you.

[The statement of Mr. Tso follows:]

Written Testimony of the Honorable Otto Tso
Chairman, Navajo-Hopi Land Commission of the
25th Navajo Nation Council

Submitted to the

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

February 12, 2020

Requests:

1. **Ensure the Navajo Nation is Adequately Informed of any Changes to ONHIR.**
2. **Continue to provide necessary funding to fulfill basic infrastructure promises to Relocation Communities through a Multi-Agency Approach.**
3. **Forgive the obligation to repay the Navajo Rehabilitation Trust Fund and reauthorize the fund.**
4. **Provide $20 million for critical needs in the Former Bennett Freeze Area.**

Introduction. Chairwoman McCollum, Ranking Member Joyce, Members of the Subcommittee, thank you for this opportunity to submit written testimony on behalf of the Navajo Nation Council's Navajo-Hopi Land Commission (NHLC). The NHLC is entrusted with addressing the ongoing effects of the Federal relocation of 16,000 Navajo people off their ancestral lands and the realities of the 12,000 Navajo citizens living in the former Bennett Freeze area.

We thank this Subcommittee for its steadfast commitment to bringing a humane end to the tragedy of Navajo relocation. We remember and appreciate the Subcommittee's 2015 visit to the Navajo Nation to witness firsthand the effects of relocation and the increased funding that the Subcommittee subsequently provided, which has largely brought an end to the home-building responsibility of the Office of Navajo Hopi Indian Relocation (ONHIR). In addition, we thank this Subcommittee for hosting a roundtable in June 2018 to discuss the remaining obligations of ONHIR and your commitment to ensure that United States fulfills its promises to relocatees.

While perhaps more than any other party involved in this long and painful chapter the Navajo Nation would like to see the closure and end to the Relocation era. However, the Navajo Nation cannot support closure without a plan that lives up to the promises that were made to the Nation and most importantly the families who relocated from their ancestral homes with promises that have remained unfulfilled. While we understand the desire to end this failed policy the lack of consultation, communication, and basic planning is deeply worrying to the Nation. We are deeply concerned of the future of ONHIR and the lack of consultation with the Navajo Nation in this process. We appeal to this Subcommittee to ensure that the United States Governments upholds its trust responsibility to the relocatee families and ensure that there is no closure until a fair and equitable plan is developed for closure.

Federal Relocation Efforts are Uncertain. The Navajo Nation has not been informed of the future of ONHIR. Just two year ago the Federal government appeared poised to close down

ONHIR, which was established by Congress to carry out Relocation activities pursuant to the Navajo Hopi Land Settlement Act of 1974. Without any consultation with the Nation, the Administration planned to begin transferring ONHIR's responsibilities to other Federal agencies. In addition, it appeared that the Department of the Interior began planning to close ONHIR. The Nation expressed serious concerns with the lack of transparency, consultation and planning on ONHIR's future without the Navajo Nation—the major stakeholder of ONHIR. The Navajo Nation has continually requested that the United States consult with the Navajo Nation before any actions are taken regarding ONHIR. In addition, the Navajo Nation has requested information regarding audits of ONHIR but has not received any responses.

The Navajo Nation is appreciative that the Subcommittee has remained committed to the commonsense idea that ONHIR cannot close without a plan developed in coordination with the Navajo Nation. We continue to request that the Subcommittee live up to that promises made to relocatees and push for an adequate and proper plan to be developed before any changes are made that have the potential to negatively impact relocated families.

Multi-Generational Trauma. Unfortunately, the relocation not only adversely impacted the relocatees themselves, but has had an adverse ongoing impact on their children and grandchildren resulting from the dislocation off of ancestral lands, separation from sacred landscapes, and housing and employment shortages at the relocation sites, among other stresses. These issues also need to be addressed by the Federal government.

Multi-Agency Effort to Address Infrastructure. We appreciate the time the Subcommittee has given to the issues related to the relocation of citizens of the Navajo Nation. Given the history of forced Navajo relocation via the Long Walk to internment at Bosque Redondo, we are sure that you can appreciate that the federal commitments to minimize the impacts of relocation here and to provide for necessary infrastructure were critical inducements for thousands of Navajos to relocate. Also, unlike the general infrastructure needs for the Navajo Nation and other Indian Nations, the specific infrastructure needs for Navajo relocatees were created by the federal government's own recent commitments for and relocation of Navajo families.

As the Nation has previously noted, during deliberations on the Settlement Act, the Senate Committee on Interior and Insular Affairs set forth guiding principles for the relocation program. Of particular importance were principles 9 and 11:

> 9. That any such division of the lands of the joint use area ***must be undertaken in conjunction with a thorough and generous relocation program to minimize the adverse social, economic, and cultural impacts of relocation on affected tribal members*** and to avoid any repetition of the unfortunate results of a number of early, official Indian relocation efforts;
>
> . . . .
>
> 11. That because of the Federal Government's repeated failure to resolve the land disputes, ***the major costs of resolution should be properly borne by the United States.***[1]

[1] *See* Senate Comm. on Interior and Insular Affairs, Report on Resolution of Navajo-Hopi Land Dispute, S. Rep. No. 93-1177, at 19-20 (1974) (emphasis added).

With these principles in mind, Congress in the Settlement Act ordered the preparation and submission of a relocation report and plan. That plan must, among other things:

> (2) take into account the adverse social, economic, cultural, and other impact of relocation on persons involved in such relocation and be developed to avoid or minimize, to the extent possible, such impacts;
>
> . . .
>
> (4) assure that housing ***and related community facilities and services***, such as water, sewers, roads, schools, and health facilities, for such household shall be available at their relocation sites; and
>
> (5) take effect thirty days after the date of submission to Congress . . . .[2]

Not surprisingly, the relocation plan submitted to Congress specifically highlighted these key federal commitments. Unfortunately, the United States later attempted to ignore these commitments despite the prior statutory and plan mandates and the related inducements to thousands of Navajos. However, out of the recent roundtable has come an important option to revisit an insufficiently used relocation power.

The Navajo and Hopi Indian Relocation Amendments of 1988 authorized ONHIR to call upon any department or agency of the United States to assist in carrying out the relocation plan.[3] That Act further provides that, if any agency fails to provide reasonable assistance, ONHIR shall report such failure to the Congress.[4] In the Commission's 1983 Report and Plan Update, the agency stated that it was still unable to make some plans because of the non-availability of land selections. But, it also stated its intention to "[i]nitiate coordination efforts ***to establish joint governmental agency involvement*** for future relocation to deal with such areas as employment, roads, utilities, and like areas of need."[5] We therefore urge this Subcommittee to include language in the appropriations report supporting this multi-agency approach and calling upon ONHIR to use its statutory powers to begin planning with other federal agencies. Such language is important to ensure that the relevant federal commitments are not forgotten and begin before the closure of ONHIR. Many federal agencies can be helpful and should be involved in the development of a transition plan.

There also are potentially many more federal agencies that can and should play a role and be involved in transition planning. We understand that the planning and development of additional infrastructure may take several years. However, we strongly believe that because of the federal promises that induced Navajo families to relocate, to their detriment, priority or dedicated funding is needed to address relocatee needs and funding for ONHIR should remain at current levels to slowly work on infrastructure needs.

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[2] Pub. L. 93-531, §§ 13(c)(2), (4), (5), 88 Stat. 1712, 1718 (1974) (emphasis added).

[3] Pub. L. 100-666, § 4(a), 102 Stat. 3929, 3930 (1988) (formerly codified as 25 USC 640d-11(e)(1)).

[4] *Id.* (formerly codified as 25 USC 640d-11(e)(2)).

[5] Navajo and Hopi Indian Relocation Comm'n, Report & Plan Update 31–36 (1983) (emphasis added).

Navajo Rehabilitation Trust Fund. We request relief for the Navajo trust obligation and reauthorization of the Navajo Rehabilitation Trust Fund (NRTF) to be used for developing areas impacted by the Bennett Freeze. The NRTF provided resources to the Navajo Nation to address "the rehabilitation and improvement of the economic, educational, and social condition of families and Navajo communities that have been affected by" the relocation law. The legislative history makes clear that the rehabilitation trust fund was designed to ensure that the infrastructure promises made in the Settlement Act were fulfilled. One of the land selections of the Navajo Nation was the Paragon Ranch. It was estimated to sit on hundreds of millions of dollars of coal royalties. When the Trust Fund was added to the law the idea was that the United States would front the fund to begin infrastructure development and the Nation would repay those funds and use the future coal royalties to develop the infrastructure needs of relocates.

However, this never occurred. The resources of Paragon Ranch were never developed. The NRTF was authorized to $60 million in 1995, only $16 million of which the Nation accessed. The Navajo Nation respectfully requests that the full amount of allocations be reauthorized, and that past and future appropriations be forgiven, as the costs of addressing the impacts of the Relocation are more properly borne by the Federal government.

The Former Bennett Freeze Area. In 1966, Commissioner of Indian Affairs Robert Bennett imposed a development freeze that lasted for 40 years, devastating a 1.6-million acre area encompassing nine Navajo Chapter communities. Going back to the "War on Poverty" and the "Great Society Program" and continuing through numerous Federal economic and anti-poverty initiatives, as well as programs directed at Indians in particular, this area was ineligible for aid. For the Former Bennett Freeze Area (FBFA) to recover and redevelop, there must be a sustained reconstruction program. Critical needs include housing, safe drinking water, electricity, timely emergency response services, telecommunications infrastructure, and community facilities. We request the Subcommittee allocate $20 million to the FBFA out of the BIA Trust Natural Resources Account (Natural Resources Subactivity).

Conclusion. Navajo Relocation is one of the greatest tragedies in modern United States history. More than any other party, the Navajo Nation wishes for the swift and efficient completion of ONHIR's responsibilities. We understand that the agency has remained open far longer than intended and spent far more money than was ever contemplated. However, the Navajo people have not received the full benefit of this funding. We are at a critical juncture where the United States can live up to its word to the Navajo families who were relocated by continuing to fund ONHIR at current levels and using forgotten legislative powers to slowly build out promised infrastructure. The Navajo Nation is deeply appreciative of the support and compassion of the Subcommittee and we request that this Subcommittee continue to work closely with the Navajo Nation to assure the fulfillment of the commitments of the United States.

Ms.MCCOLLUM. Thank you. Mr. Miller.

Mr. MILLER. Mr. Chairman, Ranking Member Joyce, good afternoon. Can you hear me now, as they say. I have two copies of an outline of remarks. I thought I would share that with Chairwoman McCollum and Ranking Member Joyce.

I am here representing the National Tribal Contract Support Cost Coalition. The Coalition represents about 260 tribes, including all of the tribes in Alaska through the Alaska Native Tribal Health Consortium, down to the Choctaw Nation, and the other great nations in Oklahoma, Chickasaw, and Cherokee, as well as tribes in the Pacific Northwest and California. The Coalition has been centrally involved in litigation involving contract support costs. I was privileged to be able to work on the Cherokee case at a time when Melanie Fourkiller was there and a vital person in the success of that case before the Supreme Court. In the wake of that litigation, this committee did the single greatest thing you could have done to provide stability and predictability for contracting and compacting, and that was to establish an indefinite appropriation for contract support.

Today in theory—I will talk about the practice in a moment—in theory, tribes know how much they are going to be getting from year to the next, and they get it. Contract support, cost appropriations. They know that they don't have to but out of the programs in order to take care of their overhead, in order to pay for worker's compensation, in order to do procurements, in order to pay for their audits and their accounting services. They know that that money is going to be coming from the government thanks to the indefinite appropriation that you established in 2016. So thank you very much for the work that you did at that time. I cannot thank you enough for that improvement. And as I will talk later, it is exactly why the same improvement is needed for the 105(l) leases, but we will get to that in a moment.

Necessarily, if somebody like I sitting here talking about the agencies, I am going to sound critical, and I will sound a critical tone. But before I do that, I want to pay tribute to the Indian Health Service and the Bureau of Indian Affairs. They are trying, and they have improved. They have each developed important new policies on contract support costs. Those policies are permanent in their manuals. If they are falling short, it is not for want of trying, and I do salute their efforts in this area. Certainly the world is much improved today in 2020 than it was years ago, the years that brought along all of that litigation, and caused so much pain for this committee along the way.

The first thing I want to mention is the payment delays. The payment delays of the Bureau of Indian Affairs, and the Office of Self-Governance, in particular, are daunting. I was talking over the last couple of weeks, my colleagues and I, to one of the tribes, the Chugach Regional Resource Commission. They had to get a loan, and they paid interest until the funding was just worked out a couple of days ago, and they are going to be able to retire the loan without a penalty because they were not getting their contract payments, including any contract support payments in 2020, and they still don't have all of their 2019 payments. There is an institutional

problem in the Office of Self-Governance and in the BIA in getting those contract support cost payments out.

They will tell you that there are 18 or 20 steps, that money and approvals have to move through in order for the money to actually get out the door. Reform is needed in this area, and with the committee's gentle nudging, perhaps a committee could be put together, a work group committee could be put together to try to get to the bottom of those impediments and eliminate them, certainly not by legislation, we would hope.

The second thing I wanted to talk about, and there were four items on contract support costs, is reporting. Reporting has been a problem. It has been a perennial problem. Last year, the Indian Health Service caught up on their reports for 2018, 2017, and 2016. So they were behind, but they caught up. The BIA, so far as we know, hasn't made a report since Fiscal Year 2014, 6 years behind. They were supposed to make a report by May 15 every year. That is in Section 106(c) of the Indian Self-Determination Act. They don't do it. I think there is nothing more one could do than have a law that commands that it be done by a date certain, but perhaps this committee can urge the agency to honor the obligations that it has under the law.

The third issue also a recurring issue. There was a lot of interaction with tribes up until those manuals were adopted. Tribal consultation is important, and it is effective. The manuals that IHS and BIA adopted reflect a lot of tribal input. It was wonderful. It was hard, but it was wonderful. Since then, we don't have annual meetings anymore unless there is an emergency, an urgent matter. There has been one face-to-face meeting with the Indian Health Service since their manual was adopted, and none since the BIA. So a gentle nudging of greater tribal consultation with the Tribal Federal Contract Support Cost Work Group would be much appreciated.

The fourth issue is much more consequential, and it is financial, and so I do want to bring this to the committee's attention again. We have talked about this annually. It is probably the 5th year, maybe the 6th year that we are raising this. The seventh proviso in your bill address substance abuse funding, domestic violence protection funding, suicide prevention funding. This is funding is laid out in a separate proviso so that IHS director can figure out how best to allocate it, and that is good. No complaints about that. You want the money to get where it is going to do the most good.

But the IHS director in 2012 decided to stop paying that money. Once she decides how, or he decides how, to allocate it, to stop paying it through compacts and contracts. And in that one gesture, that denied tribes the right to contract support costs.

That one gesture required tribes to take money out of those funds to pay their overhead, which is fixed, which is set by the National Business Center. It cannot be changed. So we have asked repeatedly. The Indian Health Service has responded to you by studying the matter, getting tribal input. It turns out the consultation has led to no change whatsoever, despite the uniform view of

the tribes that those funds should go through contracts and compacts. If the seventh proviso could be amended, we would be most appreciative.

[The statement of Mr. Miller follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CONCERNING THE FISCAL YEAR 2021 BUDGET FOR THE IHS AND BIA

Testimony of Lloyd B. Miller
Legal Counsel, National Tribal Contract Support Cost Coalition
February 12, 2020

My name is Lloyd Miller and I serve as legal counsel to the National Tribal Contract Support Cost Coalition. The Coalition is a voluntary organization of 20 Tribes and inter-tribal organizations across 11 States. Collectively, these tribal organizations operate over $500 million in IHS and BIA contracted programs on behalf of over 250 Native American Tribes. I am pleased to submit this written testimony for the Coalition to address fiscal year 2021 contract support cost issues in the Indian Health Service and Bureau of Indian Affairs budgets.[1]

The Coalition was launched in 1996 to press Congress and the agencies to honor the Government's legal obligation to add contract support cost funding to every contract and compact awarded under the Indian Self-Determination Act. During the same period, tribal members of the Coalition carried on massive litigation—pressing multiple cases that eventually resulted in two Supreme Court decisions cementing the federal government's duty to pay these costs in full.[2] Ultimately, Treasury ended up paying some $2 billion in damages to the Tribes for broken contract promises, some stretching back 20 years.

Adjusting to the legal regime in the wake of the *Cherokee* and *Ramah* cases wasn't easy. Initially the agencies tried to roll back these courtroom victories by pushing for destructive appropriations riders. In FY 2014, their failure to work with this Committee led IHS to undertake a massive reprogramming of agency funds to meet current year contract obligations. But after that unfortunate experience, the House and Senate appropriations committees worked closely and creatively with the Tribes and OMB to develop and later refine a new and uncapped appropriation to address contract support cost requirements. Today, the risk of insufficient appropriations to pay the Tribes is gone, and for that we thank this Committee.

Unfortunately, other problems persist. I will turn to those now.

Payment delays and underpayments. The BIA and the Office of Self-Governance seem structurally incapable of making timely payments to the Tribes. Although delays in regular

[1] The Coalition members are the Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chickasaw Nation (OK), Choctaw Nation (OK), Citizen Potawatomi Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Muscogee (Creek) Nation (OK), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), Southeast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), and Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR).

[2] *See Cherokee Nation v. Leavitt* (2005) and *Salazar v. Ramah Navajo Chapter* (2012).

contract payments are rampant, delays are especially severe when it comes to contract support costs. Government contractors are routinely paid on a timely basis. Yet, tribal governments are left to wait months, even years, before they receive their payments. Today, five months into the new fiscal year, the BIA and OSG have still not paid many Tribes—and possibly not paid most Tribes—*any* contract support cost amounts to operate their FY 2020 contracts and compacts.

Worse yet, the BIA and OSG have still not paid many Tribes in full *for FY 2019*. At issue are substantial portions of the Tribes' CSC obligations, and not mere post-year reconciliations. OSG, in particular, is far behind in making 2019 payments, although the BIA is also far behind. Some Coalition member Tribes have yet to receive full payment from the BIA for 2018, and *some underpayments reach as far back as 2015*.

The Coalition respectfully asks this Committee to charter a task force to develop regulatory and legislative solutions to these persistent BIA and OSG payment problems. Interior should also be required to promptly report in writing to this Committee (and to the Tribes) on the status of the BIA's and OSG's FY 2019 and FY 2020 payment obligations to the Tribes.

Nonexistent agency reporting. It has been years since either agency obeyed Congress's directive for an annual written report on contract support cost obligations. This is so, even though the reporting mandate is unmistakable in Section 105(c) of the Act: "Not later than May 15 of each year, the Secretary *shall* prepare and submit to Congress an annual report . . . ." *See* 25 U.S.C. § 5325(c).

Year after year, IHS and the BIA ignore this mandatory duty. The last IHS report covered payment obligations and data *for FY 2015*. Frankly, we have *no* record whatsoever of recent BIA reports.

Annual contract support cost reports are vital not just for Congress but for the Tribes too. After all, CSC dollars are obligations to the Tribes—none are for agency programs. Only by seeing these reports can the Tribes learn how each agency is managing this important account. In the past, reports have often disclosed errors in tribal payments (sometimes also leading to corrective action). These reports have also revealed systemic agency shortcomings, such as inconsistent practices across Areas or Regions, as well as inconsistent practices between contracting and compacting Tribes. Transparency and regular reporting are essential for self-governance to succeed and to honor the agencies' government-to-government obligations to the Tribes. If Congress and the Tribes are to have effective oversight of a collective $1,091,000,000 account, timely reports are essential.

The Coalition respectfully requests that the Committee direct IHS and the BIA to promptly provide FY 2018 and 2019 reports to Congress and the Tribes, and that the agencies timely honor their statutory reporting duties in FY 2020 and future years.

The Coalition also respectfully requests that the agencies be required on a semi-annual basis to update their reports for specific fiscal years, because both agencies continue making payment adjustments for up to 5 years.

Establishment of a permanent appropriation account for CSC. The Committee is, of course, well aware that contract support costs are a mandatory obligation of the United States. As a result, when CSC payments are placed inside the agencies' annual discretionary appropriation, this Committee's ability to address other agency needs is severely restricted.

The Coalition therefore supports the enactment of legislation establishing a permanent and indefinite appropriation for contract support cost payments.

(For the same reason, the Coalition supports identical treatment of tribal lease payments made under the mandatory authority of section 105(*l*) of the Indian Self-Determination Act (25 U.S.C. § 5324(*l*)). Such payment obligations, mandated by law, should be set off in the mandatory side of the Federal budget so they are no longer a burden on limited discretionary appropriations.)

CSC payments on Substance Abuse and Suicide Prevention (SASP), Domestic Violence Prevention Initiative (DVPI) and similar appropriations accounts. Prior to FY 2012, IHS transferred these types of accounts to Tribes through their compacts and contracts. CSC requirements were calculated, though for the most part in this pre-*Ramah* era IHS failed to pay them. But ironically, just months after the Supreme Court *Ramah* decision in 2012, IHS reversed course and demanded new grant instruments for these funds.

Today, Tribes must cut into very limited program accounts to cover program administration costs (such as accounting, hiring, facility and auditing costs). Tribes continue to struggle with the Nation's highest rates of substance abuse, domestic violence and suicide than the general population, so it is essential that they receive necessary CSC funding in order that scarce program funds are not diminished to cover unavoidable administrative costs.

Further, employing unnecessary grant instruments and grant reporting conditions and the like simply perpetuates a whole agency grant administration bureaucracy. This can be avoided (or at least diminished) by placing these accounts into tribal contracts and compacts.

Two years ago, the Committees pressed IHS to return to the prior practice of transferring these and similar funds through compacts and contracts.[3] IHS eventually launched—but then stalled—a tribal consultation process to explore the issue. Last December the Committees directed IHS to complete the process by next month.[4]

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[3] *See* 164 Cong. Rec. at H2629 (daily ed.) (Mar. 22, 2018) (Joint Explanatory Statement to the FY 2018 Appropriations Act) ("*ISDEAA Contracts*.-The Committees encourage the transfer of amounts provided to tribal organizations for the Substance Abuse and Suicide Prevention Program, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for aftercare pilots at Youth Regional Treatment Centers, and to improve collections from public and private insurance at tribally-operated facilities to such organizations through Indian Self-Determination Act compacts and contracts, and not through separate grant instruments. This will ensure that associated administrative costs will be covered through the contract support cost process.")

[4] 165 Cong. Rec. H10316, H11295 (daily ed. Dec 17, 2019) (Managers' Explanatory Report on H.R. 1865, the Further Consolidated Appropriations Act, 2020) ("IHS is finishing Tribal consultation for the substance abuse, suicide prevention, and domestic violence funding and the Service is urged to complete this phase of the process within 90 days of the date of enactment of this Act so that funds can be distributed expeditiously.")

If IHS fails promptly to act and to reform the process for awarding these accounts, the Coalition respectfully requests that the Committee include bill language for 2021 *mandating* the transfer of these accounts to Tribes though their contracts and compacts.

Tribal consultation and engagement. Both the BIA and IHS are required to meet annually with the Tribes under the auspices of each agency's Contract Support Cost Work Group. Only the BIA (not IHS) convened its CSC Work Group in 2019 (but not in 2018, when errors were made to the BIA's Manual provisions addressing CSC Policy). The last CSC Work Group meeting with IHS was held in March 2018, and a subsequent Work Group conference call was limited to discussing IHS's unilateral decision to change the IHS CSC Policy in one manner that the Tribes opposed.

Just as is the case with CSC reporting, active engagement and consultation with the Tribes is not only essential for an effective and open government-to-government relationship; it is also essential for identifying problems and developing collaborative tribal-federal solutions.

The Coalition therefore respectfully requests that the Committee direct IHS and the BIA to convene their respective CSC Work Groups on an annual basis, as mandated by each agency's Manual.

Thank you for the opportunity to offer this testimony on behalf of the National Tribal Contract Support Cost Coalition.

The last thing I didn't address, may I, Madam Chair?

Ms. MCCOLLUM. We just had——

Mr. MILLER. Oh, you have to go to a vote?

Ms. MCCOLLUM. We just had votes started.

Mr. MILLER. Okay.

Ms. MCCOLLUM. And we have got——

Mr. MILLER. Okay.

Ms. MCCOLLUM. We know how to get a hold of you.

Mr. MILLER. Yes.

Ms. MCCOLLUM. And we know you talk to staff all the time.

Mr. MILLER. Yes.

Ms. MCCOLLUM. And you give us a lot of food for thought, so thank you for that. Mr. Joyce, I mean, we have time for a quick question or two.

Mr. JOYCE. I don't want to hold everybody up.

Ms. MCCOLLUM. Okay. So the good news is we got this panel in before votes started, which did not happen yesterday. [Laughter.].

And people waited 45 minutes for us, and I just looked, and we have 10 votes, so you would have been here until dinner, so that is the good news. Ms. Martin, we look forward to talking to you more as we develop the bill. Ms. Fourkiller, I think what you were saying about HHS is something that we need to look into some of the tax provisions that you had have come up on some other things. So we will be formulating some letters and some ideas to share, David and I—excuse me—Mr. Joyce and I with our colleagues on the Ways and Means Committee.

And were you present when we brought Congress——

Mr. TSO. Yes.

Ms. MCCOLLUM. Yeah, so Congress has worked hard to consult with Navajo and Hopi on the closure, and we do need to bring the program to an end, but we do need to follow the law when we do that. So thank you for, you know, kind of highlighting how you are feeling about the communication with the act as they are moving to close it down. So we ask them for reports every so often. I think they are due to come in and give us a report shortly. So we will be sharing your concerns that there needs to be better consultation.

And then we will follow up with you what we hear from them, both you and the Hopi. And then if you still have questions, we want you to pick up the phone, send an email. If you like snail mail, you can use that, too. Let us know how you think it is going and contact our offices. We take the fact that this needs to come to closure seriously, but it needs to follow the law. It needs to be done with consultation. And they are right there. They are not in Washington, D.C. They are right there close to you, so there is no excuse for you not to feel like you are being consulted.

And I hear what you were saying about the Bennett Freeze, which is different, but sidebar to what happened with the freeze on that. So thank you very much.

So I want to thank you for being here, and with that, the public witness that we have for the past 2 days with tribal leaders and leaders in the tribal allied community comes to a close. Thank you.

[The following statement was submitted for the record:]

Testimony of N. Kathryn Brigham, Chair, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation
Before the House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Hearing on FY 2021 Appropriations
American Indian/Alaska Native Programs
February 12, 2020

Chair McCollum and Ranking Member Joyce: I am N. Kathryn Brigham, Chair of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation of Oregon.

Summary

1) **BIA Budget Comments**
   a. **Support for BIA Water Rights Litigation Support/Attorney's Fees and Negotiation/Litigation Funding**
   b. **Support for Increase in Budget for Trust – Real Estate Services: $16.6 million**
   c. **Support for increase in budget for Environmental Quality Program**
   d. **Support for Increase in Budget for Public Safety and Justice**
2) **IHS Budget Comments**
   a. **Provide Indefinite Discretionary Appropriation for ISDEAA Section 105(l) Leases**
   b. **Fund Expansion of Community Health Aide Program at $25 million**
   c. **Fund Special Behavioral Health Pilot Program for Indians at $150 million**

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) consist of approximately 3000 members who primarily live on our Reservation in northeast Oregon. In 1855, we signed a Treaty with the U.S. government ceding over 6.4 million acres to the United States. We reserved rights to fish, hunt, and gather foods and medicines within our aboriginal lands in northeastern Oregon and southeastern Washington.

Before I get into specific requests, I urge the Subcommittee to recognize the federal government's earliest treaty commitments when it takes action on the BIA and IHS budgets. We recognize that our country and this Congress confront a difficult budget climate, but that climate does not diminish the government's treaty and trust obligations to Tribes.

1) BIA Budget Comments

a. Support for BIA Water Rights Litigation Support/Attorney's Fees and Negotiation/Litigation Funding

The CTUIR has been in negotiation of its Federal reserved water rights under the Winters Doctrine since 2011. A federal negotiation team was appointed in 2012. The CTUIR seeks a settlement that quantifies the present and future needs of the Tribal homeland and provides the instream flows needed to support their Treaty reserved fishing rights in the Umatilla River basin. The negotiations have included the State of Oregon, all the irrigation districts, ditch companies and other water stakeholders in the basin. The negotiations have been constructive and real

progress is being made on a settlement that meets the needs of the CTUIR while doing no harm to existing water rights.

The CTUIR needs, and strongly supports, an adequate budget for litigation support/attorneys' fees to support our water rights negotiations. The $1.5 million in funding under this line item in FY '20 and previous years has clearly been insufficient to meet the needs of the CTUIR and the other tribes actively involved in water rights negotiations. Because the Umatilla River has been over-appropriated by the State and because the Federal government constructed all storage and water delivery infrastructure downstream of our Reservation, our negotiations involve complicated water rights and other legal issues. These complications make federal support for the payment of Tribal legal costs to achieve our settlement critical. The CTUIR applies to the Bureau of Indian Affairs for litigation support/attorneys' fees each year and only receives sporadic funding. Accordingly, the CTUIR requests that the budget for litigation support/attorney's fees be increased to at least $3 million.

The CTUIR also supports an adequate budget for water rights negotiation/litigation line item, which supports technical work needed to facilitate the negotiation or litigation of Tribal water rights. The FY 2020 budget of $12,625,000 for this line item also fails to meet the need. The CTUIR requests that the water rights negotiation/litigation line item be increased to at least $15,000,000. This funding is critical to the technical work on instream flows required to support the Treaty reserved fishing rights and the consumptive use water rights required to satisfy the Tribal homeland. The CTUIR routinely applies for this technical funding and we receive sporadic grants which are only for a fraction of our request. The CTUIR's technical work on its water rights settlement is complicated by the over-appropriation of water in the Umatilla River, the listing of steelhead and bull trout as endangered under the Endangered Species Act and the CTUIR commitment to achieve a water rights settlement without harm to existing water rights holders and the agricultural economy in the Umatilla Basin.

b. Support for Increase in Budget for Trust – Real Estate Services: $16.6 million

The CTUIR supports an increase in the Trust – Real Estate Services budget to ensure that the Department of Interior has the funding and staff to carry out their trust functions. For example, the probate of trust lands and funds upon the death of an Indian person is conducted by administrative law judges (ALJs) within the Department's Office of Hearings and Appeals. The CTUIR has experienced a substantial backlog of probate cases because of a shortage of ALJs to probate trust estates and the cost and delays associated with appraisals required to implement applicable Federal and Tribal probate laws. Currently, there are over 375 open probates that involve CTUIR members or trust lands on our Reservation. This backlog delays the transfer of title of our Reservation lands and the trust funds of the deceased to their rightful heirs.

The CTUIR also urges the Subcommittee to direct that the Interior Department develop, update and use mass appraisals to reduce the time and cost of appraisals of trust lands that are a key cause for the probate backlog. Mass appraisals were prepared for the Umatilla and other checkerboarded Reservations to implement the Cobell Land Buy-Back Program. Mass

appraisals – if properly updated – are a cost effective and time saving tool to address the probate backlog, implement Federal and Tribal probate codes and facilitate negotiated land sales, all of which reduce the fractionation of individual trust allotments on our Reservations.

The CTUIR supports and relies upon rights protection funding contained in the Trust/Real Estate Services line item to protect fishery, wildlife and water resources reserved in our Treaty.

c. Support for increase in budget for Environmental Quality Program

The BIA has historically lacked the willingness or resources to either comply with the federal cultural resource laws within their agency or sufficiently fund tribes to do this for themselves. The CTUIR recommends both increases in funding to address the needs for cultural resource as well as a directive that work be prioritized under the Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act as well as the National Historic Preservation act, among other cultural resource laws. Routinely the CTUIR has to respond to dozens or hundreds of unexpected cultural resources crisis both on and off reservation over the year, but we have seen no direct funding for this purpose.

d. Support for Increase in Budget for Public Safety and Justice

We appreciate the increased funding for public safety and justice issues. Particularly as those increases relate to responding to Missing and Murdered Indian Women. The additional funds in coordination with current efforts at USDOJ and other agencies to address this issue will be helpful in creating an improved response to missing persons. Our hope is that not only will there be improvements in data collection and response, but also the development of effective teams to pursue cold cases and find those responsible for unsolved murders.

2) IHS Budget Comments

I want to support the appropriations recommendations provided to this Committee by the Portland Area Indian Health Board. Those that most impact the CTUIR are the following:

a. Provide Indefinite Discretionary Appropriation for ISDEAA Section 105(l) Leases.

Portland Area Tribes are concerned about the rising costs of Section 105(l) leases and the long-term impact on services. Our area supports tribes receiving funding for the Section 105(l) leases; however, IHS's reprogramming of services funding to cover the cost of the leases reduces much needed program increases for tribes in our area to maintain current services. For this reason, we request that Section 105(l) leases be made an indefinite discretionary appropriation

b. Fund Expansion of Community Health Aide Program at $25 million.
CTUIR in coordination with NPAIHB is developing a Behavioral Health Aide education program. We thank the Subcommittee for the $5 million for the national Community Health

Aide Program Expansion in FY 2020. In FY 2021, we request $20 million for continuation of the national expansion with $5 million for Portland Area to continue work to establish certification boards and to sustain the training program.

c. Fund the Special Behavioral Health Program for Indians at $150 million.

Besides the high rates of opioid related deaths among American Indians and Alaska Natives in our area, alcohol and methamphetamine use also still an issue for many of our people. The Special Behavioral Health Program for Indians is a promising program that may be able to comprehensively address all substance use issues as well as co-occurring mental health issues and should not be restricted to opioids only. FY 2021, NPAIHB recommends that the Special Behavioral Health Pilot Program for Indians be funded at $150 million to address all substance use and mental health issues with an option for tribes to receive funds in ISDEAA Title I and Title V compacts and contracts. In addition, we recommend that $5 million be made available to Area Health Boards/Tribal Epidemiology Centers for the provision of technical assistance to Tribes and to collect and evaluate performance of the pilot program.

TUESDAY, MARCH 10, 2020.

MEMBERS' DAY

Ms. MCCOLLUM [presiding]. So good morning. The members' witness hearing will come to order, and we are very pleased to have as our first person up one of our newest members to Congress, Ms. Slotkin. So you have 5 minutes, and we look forward to hearing what you have to share with us. Thank you.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. ELISSA SLOTKIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Ms. SLOTKIN. Great. Thank you, Subcommittee Chairwoman McCollum, and thanking the ranking member in absentia. So I am a former CIA officer and Pentagon official, and so I look through the world through a lens of security. And that is why it is really very clear to me that we need to start thinking of environmental security the way we think of homeland security because it is about the safety of our kids and the preservation of our way of life.

Nowhere is that more clear than on the issue of PFAS contamination, which is a chemical that has been identified in more places in Michigan than in any other State in the country. We are looking for it harder than most people, so we are finding it ahead of the rest of the country. And I have four PFAS sites in my district, and if you have to worry that giving your child a glass of water is going to give them early childhood cancer, that is a threat to your family's safety. And if you can't fish the rivers that your dad and your grandpa took you fishing in, that is a threat to your way of life.

So I was very proud that my first six provisions that I have had turned into law as a member of Congress are on all PFAS, and they were all done through the NDAA, through the Pentagon's budget. I am a pragmatist, so in a perfect world, it wouldn't have to be done that way, but for the first time we are doing more than just studying PFAS, which is extremely important to me and to the people of Michigan.

We passed provisions that forbids the military from using PFAS-laden firefighting foam after 2024. They cannot use it in exercises in non-crisis situations. Our National Guard bases now have access to pots of money that only active duty had access to for environmental cleanup, which was at the request of one of our base commanders. But the most important one that I am the most proud of is the PFAS Monitoring Act, which I actually introduced back in May and got incorporated into the bill that the President signed off on in December, the Pentagon's bill.

So under this law, large cities will be required to monitor almost 30 types of PFAS. Smaller communities, so communities under 10,000 people, like where I live in Holly, Michigan, will get help paying for that monitoring. Small communities can't afford to be adding additional things without some help. Six PFAS substances were included in EPA's testing requirements back in 2013 to 2015, but then they dropped those requirements for 2018 and 2020. No idea why. This bill ensures that the next round of testing will cover all 29 PFAS chemicals that EPA knows how to test for in drinking water.

In Michigan, we are already diligently testing for PFAS. We have decided to test for it ahead of any national requirement thanks to our governor's leadership, but I want to make sure that it is a requirement at the Federal level because Michigan is just the tip of the iceberg on PFAS, particularly for States with a manufacturing past. So this will not only help our ongoing PFAS monitoring efforts, but it will help provide data to the EPA and other State legislators to inform them on their decisions about PFAS.

Now that it has been signed into law, I want to advocate today that we have funds to implement it. In particular, I want to ensure that the EPA has sufficient funding to support those smaller communities like my hometown for PFAS testing. Thank you for providing $43 million in new PFAS-related funding for the EPA in the 2020 Fiscal Year, including funding to support EPA's testing of drinking water that will now cover PFAS under my bill. Today I ask the committee to increase funding for 2021 Fiscal Year for the EPA.

As the committee considers the Fiscal Year 2021 budget, I would ask you to keep in mind the concerns of families in my district, across Michigan, and across the Nation. This is a widespread concern, and these chemicals are forever chemicals. They are not going away. We must work to protect Americans against this threat, just as we protect them from threats to our physical security. Thank you for your leadership on PFAS-related issues in 2020, and I ask you to increase funding in 2021. Thanks very much.

Ms. MCCOLLUM. Thank you. So you don't support the President where he has eliminated doing some of the work that needs to be done with PFAS in some of this budget.

Ms. SLOTKIN. No, I mean, I think we have an existential debate with the White House on the importance of PFAS. He tweeted about it last July. We were shocked that it was such an important issue to him, but the truth is it is extremely bipartisan. I just held a big water-related event on private well owners, like myself. Twenty-five percent of Michiganders are on private wells, so we test, and we are responsible for our own testing. And people across the board, people wearing, you know, their Make America Great hats were deeply concerned about PFAS and asking me how come we don't have a national standard. How come we don't have money for our communities to test this?

We are on the leading edge in Michigan of something that is going to be a household name in the next few years. And I can't agree to something that is, you know, for us, our water in Michigan as the Great Lakes State, it is existential. We are the stewards of

the Great Lakes and of the groundwater that comes with it, so people across the spectrum feel very passionately about it.

Ms. MCCOLLUM. I couldn't agree with you more. We have been filtering water for PFAS since 2006 in my congressional district in Oakdale, Minnesota. Mr. Joyce.

Mr. JOYCE. Thank you, and I apologize for being late.

Ms. SLOTKIN. No problem.

Mr. JOYCE. But I want to thank you for being here and discussing programs that are important in this budget, not only for your district, but for our country.

Ms. SLOTKIN. Yeah, thanks. Okay. Thanks for having me.

Ms. MCCOLLUM. Thank you very much. You have left a copy of your written testimony with the committee.

Ms. SLOTKIN. Yes.

Ms. MCCOLLUM. Mr. Davis is going to be submitting. That is our understanding now? He is going to try to be here. Mr. Posey is going to be submitting his for the record.

[The information follows:]

Congresswoman Elissa Slotkin
Testimony
Appropriations Subcommittee on Interior and Environment, Member Day Testimony
FY21 Member Appropriations Priorities
March 10, 2020
Five Minute Remarks

- Thank you Subcommittee Chairwoman McCollum and Subcommittee Ranking Member Joyce for the opportunity to share my priorities for the Fiscal Year 2021 Interior and Environment appropriations package.

- As a former CIA officer and Pentagon official, security is the lens through which I see the world. That's why it's clear to me that we need to start treating environmental security like homeland security -- because it's about the safety of our families and the preservation of our way of life.

- Nowhere is this more clear than on the issue of PFAS contamination of our water, which has heavily affected communities across Michigan. If you have to worry that giving your child a glass of water will put them at risk of early childhood cancer, that is a threat to your safety. If you can't swim and fish as an adult in the lakes where you learned to swim and to fish as a kid, that is a threat to your way of life.

- That is why I'm so proud that I was able to pass 6 key provisions into law through the NDAA that, for the first time, hold the Pentagon accountable for doing more than simply studying the problem.

- These include requiring the DOD to transition off the PFAS-laden firefighting foam that is poisoning our communities, ensuring that funding is available for cleanup at National Guard bases like Selfridge Air National Guard base in Michigan, and making sure that military

firefighters are tested for PFAS exposure as part of their annual physical exam.

- However, the most consequential provision is the PFAS Monitoring Act, a bill that I introduced last May.

- Under my law, which was signed by President Trump in late December, large cities will be required to monitor almost 30 types of PFAS, and smaller communities under 10,000 people will get help to pay for that monitoring.

- 6 PFAS substances were included in EPA's testing requirements for 2013-2015, but they were not included in the 2018-2020 round of testing. My bill ensures that the next round of testing will cover all 29 PFAS chemicals that the EPA knows how to test for in drinking water.

- In Michigan, we are already diligently testing for PFAS, thanks to our Governor's leadership on this issue.

- But I want to make sure that it is a requirement at the federal level to monitor for PFAS across our communities. My bill will ensure that testing is required by federal law, irrespective of the state or local leadership, and it will expand the number of PFAS chemicals that we test for.

- This will not only help support ongoing PFAS monitoring efforts in my state, it will also help provide data to EPA and other state regulators to inform their decisions about PFAS.

- Now that my bill has been signed into law, I want to advocate today for the funds to implement it. In particular, I want to ensure that the EPA has sufficient funding to support smaller communities with PFAS testing. .

- I want to thank the committee for providing $43 million in new PFAS-related funding for the EPA in the 2020 Fiscal Year -- including funding to support the EPA's testing of drinking water that will now cover PFAS under my bill.

- Today I ask that the committee increase funding in the 2021 Fiscal Year for the EPA programs that will support smaller communities in testing their drinking water.

- As the Committee considers the FY21 budget, I'd ask you to keep in mind the concerns of families in my district, across Michigan and across the nation. There is widespread concern about these chemicals. We must work to protect Americans against this threat -- just as we do from other threats to our security.

- Again, I thank the committee for their leadership on PFAS-related funding in FY20 and ask them to again increase PFAS-related funding in FY21.

- Thank you for your time and for allowing me to relay some of my priorities related to clean water that unite us all. I look forward to continuing to work with the Committee to support these priorities.

TUESDAY, MARCH 10, 2020.

WITNESS

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

[The statement of Mr. Posey follows:]

Testimony from Congressman Bill Posey (Florida-08)
For the House Interior, Environment, and Related Agencies Appropriations Subcommittee Member Hearing Day on Tuesday, March 10, 2020
In Support of the National Estuary Program and the Competitive Grants Program
Submitted March 5, 2020

Thank you, Ms. Chairwoman and Ranking Member, for the opportunity to testify today to support fully funding the National Estuary Program.

On April 4, we will celebrate the 130th anniversary of the birth of a remarkable woman named Marjory Stoneham Douglas. Though the progeny of New Englanders, she came to Florida to work on her father's newspaper after graduating from Wellesley College. She was a prodigious writer and reformer who championed women's rights and justice reform – long before many would even discover them. Today, she's best remembered as the tireless champion of restoring the Everglades and giving them the name "River of Grass." Ms. Douglas teaches us many lessons about life and the environment. She was one of the founders of environmentalism, and Florida celebrates her grit and grace. She once said, "You can't conserve what you haven't got." That same spirit brings me here today to support the National Estuary Program. We must preserve and restore the estuaries we have and work beyond that to use them wisely.

My request is for a national priority, but it is also very close to home. I live with my family on the Atlantic Coast of Florida. My District is bounded on the east by the Indian River Lagoon. The Indian River Lagoon is home to great biological diversity. The lagoon is home to over 4000 animal and plant species, including manatees, dolphins, sea turtles, and several species of sea grass.

Our Indian River Lagoon has suffered often from assaults on its physical, chemical, and biological integrity. Many people have seen our story on television. When water levels in Lake Okeechobee are high and flood risks threaten Florida, heavily polluted water is released into Florida estuaries, especially the Indian River Lagoon. Algae blooms, water putrefies, oxygen is starved from the water, and fish die. The river runs so green with algae that someone sadly once remarked that it must be a St. Patrick's Day celebration. But it's no joke to my constituents. The impacts go beyond aesthetics and odor. My home has a vibrant tourism and fishing industry that depends on the lagoon. When the lagoon suffers so do my constituents. The struggle to preserve the Indian River Lagoon is a fight for our economic well-being, and sometimes during harmful algal blooms, a fight to protect human health.

As the name implies, our estuary is a lagoon – meaning that it's an estuary separated from the ocean by barrier islands. Inlets from the ocean provide an exchange of waters between the lagoon and the sea. Our lagoon needs tides and storm rain to avoid stagnation. We know that this flushing is limited, especially in the northern end of the lagoon in my district. While the lagoon is 156 miles long, it's only a half mile to five miles in width and averages just three feet in depth. Our lagoon is a wonderous nursery for sea life, but its physical features make it especially vulnerable to environmental threats.

So, I come today for my own district and to preserve what we have in my home because we depend on the lagoon for our living. But I come here for more than that. The story of my District and the Indian River Lagoon plays out along our entire national coastline. The entire U.S. coast depends on the health of estuaries. More than half of the U.S. population lives in coastal areas, with coastal watershed counties providing an estimated 69 million U.S. jobs and contributing an estimated $7.9 trillion to the GDP annually. That's why I partnered with Congresswoman Suzanne Bonamici to cofound the Congressional Estuary Caucus to work to advance policies that preserve and restore our estuaries, to support sustained authorization and funding of the National Estuary Program, and to help support other efforts like research and development that contribute to healthy estuaries.

I'm pleased to be here today as Co-chair of the Congressional Estuary Caucus and to submit to you my request for funding for the National Estuary Program.

This great program is truly a national response regionally deployed. The NEP is really 28 unique, voluntary programs under the Clean Water Act that seeks to protect, restore, and improve estuaries of national significance. Each individual designated estuary mobilizes its own local community in a collaborative, non-regulatory investment strategy that meets local needs while contributing to national objectives. For every federal dollar, the designated regional estuary programs leverage the federal participation with $19 in local funds to protect and improve coastal environments, communities, assets of national significance, and economies. That's great performance for the way we should pursue national programs – federal support with local delivery.

Madame Chair, twenty years ago last October, Senator John Chafee died. We remember him today as the founder of the National Estuary Program established in his 1987 legislation. Senator Chafee was the consummate gentleman, and the personification of bipartisan environmental stewardship. He left us the lesson that protecting our environmental treasures like estuaries is a bipartisan commitment to do what Marjory Stoneham Douglas exhorted us to do: Preserve what we have got. We can take great pride in the bipartisan support for the estuary program that Senator Chafee left us. We have the opportunity to deploy that bipartisanship again in supporting funding for the National Estuary Program.

Madame Chair, I respectfully ask that as you develop the FY2021 Interior, Environment, and Related Agencies Appropriations Act, the Committee fully fund the NEP at the authorized level of $750,000 for each of the 28 estuaries and fund the competitive grants program at $4 million.

Thank you for the opportunity to appear before you today to support the health of our precious national estuary resources.

Ms.MCCOLLUM. Is there another member out there? Yeah. We are going to recess until the next member shows for testimony.

[Recess.]

Ms. MCCOLLUM. The Committee on Interior will come back from its recess to hear some member testimony from Mr. Griffith. Sir, you have 5 minutes.

TUESDAY, MARCH 10, 2020.

WITNESS

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

Mr. GRIFFITH. Thank you very much, Madam Chair, and I appreciate you all holding this hearing today. One of the top priorities that I have is the adequate need for funding of coal communities in Virginia and throughout Appalachia. We need to reclaim the abandoned mine lands in a way that both supports economic development and helps us transition from an economy that was build on coal. I have counties that just have mountains and trees. That is what they have.

In fact, in Dickinson County, looking for flatland to redevelop our economy is very difficult. About, oh, close to a decade ago now, they started looking for a site for a new school. All their former high schools were in a flood zone. There were only two pieces of property in the county that were flat enough to build a high school on, so they had a fight as to which one they had to pick.

The Abandoned Mine Land Pilot Project, which has been funded by this committee for some time, for a few years, it allows the top three States with the most unmet needs—Kentucky, West Virginia, and Pennsylvania—to have spending. And then subsequent to that taking off, I went and I got the committee to agree and the floor ultimately to agree that the next three States—Virginia, Alabama, and Ohio—also with a legacy of coal mining, that include sites that need restoration.

Over the past few years with the help of members on this committee and my friend from Ohio, Mr. Johnson, we have worked to expand this program to those next three Appalachian States with the greatest needs. I have worked with this committee to ensure additional support for one Appalachian community does not come at the expense of another. So in total we have been successful in securing $40 million, $10 million per year over the last 4 years, in reclamation funding for Virginia. The top three States get $30 million a year. We get $10 million a year.

That seems to be working out very well, and I could go through all the projects. We have done everything from, you know, closing off portals for new trails for horses, for hiking, for other things, but also we are taking down a high wall in the City of Norton. It is a little city of about 5,000. And it is still in progress, but we are going to create a 200-acre industrial park in an area that desperately needs inventory because you don't have flatland ready to go.

In Russell County, we have another 200-acre project. Some entrepreneurs came in, and they realized that with a little bit of this

money, they could clean up a coal fine pond, and let me explain what that is. It was a coal processing plant for decades and decades and decades, and whenever the coal pieces were too small, they dumped them into this pond. And so you have this huge area, but what they figured out is that with a new fuel source plant not too far away that is a hybrid, they can burn all kinds of different things. They could sell the coal fines to that plant. They are cleaning it up. They are taking out all the old coal fines. They are putting in rock to replace that. They are going to put soil on top of it, and we are going to end up with another 200-acre industrial park.

And while both of them have great advantages, this one, just to give you some idea, it has rail because it used to be a coal processing plant, so they had to get the coal out of there. It has a road to get the coal in, by truck generally. It has electricity coming in from two sides. It has water, and it already has natural gas. And what these folks are going to do is they are turning this entire site over to the county when they finish. I would have to go back and look at the exact numbers, but we gave them a couple of million dollars to clean this up a little bit, over $2 million.

I was told by the folks who generally do this, the OSM, and in Virginia it is the Virginia Mines, DMME, they told us that our $2 million would have taken normal AML funding, about $7 million, to have done the same thing, and it probably wouldn't have been on the top of the list. Therefore, they were expecting they wouldn't get this project done for another 20 years with the money that they had in the AML funds. So with this AML pilot project, we are taking care of problems, we are getting outside money to come in and help, and we are creating economic development in an area that people always tell us up here, you know, we want you reinvent your economy. Okay, but we need a little help, and this is one of the ways that we are trying to do that is to create sites where businesses can come in.

And I think it has been a real success thus far, both environmentally and economically, and I would hope that you would continue to fund us. We are not asking for anymore. Just keep us at that $10 million level in the second tier of the AML Pilot Project, and we will be thrilled. If you want more information, I think my printed notes have lots of different things in them, but that really is something that I have seen that is actually working. And, you know, when will it bear fruit in a big way? We are already seeing small signs on the tourism and environmental side that it is working. Will we get a new plant in? Well, as you all know, with economic development, first you have to have the inventory, and we are about a year away from having that inventory ready, maybe two in some cases, and then you have to go out and find a facility.

So we are very hopeful. We think this is, though, a key component to our part of Central Appalachia reinventing its economy.

Ms. MCCOLLUM. Thank you. Thank you for your testimony, and I saw that you are looking at even putting a solar project where——

Mr. GRIFFITH. Yeah, that is real exciting.

Ms. MCCOLLUM [continuing]. Where coal pollution is now.

Mr. GRIFFITH. So if you have a minute, let me tell you about that. That is real exciting.

Ms. MCCOLLUM. Well.

Mr. GRIFFITH. You don't have a minute. Okay.

Ms. MCCOLLUM. I don't have, but what I am concerned about with the President, you know, we increased a lot of funding to support projects like yours in the bill, Mr. Joyce and I did, and the President's budget came in with a cut compared to what we had worked on bipartisanly with the Senate to do projects like you are talking about. So we will have to see what our allocation looks like. But I think we are going to do what we can, and we would appreciate your help, too, as we move forward not to support the bottom line of the President's budget and the Department of Interior because I am sure you have a lot of rural water projects you want to see worked on, too.

Mr. GRIFFITH. Rural water projects. ARC is very important to my district as well. And, you know, as we used to say in the State legislature, the governor, in this case, the President, proposes, and the House, you know, ends up making the decision, disposes in many cases.

Ms. MCCOLLUM. We are going to need your support on the floor. Mr. Joyce.

Mr. JOYCE. Thank you for being here, Congressman Griffith, and I appreciate where you are coming from. My dear friend, Bill Johnson, has talked about the same type of plight in his community, and thank you for coming before the committee today and providing some unique examples on how this can be of benefit to those areas that have, for lack of a better term, been left behind. Thank you, sir.

Mr. GRIFFITH. Thank you.

Ms. MCCOLLUM. Thank you.

Mr. GRIFFITH. You all have a good day.

Ms. MCCOLLUM. Have a good rest of your day. We are going to go into recess again until the next member comes. Thank you.

[Recess.]

[The information follows:]

Congressman H. Morgan Griffith
9th District of Virginia
Written Testimony for the Record
Interior, Environment, and Related Agencies Appropriations
March 10, 2020

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

A top priority of mine is to address the need for adequate funding for coal communities in Virginia, and throughout much of Appalachia, to reclaim abandoned mine lands in a way that will support economic development and transition our economy that has been built on coal.

As you may be aware, money for abandoned mine land (AML) reclamation for the top three states with the most unmet reclamation needs -- Kentucky, West Virginia, and Pennsylvania -- has been included in the spending bills that have come to the House floor the past few years. While those states have more sites in need of cleanup, the second tier of states -- Virginia, Alabama, and Ohio – also have a legacy of coal mining that includes sites that need restoration.

Over the past few years, with the help of members on this committee and my friend from Ohio, Mr. Johnson, we have worked to expand this program to those next three Appalachian states with the greatest unmet needs. I have worked with this committee to ensure that additional support for one Appalachian community does not come at the expense of another. In total we have been successful in securing $40 million ($10 million per year over the past four years) in reclamation funding for Virginia.

We have already seen some amazing projects come forward as a result of this pilot. Some examples of projects under consideration and selected for approval from the grant program include:

- A large solar project that will be built on abandoned mine land.
- A project that will plant hemp on previously mined lands to remove heavy metals, oils, and other toxins from the soil.
- An ecotourism project that will improve 350 acres of abandoned mine land with ecological and economic benefits and provide access to over 2,500 acres in an area of the Commonwealth that is currently devoid of areas for general public access, especially those that provide wildlife related opportunities
- A sustainable community farming project on abandoned mine land.
- The cleanup of land that was once a former coal preparation plant and is now a coal fines pit. The land will be returned to the county Industrial Development Authority (IDA) and transitioned into an industrial site encompassing 232 acres.
- The removal of an unstable highwall and use of existing onsite material to build another large industrial facility.
- The construction of a 50,000 sq. ft. industrial sized greenhouse located on abandoned mine land.
- The closure of multiple mine portals and conversion of access roads and abandoned land to expand local trail use for hiking, biking, ATV and equestrian uses.

- The installation of a public water service to provide cleaner water to a community.
- The conversion of reclaimed land into a year-round music venue.

One of the pillars of a strong economy is adaptability. In my part of Virginia, we are taking land that is no longer usable for its former purpose of coal production and transitioning it to future uses. The reclamation work itself creates jobs, and the uses the land is put to, whether industrial or tourism, supports jobs and economic growth as well. The economic benefit can be industrial repurposing or tourism.

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

I encourage you to ensure this level of funding for economic reclamation – if not a greater and more balanced allocation – is provided in the FY21 appropriations bill this subcommittee will write.

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

Ms.MCCOLLUM. The Interior Committee members' hearing day will continue, and we have before us the gentleman from Massachusetts, Mr. McGovern.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. MCGOVERN. Thank you very much, Madam Chair McCollum, Ranking Member Joyce, and members of the committee. Thanks for the opportunity to testify. As you begin to draft this year's appropriations bill, I encourage you to provide critical funding for important conservation programs that preserve this country's rich history and natural beauty.

This Congress has made significant progress in protecting our public lands and spaces, in large part thanks to the leadership of this committee. And I would like to share some of the examples of the important stewardship work being done in my district and highlight the ways in which the committee can——

[Audio malfunction in hearing room.]

The John H. Chafee Blackstone River Valley National Heritage Corridor, which spans more than 2 dozen towns from my hometown in Worcester, Massachusetts to Providence, Rhode Island, tells the remarkable story of the birth of the Industrial Revolution in America and the transformations that followed. Vital to the success of the corridor and the unit of the National Park Service within it is strong funding for the Park Service, and a commitment to cooperative agreement that NPS has undertaken with the local coordinating entity. I ask that the committee fully fund the National Park Service and encourage NPS to enter into a cooperative agreement for the coming fiscal year. I have included draft language at the end of my testimony for your consideration.

Next I want to highlight the importance of our National Wildlife Refuge System. Specifically, I would like to draw your attention to the Silvio O. Conte National Wildlife Refuge, which spans the entirety of the Connecticut River watershed, and comprises fully one-sixth of the entire area of New England. Those who care for the refuge do extraordinary work thanks to support from the Land and Water Conservation Fund, which, in Conte's case, is administered by the U.S. Fish and Wildlife Service. Yet despite a growing backlog of projects across the refuge, Conte receives zero dollars in LWCF funding for the current fiscal year, and Fish and Wildlife has not been forthcoming in explaining the rationale behind this lack of allocation.

I appreciate the committee's previous efforts to highlight the uniqueness of Conte, and I am grateful for any further efforts that might better prioritize or direct funds to the refuge. I also ask the committee to fully fund the LCWF so that Conte can receive the priority funding that it needs and deserves.

I would also like to say a few rods about the newest of the country's 11 national scenic trails. That is the New England National Scenic Trail. Nearly 2 million people live within 10 miles of the

trail, which spans 220 miles through Massachusetts and Connecticut, and it has grown significantly in popularity in the first decade. Federal funds must keep up with increased demand for the recreational and educational opportunities that the trail provides. I ask the committee to provide full funding for the National Park Service so that the New England Scenic Trail can be funded at $500,000 in the coming year.

Lastly, I would like to briefly mention something outside of conservation that has been a priority of mine for a long time. Clean, safe water is a right for every person in this country, and I am asking this committee to continue to support the highest possible funding for both the Clean Water and Drinking Water State Revolving Funds. These programs help communities across the country maintain safe and effective water infrastructure, and they afford States the flexibility to fund their highest-priority projects.

Once again, I want to thank you for the opportunity to share stories of what our foundational conservation programs make possible. I am grateful for the committee's longstanding support for protecting our public spaces and shared heritage, and I look forward to seeing what you produce for the coming fiscal year. And, again, you know, as someone on the Rules Committee, we meet an awful lot and under very intense circumstances. I particularly appreciate the work of all the appropriators, especially now, and the staff for what you are about to go through. So thank you very much. I yield back.

Ms. MCCOLLUM. Thank you, Mr. McGovern. Mr. McGovern, you have on the last page of your testimony a language request for the committee.

Mr. MCGOVERN. I do.

Ms. MCCOLLUM. And so that is duly noted. Thank you for submitting that. There is nothing any of us, I think, throughout Congress, huge bipartisan support to support LWCF, fully funded. Unfortunately, the President's budget makes that impossible with the almost $2 billion cut to the bipartisan work that Mr. Joyce and I did with our counterparts in the Senate and we passed on the floor. And so we have the largest increase to LWCF in literally decades. We are going to work real hard to protect that and add to it if we can. But as you pointed out, there is a need for clean drinking water and clean water funding as well. So if you can do anything in Rules Committee to give Mr. Joyce and I a larger allocation, we would take your considerations very——

Mr. MCGOVERN. Done. You won. Done. [Laughter.]

Ms. MCCOLLUM. We are counting on you. But sincerely, thank you for the work that you do in the Rules Committee helping us get our bills to the floor so we can move them forward, get them to conference, and then bring them back.

Mr. MCGOVERN. Thank you.

Ms. MCCOLLUM. Thank you for your work. Mr. Joyce.

Mr. JOYCE. And I was just kidding about the tea, Mr. McGovern, but it is always a lovely——

Mr. MCGOVERN. No, and I——

Mr. JOYCE [continuing]. For all of us.

Mr. MCGOVERN. I will make sure you get some.

Mr. JOYCE. And thank you for being here to discuss the conservation programs and the importance of these programs and the impact that they have in your district.

Mr. MCGOVERN. Thank you.

Ms. MCCOLLUM. Thank you. We have your information. Go have a wonderful day.

Mr. MCGOVERN. You, too.

Ms. MCCOLLUM. I know you are really busy getting rules ready and everything so that we can deal with the coronavirus, and thank you.

Mr. MCGOVERN. I appreciate it, but thank you again for all the work you guys do.

Ms. MCCOLLUM. Thank you. The committee stands in recess until the next witness.

[Recess.]

[The information follows:]

TESTIMONY OF
JAMES P. McGOVERN (MA-02)
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MARCH 10, 2020

Madam Chair McCollum, Ranking Member Joyce, and Members of the Committee: thank you for allowing me this opportunity to testify.

As the Committee begins to draft this year's appropriations legislation, I strongly urge you to provide critical funding for important conservation programs that preserve this country's rich history and natural beauty. This Congress, we have made significant progress in protecting our public lands and spaces, in large part thanks to the leadership and hard work of this Committee. I'd like to use my time to share some examples of the important stewardship work being done in my district and highlight the ways in which the Committee can continue to support those efforts.

The John H. Chafee Blackstone Valley National Heritage Corridor, which spans more than two dozen towns from my hometown of Worcester, Massachusetts to Providence, Rhode Island, tells the remarkable story of the economic, environmental, social, and cultural transformation of the industrial revolution in America at its birthplace. Vital to the success of the Heritage Corridor – and the unit of the National Park Service within it – is strong funding for the National Park Service and a commitment to the cooperative agreement that NPS has undertaken with the local coordinating entity. In order to continue the success of this special place, I request that the committee fully fund the National Park Service. Furthermore, I ask that the Committee consider specific language that would encourage NPS enter into a cooperative agreement in the coming fiscal year. I have included for your consideration draft language at the end of my testimony.

Next, I would like to highlight the importance of our National Wildlife Refuge System. Specifically, I would like to draw your attention to the Silvio O. Conte National Wildlife Refuge, which spans the entirety of the Connecticut River watershed and comprises fully one-sixth of the entire area of New England. Those who are charged with the audacious task of safeguarding the Refuge do extraordinary work thanks to support from the Land and Water Conservation Fund, which in Conte's case is administered by the U.S. Fish and Wildlife Service. Yet despite the growing backlog of projects across the refuge, Conte received zero dollars in LWCF funding in the current fiscal year, and FWS has not been forthcoming in explaining the rationale this behind lack of allocation. I appreciate the Committee's previous efforts to highlight the importance of Conte, and I am grateful for any further efforts that might better prioritize or direct funds to the refuge. I also ask that the Committee fully fund LWCF so that Conte can receive the priority funding that it needs and deserves.

I would now like to say a few words about the newest of the country's eleven national scenic trails, the New England National Scenic Trail, which was established in 2009. Nearly two million people live within 10 miles of the trail, which spans 220 miles through Massachusetts and Connecticut, and it has grown significantly in popularity in its first decade. This is no doubt thanks to the excellent management of the nonprofit partners who care for it, and it is critical that federal funding keep up with increased demand for the recreational and educational opportunities that the trail provides. I ask the Committee to provide full funding for the National Park Service so that the New England National Scenic Trail can be funded at $500,000 in the coming fiscal year.

Lastly, I'd like to briefly mention something outside of conservation and recreation that has been a priority of mine for a long time, I am pleased to say that the Committee has always been supportive. Clean, safe water is a right for every person in this country, and I am again asking this committee to support the highest possible funding for both the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. These programs help communities across the country maintain safe and effective water infrastructure, and they afford states the flexibility to fund their highest-priority projects.

Thank you again for the opportunity to testify.

Language Request for FY21 Interior Appropriations Request

"The Subcommittee directs the National Park Service to enter into and fund cooperative agreements with the local coordinating entity for the Blackstone Valley National Heritage Corridor."

Ms.MCCOLLUM. So the Committee on Interior will come back into our order for our members' priority day hearing, and we are going to hear from Representative Casten. Welcome.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. SEAN CASTEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. CASTEN. Thank you. Chairwoman McCollum, Ranking Member Joyce, and members of the subcommittee, thank you for inviting me to testify today. I have come to urge you to support robust funding of the Urban and Community Forest Program at the U.S. Forest Service in the coming fiscal year. I want to applaud all your hard work in ensuring a funding increase of $2.5 million, for a total of $22.5 million last fiscal year. The program provides critical assistance to public/private partnerships that address regional climate change challenges by promoting healthy and diverse forests.

The scientific consensus could not be clearer. Climate change is an imminent threat to our health, our economy, and our national security, as well as the health of our forests. The "Fourth National Climate Assessment," released by the White House in November 2018, spells it out clearly: "As growing season temperatures rise, reduced tree growth or widespread mortality is expected." A loss of vegetation could exacerbate the effects of climate change that we are already seeing, but it also means that better managing our forests can be a part of the solution to the climate crisis.

The Chicago Regional Trees Initiative, or CRTI, is a great example of the solution. CRTI is a collaboration of more than 284 Chicago-area partners working to build healthier and more diverse urban forests. Their work involves the Morton Arboretum, U.S. Forest Service, and several other Federal agencies, seven Chicagoland counties and municipal governments, as well as business and community partners. CRTI has shown great success leveraging the power of a public/private partnership to strengthen and diversify our local urban forests. We want to build on the success we have seen in Chicago. Replicating the program elsewhere and solidifying CRTI itself will greatly benefit urban forests across the country.

In addition, there is a critical need to restore and improve the urban forests in Region 9 due to the catastrophic losses from the emerald ash borer and build resiliency to changing growing conditions by planting a diversity of trees and protecting the existing trees. Eighty-one percent of Americans live in urban areas where trees are critical to human health and to address the environmental impact of climate change. I urge the committee to prioritize the Forest Service's regional multiorganizational collaborations in urban communities most severely impacted by invasive species, like the emerald ash borer. These urban forest conservation partnerships provide models of best practices for effective Landscape Scale and Community and Urban Forestry grants. Thank you for your consideration of my request, and I hope you will join me in

harnessing the power of our urban canopy to help solve the climate crisis.

Ms. MCCOLLUM. Well, thank you very much. The urban forestry is near and dear to both Mr. Joyce and I, and we have been working very hard to put dollars into it. As you know, the President zeroed that out in his budget proposal, so we will be not following the President's recommendation, putting funding into it. But being able to do more is going to be dependent upon what our topline number is. The President cut the Interior appropriations portion in his budget by almost $2 billion, a very substantial $1.9 billion cut.

I had some testimony when the Forest Service was in front of us from one of my municipalities of how much money that they are spending just on municipal trees and the disposal of it. This is going to be a huge economic cost, and I think we all need to reach out to our cities and start accumulating what this cost is going to be so that we can make the case even stronger that we need more funds in our overall allocation especially to address this. Do you have any information from any of your cities? And this is just public land that we have counts on. We don't have on the private. What are you hearing from your constituents?

Mr. CASTEN. So the Morton Arboretum is in my district, and I have not reviewed their books to talk about the precise numbers other than just to state the obvious. That $22-and-a-half million is a trivial number here relative to the benefit that we get from it. What is difficult is this is a long-term project, right? You know, I tease the folks at the arboretum periodically that, you know, I go with Sierra Club to clean non-native species, and then they spend a ton of their effort trying to figure out what species of trees around the world are actually well adapted to the changing climates in the Chicago area to urban areas where there is pollution and runoff from trees. And I joke with them that if the Sierra Club ever comes, they are going to have do a brush cleaning on their premises.

But the amount of effort that they have to put in is, and, again, I don't want to speak to the financial, but it is a long-term issue because they are sitting there with multiple trees that are growing, looking at them over time, trying to figure out how this evolved, trying to figure out which ones are more sensitive to heat stresses. I don't mean to duck your question.

Ms. MCCOLLUM. No, you are——

Mr. CASTEN. But I think making sure that they have the resources to continue to do that research, and, frankly, expand it, is going to be critical.

Ms. MCCOLLUM. Well, and the arboretums are places our municipalities and homeowners go to for support with the master gardener programs that that they offer. Mr. Joyce.

Mr. JOYCE. Thank you, Mr. Casten, for being here today to provide some background on this issue that is important to you as well as myself. In northeastern Ohio, we have the problem with the emerald ash borer as well and its economic impact as well as the damage to the forests of northern Ohio. It is something that needs to be addressed, and I hope we can continue to work together to protect against these invasive species and protect our nature's forests. Thank you.

Mr. CASTEN. Thank you.

Ms. MCCOLLUM. So as you can tell, it is a program the ranking member and I are very passionate about. Thank you so much for coming today and sharing your story.

Mr. CASTEN. Thank you. Thank you.

[The information follows:]

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

Congressman Sean Casten

Chairwoman McCollum, Ranking Member Joyce, and Members of the subcommittee: Thank you for inviting me to testify today. I have come to urge you to support robust funding of the Urban and Community Forestry Program at the US Forest Service in the coming Fiscal Year. I applaud your hard work on ensuring a funding increase of $2.5 million for a total funding of $22.5 million last fiscal year. This program provides critical assistance to public-private partnerships that address regional climate change challenges by promoting healthy and diverse forests.

The scientific consensus could not be clearer: Climate change is an imminent threat to our health, our economy, and our national security – as well as the health of our forests. The Fourth National Climate Assessment released by the White House in November 2018 spells it out clearly: "As growing season temperatures rise, reduced tree growth or widespread tree mortality is expected." This loss of0 vegetation could exacerbate the effects of climate change we're already seeing. But this also means better managing our forests can be a part of the solution to the climate crisis.

The Chicago Region Trees Initiative (CRTI) is a great example of this solution. CRTI is a collaboration of more than 284 Chicago-area partners working to build healthier and more diverse urban forests. Their work involves the Morton Arboretum, U.S. Forest Service, several other federal agencies, seven Chicagoland counties and municipal governments, as well as business and community partners. CRTI has shown great success leveraging the power of a public-private partnership to strengthen and diversify our local urban forests.

We want to build on the success we've seen in Chicago: Replicating the program elsewhere and solidifying CRTI itself will greatly benefit urban forests across the country. Thank you for your consideration of my request and I hope you will join me in harnessing the power of our urban canopy to help solve the climate crisis.

Additionally, there is a critical need to restore and improve the urban forest in Region 9 due to catastrophic losses from Emerald Ash Borer and build resiliency to changing growing conditions by planting a diversity of trees and protecting existing trees. 81 percent of Americans live in urban areas where trees are critical to human health and to address the environmental impact of climate change. I urge the committee to prioritize the Forest Service's regional, multi-organizational collaborations in urban communities most severely impacted by invasive species like the Emerald Ash Borer. These urban forest conservation partnerships provide models of best practices for effective landscape-scale community and urban forestry grants.

Ms.MCCOLLUM. Thank you, Sean. Good morning.

Mrs. TRAHAN. Good morning.

Ms. MCCOLLUM. Representative Trahan, please share with us your thoughts and suggestions for the Interior Committee in this Members' Day meeting.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. LORI TRAHAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mrs. TRAHAN. Thank you. Thank you, Chairwoman McCollum, Ranking Member Joyce.

Ms. MCCOLLUM. Is it a green light in front of you?

Mrs. TRAHAN. There we go.

Ms. MCCOLLUM. There you go. Thank you.

Mrs. TRAHAN. Thank you for allowing me to testify today. Many of the communities in your districts are in part defined by their proximity to a body of water, whether it is the Mississippi River, Lake Erie, the Snake River, or Puget Sound. These are great waterways, and they contribute to our communities' identity and provide a source of civic pride and unity.

My district is no different. We are proud of the Merrimack River's beauty and rich history. Fed by Lake Winnipesaukee in the White Mountains of New Hampshire, the mighty Merrimack River flows down through Concord, Manchester, and Nashua, then it crosses into the Commonwealth and bends east near Lowell, Massachusetts, before flowing through Lawrence and Haverhill, and out to the Atlantic Ocean. Altogether, it runs over 100 river miles.

I was raised in Lowell, the birthplace of America's Industrial Revolution, and there is no natural feature more tied to the city's history than the Merrimack. The city's mill buildings, including the one where my immigrant grandmother was a mill girl and my congressional district office is located today, once were powered by the Merrimack. Former Congressman and Senator Paul Tsongas, alongside Senator Kennedy, gifted the city a historical national park, which was founded to preserve the industrial history, which the river produced.

Just as you and your constituents love their rivers and lakes, we love the Merrimack. It is a place of commerce, recreation, and quiet reflection, and it provides the drinking water to more than half a million people. However, the river and its watershed communities have suffered immensely over many years from repeated releases of raw sewage. These communities are among 900 nationwide that have outdated sewer infrastructure known as combined sewer systems. Combined sewer systems are named such because they collect waste from homes and businesses as well as stormwater.

Equally important, they are designed to channel effluent, called CSOs, into nearby bodies of water. This happens whenever precipitation volume exceeds sewer system capacity. Unfortunately, volume exceeds capacity all too often, and the cost to fix these systems is enormous. Moreover, these challenges can be exacerbated by the growing effects of a warming climate. As it stands, according to the

EPA's Clean Watersheds Need Survey, the price tag to fix CSOs nationwide is $50 billion. In Massachusetts alone, the price tag may be $1 billion or more.

For many years, the Federal Government, through the so-called Construction Grants Program, supported communities' wastewater infrastructure needs. However, in the 1980s, these grants were largely converted into loans. To be clear, programs like the Clean Water State Revolving Fund, or Clean Water SRF, have been invaluable for meeting CWA requirements. Nevertheless, I am seated here today because for many communities, even long-term, low-interest loans are simply beyond their means. Grant funding is absolutely vital when the scale of wastewater infrastructure projects is so large, in the tens or hundreds of millions of dollars.

Last year, thanks to the leadership of this committee, the EPA's combined Sewer Overflow Control Grants Program received funding for the first time in history. Your investment was an excellent beginning, and I commend you for taking that step. However, in light of the scale of the challenge before us, I respectfully request that the committee commit to an ever-greater appropriation for the CSO Grant Program in Fiscal Year 2021. In 2018, Congress enacted America's Water Infrastructure Act, which authorized $225 million for the CSO Grant Program. While each dollar counts, the scale of the challenge before us suggests to me that an appropriation even twice the authorized level is warranted.

I recognize that this subcommittee has a virtual Sophie's choice when it comes to funding the important priorities that protect the air we breathe, the water we drink, and the land that we hike, hunt, and farm. An increase in funding of the scale I recommend might impinge on other priorities. However, I hope that you will weigh the fact that the CSO problem is one that has been many decades in the making, it harms communities least able to afford the necessary improvements, and we can solve it provided sufficient resources are available.

Thank you again for allowing me to testify. I would invite you to the Merrimack Valley to see the river for yourself, and I yield back.

Ms. MCCOLLUM. Well, thank you, and you were very passionate on this program last year, and sought me out on the floor, and talked to many other committee members about it. So thank you for your passion. And I think I might have shared with you at the time, I grew up in South St. Paul on the Mississippi River, and we went through two stockyards that used to just put their effluent, back in the early days, back in the Mississippi River. The same issue with the combined sewer water treatment that you spoke to. We spent a lot of money cleaning it up, and there are some communities that we have to come up with different solutions if we are ever going to clean up our waterways.

But as you pointed to, it is a Sophie's choice, and the President did not help us out with coming in with a very low number, almost $2 billion lower, for the Interior bill. So Mr. Joyce and I will, you know, do what we can, but part of it is going to depend upon the topline number that we get from the full committee as to whether or not we will be able to do any increases. But with due notice, I am going to give you credit and attribution. I love the water we

drink, the land we hike, hunt, and farm. So just to let you know, I am going to give you attribution for that line, as I say, you know, several times, then eventually attribution might disappear.

Mrs. TRAHAN. That is fine. Please take it away.

Ms. MCCOLLUM. Thank you. Thank you so much for your testimony. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair, and thank you, Mrs. Trahan, for being here today and joining us this morning in discussing your interest in our Nation's water infrastructure. I was pleased that we were able to provide $28 million for the Combined Sewer Overflow Control in 2020. But you are right, we still have a lot of work to do, and I just want to thank you for being here. We in northeastern Ohio and the Great Lakes, we have seen this all too often, and it is a problem that needs to be addressed, but funding is always critical to get these things done. Thank you.

Mrs. TRAHAN. Thank you.

Ms. MCCOLLUM. Thank you so much.

Mrs. TRAHAN. Thank you.

[The information follows:]

Testimony of U.S. Rep. Lori Trahan (MA-3)
Before the Subcommittee on Interior, Environment, and Related Agencies
U.S. Capitol, H-309

Tuesday, March 10, 2020

Chairwoman McCollum, Ranking Member Joyce, members of the Committee, thank you for allowing me to testify today.

Many of the communities in your Districts are, in part, defined by their proximity to a body of water: the Mississippi River, Lake Erie, the Snake River, the Puget Sound, and so on.

These great waterways contribute to a community's identity and provide a source of civic pride and unity.

The same is true for my District; we are proud of the Merrimack River's beauty and rich history.

Fed by Lake Winnipesauke in New Hampshire's White Mountains, the "mighty" Merrimack flows down through Concord, Manchester, and Nashua.

Then it crosses into the Commonwealth and bends east near Lowell, Massachusetts, before flowing through Lawrence and Haverhill – and out to the Atlantic.

Altogether, it runs for over 100 river miles.

I was raised in Lowell – the birthplace of America's industrial revolution. No natural feature is more tied to that city's history than the Merrimack.

The city's mill buildings – including the one where my grandmother was a worker and my Congressional office is located today – once were powered by the Merrimack.

Former Congressman and Senator Paul Tsongas alongside Senator Kennedy gifted the city a national historical national park, which was founded to preserve the industrial history which the river produced.

Just as you and your constituents love their rivers and lakes, we love the Merrimack. It's a place of commerce, recreation, and quiet reflection.

And it provides drinking water for well over half a million people.

However, the river and its watershed communities have suffered immensely over many years from repeated releases of raw sewage.

These communities are among 800 nationwide that have outdated sewer infrastructure, known as "combined sewer systems."

Combined sewer systems are named such because they collect waste from homes and businesses *as well as* stormwater.

Equally importantly, they are ***designed*** to channel effluent – called "C-S-Os" – into nearby bodies of water.

This happens whenever precipitation volume exceeds sewer system capacity.

Unfortunately, volume exceeds capacity all too often; and the cost to fix these systems is enormous.

Moreover, these challenges will be exacerbated by the growing effects of a warming climate.

As it stands, according to the EPA's Clean Watersheds Needs Survey, the price tag to fix C-S-Os nationwide is $50 billion.

In Massachusetts alone, the price tag may be a billion dollars or more.

For many years, the federal government – through the so-called "construction grants program" – supported communities' wastewater infrastructure needs.

However, in the 1980s, these grants were largely converted to loans.

To be clear, programs like the Clean Water State Revolving Fund – or "Clean Water S-R-F" – have been invaluable for meeting C-W-A requirements.

Nevertheless, I am seated here today because, for many communities, even long-term, low-interest loans are simply beyond their means.

Grant funding is absolutely vital when the scale of wastewater infrastructure projects is so large – in the tens or hundreds of millions of dollars.

Last year, thanks to the Leadership of *this* committee, the EPA's "Combined Sewer Overflow Control Grants" program received funding for the first time in its history.

Your investment was an excellent beginning, and I commend you for taking this step.

However, in light of the scale of the challenge before us, I respectfully request that the Committee commit to an ever greater appropriation for the CSO grant program in fiscal year 2021.

In 2018, Congress enacted *America's Water Infrastructure Act*, which authorized $225 million for the C-S-O grant program.

While each dollar counts, the scale of the challenge before us suggests to me that an appropriation even twice the authorized level is warranted.

I recognize that this subcommittee has a virtual "Sophie's Choice" when it comes to funding the important priorities that protect the air we breathe, water we drink, and land we hike, hunt, and farm.

An increase in funding of the scale I recommend might impinge on other priorities.

However, I hope that you will weigh the fact that the C-S-O problem is one that has been many decades in the making; it harms communities least able to afford the necessary improvements; and we can solve it provided sufficient resources are available.

Thank you again for allowing me to testify; and I would invite you to visit the Merrimack Valley so you can enjoy the river yourself.

I yield back.

Ms. MCCOLLUM. And the next member we are going to hear from is Representative Cunningham. And, Mr. Cunningham, the green button should be on. Make sure it is on because we want to get everything recorded that you would like to share with us.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. JOE CUNNINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. CUNNINGHAM. Thank you. Good morning. Good morning, Chair McCollum, Ranking Member Joyce, staff. I appreciate the opportunity to be in front of you here today.

As you all know, I represent South Carolina's 1st Congressional District, a district blessed with an incredible coastline, good fishing, and clean waterways. And I am here to relay my district's concerns about the Administration's proposals to bring both offshore drilling and harmful seismic airgun blasting to Atlantic waters, including those off my district, as well as those off the Pacific and the Eastern Gulf of Mexico, which together support over 2.6 million American jobs and roughly $180 billion in GDP through tourism, fishing, and recreation.

Beginning in 1982 and for nearly 3 decades, members of Congress listened to the concerns of the people they served and restricted funding for Federal offshore oil and gas leasing and drilling activities via the appropriations process. Thank you for working with me and our colleagues to reestablish similar provisions through amendments to the Fiscal Year 2020 Interior, Environment appropriations bills to limit spending on offshore oil and gas leasing, along with the aforementioned coast, and I would urge you to include offshore drilling and exploration moratoria again as you craft the Fiscal Year 2021 base bill. It is vital that we engage the Senate to ensure these provisions are included in the final package. Without these moratoria provisions, we relinquish our role in influencing the future offshore drilling to the executive branch.

Across the board, the expansion of offshore drilling is a threat to hardworking Americans, coastal economies, and marine life. When oil companies drill, they spill. Oil spills have lasting consequences, as well we know from the 2010 Deepwater Horizon tragedy, which claimed the lives of 11 rig workers and spewed more than 200 million gallons of oil into the Gulf of Mexico, as engineers tried and failed to cap the blowout.

Oil exposure destroyed fragile marine ecosystems. Tourism dropped throughout the region alongside beach closures and fishing restrictions, and real estate value declined in several Gulf Coast communities. Next month marks the 10th-year anniversary of this terrible accident, yet the dangerous and dirty culture of offshore drilling remains largely unchanged. In fact, last year, the Trump Administration took a step backward by weakening one of the few rules that had been implemented to prevent another Deepwater Horizon-like disaster. Through the appropriations process, we have the power to block funding for risky offshore development and prevent another large-scale spill before it happens.

Despite the Administration's stated abandonment of its 5-year OCS plan, harmful oil exploration is imminent in the Atlantic Ocean if the Bureau of Ocean Energy Management issues final permits to seismic companies. Seismic airgun blasting in search for oil goes directly against the interests and wishes of my constituents. Creating one of the loudest manmade sounds in the ocean, noise from seismic airguns can disturb, injure, and even kill animals across the entire marine ecosystem. This unnecessary harm to the environment stands to threaten Atlantic Marine resources that support over 1.5 million jobs and generate nearly $108 billion in GDP each year, mainly through tourism, fishing, and recreation. Any potential benefits of oil exploration are far outweighed by the stable recurring revenue and jobs that our communities receive from healthy oceans.

Exposing our vibrant ocean resources to incredibly loud seismic airgun blasting and dangerous offshore drilling is simply not worth the risk. We are depending on your support again this year as you write and negotiate the Fiscal Year 2021 Interior, Environment appropriations bill. I would ask that you make it a priority to restrict funding for any new offshore oil leasing or related activities, including seismic airgun blasting, in the Atlantic Ocean, in the Pacific Ocean, and eastern Gulf of Mexico.

Please back our coastal communities which have voiced consistent opposition to dangerous oil and gas activities, and I appreciate the opportunity to testify here today.

Ms. MCCOLLUM. Thank you. Thank you, Mr. Cunningham, and as you pointed out, it did become part of our base bill, the support of the entire body of members when that amendment was rock solid, so, you know, bipartisan in that. And, Mr. Joyce, we need to thank Mr. Cunningham for not bringing his airhorn with him. He did when he was in Natural Resources and sounded the alarm with it. So thank you for being here and sounding the alarm on what could happen to our coastal communities. You did an excellent job. Mr. Joyce.

Mr. JOYCE. Thank you, Mr. Cunningham, for being here and discussing those issues that are important to your district, and certainly urge you, and we will try to help where we can.

Mr. CUNNINGHAM. Thank you, Mr. Joyce.

Ms. MCCOLLUM. Thank you.

Mr. CUNNINGHAM. Thank you, Madam Chair.

[The information follows:]

MEMBER DAY TESTIMONY

House Interior-Environment Appropriations Subcommittee

Rep. Joe Cunningham

Good morning. Thank you, Chair McCollum, Ranking Member Joyce, and members of the Subcommittee for the opportunity to speak before you today. As you know, I represent South Carolina's first district—a district blessed with an incredible coastline, good fishing and clean waterways. I am here to relay my district's concerns about the Administration's proposals to bring both offshore drilling and harmful seismic airgun blasting to Atlantic waters—including those off my district—as well as those of the Pacific and eastern Gulf of Mexico, which together support over 2.6 million American jobs and roughly $180 billion in GDP.

Beginning in 1982, and for nearly three decades, Members of Congress listened to the concerns of the people they served, and restricted funding for federal offshore oil and gas leasing and drilling activities via the appropriations process. Thank you for working with me and our colleagues to reestablish similar provisions through amendments

to the FY2020 Interior-Environment Appropriations bill to limit spending on offshore oil and gas leasing along the aforementioned coasts. I urge you to include offshore drilling and exploration moratoria again as you craft the FY2021 base bill. It is vital that we engage the Senate to ensure these provisions are included in the final package. Without these moratoria provisions, we relinquish our role in influencing the future of offshore drilling to the executive branch.

Across the board, the expansion of offshore drilling is a threat to hardworking Americans, coastal economies, and marine life. When oil companies drill, they spill. Oil spills can have lasting consequences as we well know from the 2010 *Deepwater Horizon* tragedy, which claimed the lives of 11 rig workers and spewed more than 200 million gallons of oil into the Gulf of Mexico as engineers tried and failed to cap the blowout. Oil exposure destroyed fragile marine ecosystems, tourism dropped throughout the region alongside beach closures and fishing restrictions, and real estate value declined in several Gulf Coast communities. Next month marks the 10-year anniversary of this terrible accident, yet the dirty and dangerous culture of offshore drilling remains

largely unchanged. In fact, last year the Trump administration took a step backward by weakening one of the few rules that had been implemented to prevent another *Deepwater Horizon*-like disaster. Through the appropriations process, we have the power to block funding for this risky offshore development and prevent another large-scale spill before it happens.

Despite the Administration's stated abandonment of its five-year OCS plan, harmful oil exploration is imminent in the Atlantic Ocean if the Bureau of Ocean Energy Management issues final permits to seismic companies. Seismic airgun blasting in search of oil goes directly against the interests and wishes of my constituents. Creating one of the loudest manmade sounds in the ocean, noise from seismic airguns can disturb, injure, and even kill animals across the entire marine ecosystem. This unnecessary harm to the environment stands to threaten Atlantic marine resources that support over 1.5 million jobs and generate nearly $108 billion in GDP each year, mainly through tourism, fishing and recreation. Any potential benefits of oil exploration are far outweighed

by the stable, recurring revenue and jobs our communities receive from healthy oceans.

Exposing our vibrant ocean resources to incredibly loud seismic airgun blasting and dangerous offshore drilling is simply not worth the risk. We are depending on your support again this year as you write and negotiate the FY2021 Interior-Environment Appropriations bill. I ask that you make it a priority to restrict funding for any new offshore oil leasing or related activities—including seismic airgun blasting—in the Atlantic Ocean, Pacific Ocean, and eastern Gulf of Mexico. Please back our coastal communities, which have voiced consistent opposition to dangerous oil and gas activities. Thank you for the opportunity to testify today.

Ms. MCCOLLUM. The gentleman from New York? Welcome, Mr. Suozzi.

Mr. SUOZZI. Suozzi.

Ms. MCCOLLUM. Suozzi. I am sorry.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. TOM SUOZZI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. SUOZZI. Good morning, Madam Chairwoman and Ranking Member Joyce, staff members. Thanks so much for the opportunity to speak to you today about the Long Island Sound and about the Land and Water Conservation Fund. These are very big issues in my district. I represent the 3rd Congressional District of New York, which encompasses the North Shore of Queens, Nassau, and Suffolk Counties on Long Island.

I am the co-chair of the bipartisan Long Island Sound Caucus, and we are requesting an increase in funding for the Long Island Sound from $21 million in Fiscal Year 2020 to $30.4 million in Fiscal Year 2021 to help safeguard and continue restoring water quality and the diverse habitat of the Long Island Sound. For us, the Long Island is really our national park. More than 25 million people from Long Island, New York, and Connecticut live within an hour's drive of the Sound, and over the past 30 years, because of your good work in partnership with the Federal, State, and local agencies, as well as citizen stakeholders, like Save the Sound, Coalition of Safe Cohasset Harbor, the Citizens Campaign for the Environment, the Friends of the Bay, and so many others, we have helped make significant improvements, environmental improvements.

We have made significant strides in reducing nitrogen loading, habitat restoration, public involvement in education, and water quality monitoring. And I am sure that both of you are aware what the problem with nitrogen loading is. Nitrogen is what makes things grow. Nitrogen is what is in fertilizer. It is what makes your grass green. It is when you put horse manure on your tomato plants and it makes them grow because the nitrogen makes things grow. And the nitrogen from our sewage treatment plants and the nitrogen from the runoff from stormwater goes into places like the Long Island Sound and other water bodies, and it makes the microscopic organisms grow, and it makes things, you know, full of life, but that is what makes the water brown. And when those microscopic organisms die, they sink to the bottom, and they eat up the oxygen as they decompose. And that causes hypoxia, and hypoxia is what kills all the wildlife, the fish life especially.

So these efforts that you have done, along with the critical Federal funding that you have provided, have helped turn the Sound around. I grew up swimming and fishing in the Long Island Sound. My children do today. I have devoted a significant part of my 25-year career in public service to cleaning up pollution, dramatically reducing nitrogen, modernizing sewage treatment plants, and restoring shellfish habitat. As a matter of fact, one year, the New

York League of Conservation Voters named me the environmentalist of the year for all of New York State. There is so much more that we can accomplish with your help.

Another critical issue for my constituents and throughout the country is support for the funding for the Land and Water Conservation Fund. Along with over 150 bipartisan colleagues, we are requesting support for robust funding in Fiscal Year 2021. The Land and Water Conservation Fund supports public land conservation and ensures access to the outdoors for all Americans. It has helped fund access to outdoor recreation opportunities in every State and in 98 percent of the counties across America. Funding has helped in key areas for fishing and recreational access as well as supporting working forests and ranches, and acquiring and protecting critical lands in national parks, national wildlife refuges, our national forests, civil war battlefields, and other Federal areas. I am proud to work with local organizations, like Lisa Ott, who fight every day to protect these beautiful places.

Thank you for your time and consideration of these two critical issues. My colleagues and I look forward to working with you to support the Long Island Sound and the Land and Water Conservation Fund to help conserve the natural beauty of our great country and expand access to more people to experience and learn about our Nation's history. Thank you so much for your time.

Ms. MCCOLLUM. Thank you for sharing the passion about Long Island Sound. It is truly beautiful. I have had only one opportunity to be there. I would love to visit again.

Mr. SUOZZI. Come visit. I will take you on a tour of Theodore Roosevelt's home. Sagamore Hill is in my district.

Ms. MCCOLLUM. And that is in your full testimony, too. You didn't get to it.

Mr. SUOZZI. Yeah.

Ms. MCCOLLUM. So we are hoping to not have to implement any of the proposals that President Trump had in the Interior bill, which was to cut it by $1.9 billion. And thank you for pointing out the importance of LWCF. We gave it its most robust increase in decades. We are looking to protect that and add to it if we possibly can. And you also made a $10 million ask. We have to see what our allocation looks like, but you have given us great food for thought, so thank you very much.

Mr. SUOZZI. Thank you.

Mr. JOYCE. Thank you, Mr. Chair, and thank you, Mr. Suozzi, for taking time out of your busy day to come here and discuss with us the Long Island Sound and Land and Water Conservation Fund. As Chairwoman McCollum and I both understand very clearly, those runoffs can create and wreak havoc, as they have throughout the Great Lakes, on the Sound as well. So we certainly appreciate your being part of the solution.

Mr. SUOZZI. Thank you, again, to the committee, not only for your time, but the great work that you have done supporting these environmental efforts for so many years. We are very grateful.

[The information follows:]

Congressman Thomas R. Suozzi

Prepared Remarks:

House Appropriation Interior Subcommittee Member Day

Tuesday, March 10, 2020

Chairwoman McCollum, Ranking Member Joyce and fellow Members of the Subcommittee. Thank you for the opportunity, and the time, to testify in support of funding for the Long Island Sound and the Land and Water Conservation Fund. These are two critical issues to people in my district – the third Congressional district of New York which encompasses Queens, Nassau, Suffolk County – and across the country. I am seeking your continued support for robust funding for Fiscal Year 2021.

Along with a bipartisan group of colleagues, I'm requesting an increase in funding for the Long Island Sound from $21 million in FY2020 to $30.4 million in FY2021 to help safeguard and continue restoring water quality and the diverse habitat of the Long Island Sound. The Long Island Sound is our "National Park." More than 25 million people from Long Island, New York and Connecticut live within an hour's drive of the Sound.

The heavy use of the Sound has taken a toll on the local ecosystem, especially on water quality and wildlife. Over the past 30 years, a partnership between federal, state and local agencies, as well as citizen stakeholders like Save the Sound, Coalition to Save Hempstead Harbor, Citizens Campaign for the Environment, Friends of the Bay and many others, have helped make significant environmental improvements. We have made significant strides in reducing nutrient (nitrogen) loads, habitat restoration, public involvement and education, and water quality monitoring.

These efforts, along with critical federal funding you have provided, have helped turn the Sound around. I grew up swimming and fishing in the Long Island Sound. My children do today. I have devoted a significant part of my past 25 years in public service to cleaning up pollution, dramatically reducing nitrogen, modernizing sewage treatment plants, and restoring shell fishing. There is so much more that we can accomplish with your help.

Another critical issue for my constituents is support for funding for the Land and Water Conservation Fund (LWCF). Along with over 150 of my colleagues, we are requesting support for robust funding in FY2021.

The Land and Water Conservation Fund supports public land conservation and ensures access to the outdoors for all Americans. It has helped fund access to outdoor recreation opportunities in every state and in 98 percent of counties across the country.

Funding has opened key areas for fishing and recreational access, as well as supporting working forests and ranches, and acquiring and protecting critical lands in national parks, national wildlife refuges, national forests, Civil War battlefields and other federal areas.

New York's third Congressional district is home to one our Nation's smallest National Parks, Sagamore Hill. The "Summer White House" or Sagamore Hill was the home for our 26th President, Theodore Roosevelt, from 1885 until his death in 1919. Sagamore National Park, located on 83 acres of the President's former property, provides opportunities for Long Islanders, and people from across the country, to learn more about our Nation's history and culture as well as the local ecosystem.

With this committee's support for the Land and Water Conservation Fund, Congress can continue to preserve this land owned by our 26th President and provide opportunities for people across the Country to

learn more about one of our Nation's finest leaders. I'm proud to work with local organizers like Lisa Ott who fight every day to protect these beautiful places.

Of course, Sagamore Hill is just one example of many critical natural and historical sites supported by the Land and Water Conservation Fund.

Thank you for your time and consideration for these two critical issues. My colleagues and I look forward to working with you to maintain support for the Long Island Sound and Land and Water Conservation Fund to help conserve the natural beauty of our great country and expand access to more people to experience and learn about our Nation's history.

Ms. MCCOLLUM. Thank you. Representative—I should say Dr.—Schrier, welcome, and please start with your testimony. Green light on? You are good to go.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. KIMBERLY SCHRIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Ms. SCHRIER. Green light is on. Thank you, Chairwoman McCollum and Ranking Member Joyce. I am here today to discuss a few issues of great importance to me, specifically funding for Puget Sound recovery efforts, the U.S. Forest Service's Legacy Roads and Trails Program, and increasing recycling and reducing the use of single-use plastics. All that being said, I may not have time to touch on all of these, and I will submit comments at the end.

I, along with my colleagues, will soon be submitting a formal appropriations request for $38 million in funding for EPA's Puget Sound Geographic Program. Every EPA dollar spent on Puget Sound recovery efforts has leveraged more than $24 in matching funds from other Federal agencies and local partners, an enormous return on investment.

The Puget Sound region is home to 19 federally-recognized tribes, which include 17 with tribal treaty rights, and the Federal Government is obligated to ensure these tribes' treaty-reserved rights are protected. Several species of Pacific salmon and steelhead in Puget Sound are listed as threatened under the Endangered Species Act. The iconic Southern Resident Killer Whale is on the brink of extinction with a population at a 30-year low of 73 Southern Residents. Consistent dedicated funding to the Sound would greatly benefit the region and future generations to come.

Also I am planning to introduce legislation which will codify the U.S. Forest Service's Legacy Roads and Trails Program. This program leverages public and private funding to address water quality and access for threatened and endangered species, like the Chinook salmon, bull trout, and steelhead. It was created in 2008 because the general Forest Service road maintenance budget was unable to address the sheer volume of blocked culverts, landslides, and washouts that were impacting water quality and access for threatened and endangered species.

In 2018, the Supreme Court ruled that Washington State had an obligation to restore habitat to meet its promises to the tribes. Washington State will have to replace each fish-blocking culvert with a larger design. It is estimated this will cost $4 billion to the State, and we have until 2030 to meet that requirement. Narrowing a stream to a culvert forces a waterway that could be 12 feet or more feet wide into a far smaller pipe that might increase water pressure throughout the culvert, often to the point that fish can't swim upstream. Some culverts are also elevated too high for returning fish to jump. That means that for a lot of them, the end of the journey may be at that culvert, and for them, that will be the end of their journey. Even if there are miles of pristine habitat beyond, they won't be able to get there.

So while our State addresses culverts and downstream barriers, there are thousands of upstream barriers on U.S. Forest Service

lands which desperately require similar fixes. Now is the time to invest in upstream habitat so that when we open those culverts, the salmon have a place to go. Funding has been zeroed out since the program was moved under the capital improvement and maintenance line item in the budget. The last pot of funds provided for this was in 2018. I respectfully request that the committee fund the program again at the 2018 level of $41 million under the capital improvement and maintenance line item, and request the U.S. Forest Service continue tracking and reporting of these projects.

Lastly, an issue that is of great importance to me and others in this room is the overwhelming plastic waste stream that is polluting our land and water. We need to reduce the use of single-use plastics and increase recycling rates throughout the country. I am leading a letter with Congresswoman Haley Stevens of Michigan, which is currently circulating, which is calling for increased funding for RCRA and further data collection regarding the needs assessment of the U.S. recycling industry. Strong data is the foundation of good policy. For too long, the recycling program in the United States has been characterized by its lack of reliable, comprehensive data. Municipalities and stakeholders from across the spectrum require strong data to make targeted and informed decisions.

By conducting a nationwide census on the types and capacities of recycling programs in existence, we can better determine our needs and investments. Having the authority of the EPA behind this request is crucial. Private industry is unable to comprehensively collect the information on a nationwide scale. Better data will lead to better investments, and we can help ensure materials can be recycled. Manufacturers can use this to identify consistent sources, and they can look for opportunities for the use of those materials.

In summary, I thank the committee for the opportunity to testify on these issues of incredible importance. Thank you.

Ms. MCCOLLUM. Well, thank you. Mr. Joyce and I both had the opportunity to be out in the Puget Sound area and saw all the great work, and the leverage, and the difference that it is making, and we have many regional programs. Mr. Joyce and I come from the Great Lakes, but we feel that they are all equally important. We might have a favorite, but we don't pick a favorite when it comes to supporting your request and others throughout the bill.

And I thank you for your comments on recycling. We held a hearing on plastic recycling, and we have been trying to work with the EPA about we need a national standard so it makes sense to people about what is going on. In my opinion, it is just too confusing. People want to recycle, and they think they are recycling, but they are not because the packaging is so varied and so confusing for folks. So thank you for bringing that to our attention as well. But with that, Mr. Joyce and I are going to need some deeper pockets with a little more money in them to work on some of these great things that have come forward. We thank you for that. Mr. Joyce.

Mr. JOYCE. Thank you, Dr. Schrier, for coming here today, and I would be remiss if I didn't say to our colleague here on this committee, Derek Kilmer, has done a wonderful job advocating as well as you on your behalf. Thank you for being here.

Ms. SCHRIER. Thank you.
[The information follows:]

Interior Appropriations – Member Day Remarks
Kim Schrier, M.D.

- Thank you, Chairwoman McCollum and Ranking Member Joyce. I am here today to discuss a few issues of great importance to me. Specifically, funding for Puget Sound recovery efforts, the US Forest Service's Legacy Roads and Trails program, and increasing recycling and the reduction of single use plastics.

- Now, all that being said, I know I don't have time right now to go over everything here, but I will be submitting comments to the record on all these items.

Puget Sound

- I, along with my colleagues, will soon be submitting a formal appropriations request for $38 million in funding for EPA's Puget Sound Geographic Program.

- Every EPA dollar spent on Puget Sound recovery efforts has leveraged more than $24 in matching funds from other federal agencies and local partners—an enormous return on investment.

- The Puget Sound region is also home to 19 federally recognized tribes, which includes 17 with tribal treaty rights. The federal government is obligated to ensure these tribes' treaty-reserved rights are protected.

- Several species of Pacific salmon and steelhead in Puget Sound are listed as "threatened" under the Endangered Species Act. The iconic Southern Resident Killer Whale is on the brink of extinction with a population at a 30-year low of 73 southern residents.

- Consistent, dedicated funding to the Sound will greatly benefit the region and future generations to come.

Interior Appropriations – Member Day Remarks
Kim Schrier, M.D.

Legacy Roads and Trails

- Also, I am planning to introduce legislation which will codify the US Forest Service's Legacy Roads and Trails program.
- This program leverages public and private funding to address water quality and access for threatened and endangered species like the Chinook salmon, bull trout, and steelhead.
- It was created in 2008 because the general Forest Service road maintenance budget was unable to address the sheer volume of blocked culverts, landslides and washouts which were impacting water quality and access for threatened and endangered species.
- In 2018, the Supreme Court ruled that Washington state had an obligation to restore habitat access to meet its promises to the tribes. Washington State will have to replace each fish-blocking culvert with a larger design. It's estimated the ruling will require replacement of about 1,000 state-owned culverts at a cost of about $4 billion to the state. The state has until 2030 to meet that requirement.
- Narrowing a stream to a culvert, forces a waterway that may be a dozen or more feet wide into a far smaller pipe. That increases water pressure through the culvert, often to the point that fish can't swim upstream. Some culverts are also elevated, too high for returning fish to jump.
- That means the end of the journey for many salmon. Even if there are miles of pristine habitat beyond, they won't be able to get there.

- While our state addresses culverts and downstream barriers, there are thousands of upstream barriers, on US forest service lands, which desperately require similar fixes. Now is the time to invest upstream in the headwaters located in national forests.

- Funding for the program has been zeroed out since the program was moved under the 'Capital Improvement and Maintenance' line item in the budget. The last pot of funds provided for this critical program was in FY 2018. I respectfully request that the Committee fund the program again at the 2018 level of 41m under the Capital Improvement and Maintenance Line item and request the US Forest Service continue tracking and reporting of these projects.

Recycling & Single-use Plastics

- Finally, an issue that is of great importance to me and others in this room is the overwhelming plastic waste stream polluting land and water. We need to reduce the use of single use plastics and increase recycling rates throughout the country. We also need to create markets for recycled materials.

- I am co-leading a letter with Congresswoman Haley Stevens of Michigan which is currently circulating calling for increased funding for RCRA (rick-ra) and further data collection related to a needs assessment of the U.S. recycling industry.

- Strong data is the foundation of all smart policy solutions. For too long, the recycling system in the United States has been characterized by its lack of reliable, comprehensive data.

- Municipalities and stakeholders from across the spectrum require strong data sets to make targeted, informed investments and

improvements for the future of the recycling system, especially in communities with the greatest need.

- By conducting a nationwide census on the types and capacities of community recycling programs in existence, we can better determine our infrastructure needs and investments.

- Having the authority of EPA behind the request for this information is crucial – private industry is unable to comprehensively collect information on a nationwide-scale without the weight and credibly of the federal government behind such a request.

- Better data will lead to stronger investments in recycling programs and infrastructure. We can help ensure materials are kept within the circular economy and in their next best use.

- Manufacturers will be able to use this data to identify consistent feedstock sources and business opportunities to invest in the circular economy system.

- Community recycling programs will be able to use the data to identify potential solutions to optimize their programs and lower costs.

- A comprehensive data set will be the foundation of every effort to improve the system. As the old saying goes, what gets measured gets managed!

Closing

- I sincerely thank the Committee for the opportunity to testify today on a few issues of critical importance. Thank you.

Ms. MCCOLLUM. Good morning. It is wonderful to have you here. We are so very interested to hear your testimony. Please begin.

TUESDAY, MARCH 10, 2020.

WITNESS

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

Mrs. RADEWAGEN. Good morning. Thank you, Chair McCollum and Ranking Member Joyce for——

Ms. MCCOLLUM. Is your microphone on? Is it green? We want to make sure we can hear your testimony, Representative.

Mrs. RADEWAGEN. Thank you, Chairwoman McCollum and Ranking Member Joyce, for the opportunity to testify today. The Army Corps evaluated the state of health infrastructure in American Samoa's only hospital, the almost 60-year-old LBJ Tropical Medical Center for DOI, as directed by this committee last year. With the committee's permission, I would like to submit a copy of the report into the record along with my written testimony.

Ms. MCCOLLUM. Without any objections. Mr. Joyce.

Mr. JOYCE. No.

Ms. MCCOLLUM. So ordered.

Mrs. RADEWAGEN. The report's findings are grim for America's most remote community of 60,000 Americans living nearly 7,000 miles away. Any cuts to this account would be catastrophic to the Islands of American Samoa. American Samoa maintains one of the highest Army enlistment rates in the country and was first in recruitment twice in the past 5 years on a per capita basis, and has one of the highest veterans populations in the country. The VA spends $5 million per year on flights and hotels to treat these vets in Hawaii, often for care that could be done locally, but which is not available to them or their families.

The Army Corps report states bleakly as follows: "The current infrastructure of the LBJ Territorial Medical Center Hospital is in a state of failure due to age and environmental exposure. Extensive repair and/or replacement of the facility is required to ensure compliance with hospital accreditation standards, and to ensure the life, health, and safety of staff, patients, and visitors."

While the facility's structure has held up relatively well, it is not in compliance with current seismic and wind requirements, and retrofits would be expensive and disruptive. The electrical and mechanical systems are in poor condition and in need of immediate repair. Architectural deficiencies have led to mold and mildew growth in critical areas, exposing staff and patients to significant health risks. Plumbing, water treatment, and medical gas systems are all in failed or failing condition. The facility is partly dependent upon funding from CMS, and further degradation of the infrastructure will result in noncompliance with standards, and will result in denial of accreditation. LBJ is the only full-service healthcare facility in the territory, and further degradation of the plant infrastructure will hamper the delivery of care to American Samoa's population.

Notwithstanding these poor conditions, our local government officials and hospital staff were able to successfully avert a major outbreak of measles that caused nearly 100 deaths in children in independent Samoa just 100 miles away last year, but no deaths occurred in American Samoa. The Army Corps reports modernization costs will range from over $100 million for minimum compliance improvements to over $500 million in total hospital replacement costs. We seek any increase the committee deems reasonable based on the Army Corps findings to this committee.

With over 300 inches of rain and two tropical storms in the past year, it is a challenging environment for our hospital infrastructure. Modernizing the LBJ Hospital with the basic emergency upgrades needed, as set forth in the Army Corps report, are essential. This increase will help provide the basic humanitarian health services which HHS/CMS compliance requires. Considering the recent events with coronavirus and my home district's proximity to Asia, this is even more important now.

I want to thank the committee members again for allowing me to testify, and I look forward to continuing working with you on this most important issue to the American Samoan people. Thank you.

Ms. MCCOLLUM. Well, thank you. So part of our charge is funding Insular Affairs, and so we will look at the report, and also look to see where there might be other funding revenues that could be helpful on this. So thank you for bringing the information, and that is so sad that so many children lost their lives to measles. So having good public health infrastructure that people can rely on is very important. To have that happen so close to your population must have really been disturbing because you have had some good public health, and we want to keep it that way with having a good hospital. So thank you so much for sharing.

Could I ask, do you have any reports or concerns you could share with the committee about resiliency and climate change? We are also working on that in here in the future. That would be very helpful for me. As we move forward, we need to make sure that, you know, all of our territories, all of our brothers' and sisters' voices are heard at the table when we work on these issues. So I thank you so much for coming forward. It was a pleasure having you here. I look forward to working with you and getting to know you better on these issues.

Mrs. RADEWAGEN. Thank you, Madam Chairwoman. We will be sure to get that information to you.

[The information follows:]

Members' Day hearing on for Interior Appropriations
March 10, 2020
Rep. Aumua Amata Radewagen Testimony

Thank you, Chairwoman McCollum and Ranking Member Joyce, for the opportunity to testify today.

The Army Corps evaluated the state of health infrastructure in American Samoa's only hospital --the LBJ Tropical Medical Center --for DOI as directed by this Committee last year.

A copy of the report will be submitted with my written testimony.

The report's findings are grim for America's most remote community of 60,000 Americans living nearly 7000 miles away.

Any cuts to this account would be catastrophic to the islands of American Samoa.

American Samoa maintains one of the highest army enlistment rates in the Country and was first in recruitment twice in the past 5 years-- on a per capita basis --and has one of the highest Veterans populations in the country.

The VA spends $5 million per year on flights and hotels to treat these Vets in Hawaii --often for care that could be done locally but which is not available to them or their families.

The Army Corps report states bleakly as follows:

"The current infrastructure of the LBJ Territorial Medical Center hospital is in a state of failure due to age [and]environmental exposure.

Extensive repair and/or replacement of the facility is required to ensure compliance with hospital accreditation standards and to ensure the life, health, and safety of staff, patients, and visitors.

While the facility structure has held up relatively well, it is not in compliance with current seismic and wind requirements and retrofits would be expensive and disruptive.

The electrical and mechanical systems are in poor condition and in need of immediate repair.

Architectural deficiencies have led to mold and mildew growth in critical areas, exposing staff and patients to significant health risks.... plumbing, water treatment and medical gas systems are all in failed or failing condition.

The facility is [partly] dependent upon funding from CMS and further degradation of the infrastructure will result in non-compliance with standards and will result in denial of accreditation.

Members' Day hearing on for Interior Appropriations
March 10, 2020
Rep. Aumua Amata Radewagen Testimony

LBJ is the only full-service healthcare facility in the territory and further degradation of the plant infrastructure will hamper the delivery of care to American Samoa's population. "

Notwithstanding these poor conditions our local government officials and hospital staff were able to successfully avert a major outbreak of measles that caused nearly 100 deaths in children in independent Samoa just 100 miles away last year, but no deaths occurred in American Samoa.

The Army Corps reports modernization costs will range from over 100 million for minimum compliance improvements to over 500 million in total hospital replacement costs.

We seek any increase the Committee deems reasonable based on the Army Corps Findings to this Committee. With over 300 inches of rain and 2 tropical storms in the past year it is a challenging environment for our hospital infrastructure.

Modernizing the LBJ hospital with the basic emergency upgrades needed as set forth in the Army Corps report are essential.

This increase will help provide the basic humanitarian health services which HHS/CMS compliance requires.

Considering the recent events with Coronavirus and my district's proximity to Asia this is even more important now.

I want to thank the committee Members again for allowing me to testify, and I look forward to continuing working with you on this most important issue to the American Samoan people.

Ms. MCCOLLUM. Thank you. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair. We appreciate you being here and for your discussion about these important programs.

Mrs. RADEWAGEN. Thank you. I yield back.

Ms. MCCOLLUM. Thank you so much. Mr. Davis, you have had a busy morning. We are so glad you were able to make it over here, and when you are ready, we will let you get started. And I think the green light should be on for you.

Mr. DAVIS. It is.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. RODNEY DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. DAVIS. Thank you, Chair McCollum and Ranking Member Joyce, for allowing me the opportunity to testify before both of you today. I am here to speak in support of moving my bill, H.R. 139, the Springfield Race Riot National Historic Monument Act, which would designate the site of the 1908 Springfield race riots as a national historic monument to preserve and recognize it as an important part of our Nation's history.

The site and artifacts were unearthed during construction of the Carpenter Street segment of the Springfield Rail Improvements Project in my district, and consists of the remains of five homes that were burned during the 1908 Springfield race riot, one of the three worst race riots in our Nation's history. At the time, the event demonstrated that racial injustice was not an isolated issue only in the South, but one that needed to be addressed across this country, even in the hometown of Abe Lincoln. Ultimately, the riots that occurred at the site in Springfield played an integral role in the formation of the NAACP.

Designating this site would commemorate an important piece of history as a public reminder of how far we have come and how far we have yet to go. Last year, the Department of Interior released their reconnaissance survey which found that the site is likely suitable for designation as a national historic monument. The bill has also received a hearing in the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands. Further, our national parks are a wise investment with a return on investment of nearly $10 for every $1 invested. These investments support over 300,000 jobs and contribute $36 billion in economic activity to our country every year.

National monuments, like the Springfield race riot site, would provide not only a tourism and an economic benefit, but a critically-important historical and educational benefit that can be combined with the current historical and educational benefits currently being operated by the National Park Service at the Lincoln Home Historic Site. And I will remind the committee this race riot site is mere blocks away from the already-existing National Park Service Lincoln Home Historic Site.

I respectfully request that the committee appropriate robust funding for our National Park Service and work to move my bill

through the House in order to give this site the recognition that it deserves. Thank you, and I yield back.

Ms. MCCOLLUM. Are you currently in front of the Natural Resources authorization committee with this?

Mr. DAVIS. We have had a hearing on this bill through the subcommittee of jurisdiction, the Subcommittee on National Parks, Forests, and Public Lands.

Ms. MCCOLLUM. And one of the committee members who is on the authorizing committee is, like, shaking her head in very strong support. Yeah, she will be testifying later, Representative Haaland. So I look forward to being able to support that bill on the floor. The Historic Preservation Office, which is the group of technicians and archaeologists and the rest that find these artifacts and work along with especially Department of Transportation and other major construction projects, is something that this committee has worked very hard to keep the funding up on, even though the President, I am not sure if he is at 80 percent cut or zeroed it out totally. I don't have the numbers right in front of me.

But these historic preservation offices are very, very important in our States and in our tribal nations. So you just reemphasized that for us as well in this committee.

Mr. DAVIS. I agree with you, Madam Chair.

Ms. MCCOLLUM. So and you are right. I am from Minnesota, and we have our own story to tell, whether it is with our Native American brothers and sisters, or with other immigrant populations, or with African Americans who were brought over here through no choice of their own through slavery. We have our own stories we have to share, our own stories we have to teach our children. We are part of the story of the good, the bad, and sometimes the very bad. So thank you. As a history teacher, we teach the whole history. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair. Thank you, Mr. Davis, for coming here before our committee this morning to discuss your important bill, H.R. 139, the Springfield Race Riot National Historic Monument Act. Given the importance of this event in our Nation's history, I want to be supportive of your efforts and give this site the recognition that it deserves and continue to provide robust funding for our Nation's parks. Thank you.

Mr. DAVIS. Thank you, Ranking Member.

Ms. MCCOLLUM. Anything else you want to add?

Mr. DAVIS. Thanks for your consideration. We really appreciate the opportunity to come before you today.

[The information follows:]

Representative Rodney Davis (IL-13)
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 10, 2020
Member Day Hearing

Thank you, Chairwoman Lowey, Chair McCollum, Ranking Member Granger and Ranking Member Joyce, for allowing me the opportunity to testify before you today. I am here to speak in support of moving my bill H.R. 139, the Springfield Race Riot National Historic Monument Act, which would designate the site of the 1908 Springfield Race Riots a National Historic Monument to preserve and recognize it as an important part of our nation's history.

The site and artifacts were unearthed during construction of the Carpenter Street segment of the Springfield Rail Improvements Project and consists of the remains of five homes that were burned during the 1908 Springfield Race Riot, one of the three worst race riots in our nation's history.

At the time, the event demonstrated that racial injustice was not an isolated issue only in the South, but one to be addressed across the country. Ultimately the riots that occurred at the site in Springfield played an integral role in the formation of the NAACP. Designating this site would commemorate an important piece of history, as a public reminder of how far we have come, and how far we've yet to go.

Last year the Department of Interior released their reconnaissance survey which found that the site is likely suitable for designation as a National Historic Monument. The bill has also received a hearing in the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands.

Further, our National Parks are a wise investment, with a return on investment of nearly $10 for every dollar invested. These investments support over 300,000 jobs and contribute $36 billion in economic activity every year. National monuments like the Springfield Race Riot Site would provide not only an important historical and educational benefit, but a tourism and economic benefit as well.

I respectfully request that the Committee appropriate robust funding for our National Parks Service, and work to move my bill through the House in order to give this site the recognition that it deserves. Thank you and I yield back.

Ms. MCCOLLUM. We look forward to your bill being on the floor, sir. Good morning, Mr. Schneider.

Mr. SCHNEIDER. Good morning.

Ms. MCCOLLUM. Representative Schneider, I think the green light button should be on for you.

Mr. SCHNEIDER. It is.

Ms. MCCOLLUM. And we are ready to hear your testimony.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. BRAD SCHNEIDER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. SCHNEIDER. Well, thank you. Thank you for having me today. Madam Chair, I appreciate the opportunity to testify before this committee.

What I want to talk about is something called ethylene oxide, or EtO. EtO is an industrial chemical used to sterilize medical devices. It is also used as an intermediary chemical in the manufacture of industrial products, for example, antifreeze. A few years ago, EtO was reclassified as a known carcinogen by the United States Environmental Protection Agency, which was in December 2016. Consequently, EPA included EtO in its Regular National Air Toxic Assessment, which helped identify communities that faced high exposure to the chemical.

Two of these communities happen to be in my district, Gurnee and Waukegan, Illinois. There are dozens of communities like this around the country that face high EtO emissions from suburbs in Atlanta, Georgia, Allentown, Pennsylvania, and even the bayous of Louisiana. These at-risk communities need and deserve ambient air testing. I have been pushing the EPA to conduct ambient air monitoring in my district similar to what the Agency did in 2018 in Willowbrook, Illinois. Only through ambient air monitoring can my constituents be confident that the air they breathe is indeed safe. Unfortunately, the EPA has consistently refused.

I am deeply thankful that this subcommittee stepped up last year in the absence of EPA leadership and increased funding for EPA's Compliance Account, making particular note of communities facing high EtO levels and the importance of ambient air monitoring. While this funding did not make it into the final omnibus, I am deeply thankful for the committee's leadership on EtO. Thankfully, at home, my local community public health department, in coordination with our State Illinois EPA, stepped up and has been conducting ambient air testing in our area, ambient air testing that the EPA should have been doing. However, not all local governments around the country have the resources to conduct similar air testing, underscoring how important it is that this funding remains for dozens of communities around the country.

Now the EPA is promulgating two rules on EtO. This further highlights why funding is so important because of EPA's approach to its rulemaking. EPA has insisted that computer modeling is sufficient and does not intend to conduct any ambient air monitoring as part of its rulemaking. However, the experience we saw at

Sterigenics facility in Willowbrook proves the shortsightedness of this approach. It was not until after the EPA conducted air monitoring in Willowbrook that we discovered how significant a contributor to ambient presence of ethylene oxide is, what are called fugitive emissions. These would not have been included in the model and were significant contributors to the community's exposure.

When conducting its computer modeling for EtO, EPA must include variables for its estimate of fugitive emissions. As we saw in Willowbrook, estimates are not a full picture of fugitive emissions, and EPA cannot take into account fugitive emissions without the necessary ambient air testing. All the more reason why funding for ambient air monitoring is so essential to inform any sensible regulation of EtO.

This subcommittee has been immensely helpful on this important issue for my constituents, but we still need your support. Ambient air monitoring is the only way to assure our communities, known to be facing high EtO emissions, that the air they breathe is safe, and it must play an integral role in the EPA's rulemaking, especially given the shortcomings that we have seen in computer modeling. Again, I want to thank you for the opportunity to testify today, and I yield back the balance of my time.

Ms. MCCOLLUM. Thank you so much. There is a recent GAO report that I read on the airplane. I am going to read it without being on the airplane again so that I can take more of it in on enforcement and compliance. We need to do a much, much better job. I think you have given a real good example of what the expectation our citizens, the people that we represent have of the EPA monitoring and doing air quality work. And you have taught me a lot about this over the past year and a half, and I am looking forward to doing more on this issue.

Mr. SCHNEIDER. Thank you.

Ms. MCCOLLUM. We had a different chemical release in my district, and we need to be present when those things are happening and monitoring public health. So thank you for bringing this to our attention, and also for you realizing the hard slog it is sometimes for us to not only get the funding, but then to get the person hours to do the compliance, to do the enforcement, as well as just the basic monitoring that needs to be done. So thank you so much.

Mr. SCHNEIDER. Thank you.

Ms. MCCOLLUM. Mr. Joyce.

Mr. JOYCE. Thank you for your time here today, Mr. Schneider.

Mr. SCHNEIDER. Thanks.

Ms. MCCOLLUM. I look forward to working with you.

Mr. SCHNEIDER. Thank you.

[The information follows:]

Thank you, Madam Chair. I appreciate the opportunity to testify before this subcommittee.

Today, I want to talk to you about ethylene oxide or "ETO."

EtO is an industrial chemical used to sterilize medical devices. It is also used as an intermediary chemical to make industrial products like anti-freeze.

EtO was determined to be a known carcinogen by the Environmental Protection Agency (EPA) in December 2016. As a result, the EPA included EtO in its regular National Air Toxic Assessment, which helped identify communities that faced high exposure to the chemical.

Two of those communities are in my district, Gurnee and Waukegan. And there are dozens of communities around the country that face high EtO emissions, from the suburbs of Atlanta, Georgia, to Allentown, Pennsylvania, and the bayou of Louisiana.

Since the EPA made public its data on affected communities, I have been pushing the agency to conduct ambient air monitoring in my district—similar to what the Agency did in Willowbrook, IL. Only through ambient air monitoring can my constituents be sure that the air they were breathing was safe.

The EPA refused.

I am deeply thankful that this subcommittee stepped up last year—in the absence of EPA leadership—and increased funding for the EPA's compliance account, making particular note of communities facing high EtO levels and the importance of ambient air monitoring.

While this funding did not make it into the final omnibus, I am deeply thankful for this subcommittee's leadership on EtO.

Now, the EPA is promulgating two rules on EtO. Thankfully, my local county public health department, in coordination with the Illinois EPA, stepped up and has been conducting ambient air monitoring in our area. However, not all communities around the country have the resources to conduct similar air testing, underscoring how important this funding remains for dozens of communities around the country.

Further highlighting why this funding is so important has been EPA's approach to EtO rulemaking. EPA has insisted that computer modeling is sufficient and does not intend to conduct any ambient air monitoring as part of its rulemaking.

However, the experience of the Sterigenics facility in Willowbrook proves the shortsightedness of this approach. It was not until *after* EPA conducted air monitoring in Willowbrook that we discovered how significant a contributor fugitive emissions were to the community's exposure.

When conducting its computer modeling for EtO, EPA has to input variables for its estimates of fugitive emissions. As we saw in Willowbrook, estimates are not a full picture of fugitive

emissions and EPA cannot fully take into account fugitive emissions without ambient air monitoring. All the more reason why funding for ambient air monitoring is essential to inform any sensible regulation of EtO.

This subcommittee has been immensely helpful with EtO. We still need your support.

Ambient air monitoring is the only way to assure our communities known to be facing high EtO emissions that the air they breathe is safe. And it must play an integral role in EPA's rulemaking—especially given the shortcomings of computer modeling.

Thank you for the opportunity to testify. I yield back.

Ms. MCCOLLUM. Representative Haaland, it is so wonderful to see you this morning. Thank you, and when you are ready, please begin.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. DEBRA HAALAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms.HAALAND. Thank you. Chairwoman McCollum, Ranking Member Joyce, members of the subcommittee, thank you for this opportunity to speak about some key issues in the Interior appropriations bill.

I want to start by thanking you for your great work on the Fiscal Year 2020 bill. Last year, I asked for your help with the Payment in Lieu of Taxes and Secure Rural Schools Programs, and you delivered, including a 2-year reauthorization for SRS. I appreciate your continued support for SRS and PILT, and I will continue to work to get a permanent SRS solution through my National Parks, Forests, and Public Lands Subcommittee.

I am also grateful to you for including a year-long moratorium on new oil and gas leasing within 10 miles of the Chaco Culture National Historic Park in Fiscal Year 2020, which is my ancestral homeland, and for funding a cultural resources investigation. Just last week, BLM released a resource management plan amendment for the area that ignores the recommendations of experts and would allow drilling much closer than 10 miles. So I ask you to again include language that will protect my ancestral homeland.

Thank you for reversing the President's proposed cut to the Land and Water Conservation Fund in Fiscal Year 2020. He proposed to cut it again by 97 percent in Fiscal Year 2021, and I urge you to fully fund the LCWF at the authorized $900 million level, although last week the President did tweet his support for making LWCF full funding mandatory, so perhaps it won't be necessary, but we will see.

Last year, I asked for your assistance with funding for public safety programs and healthcare for Native Americans, and again you delivered. I appreciate the increase for Indian Health Service and the language you included requesting a plan from IHS on how it will fully fund and implement the Indian Health Care Improvement Act. I am also grateful for your efforts to increase funding for law enforcement and tribal courts and to support programs to address recidivism in Indian Country by providing mental health and substance abuse services when needed by juvenile and adult detainees and prisoners. I urge you to continue that good work in Fiscal Year 2021.

I am especially grateful that you worked to significantly increase funding for implementation of the Violence Against Women's Act in Indian Country because more than 4 in 5 American Indian and Alaska native women have experienced violence within their lives, and 56 percent have experienced sexual violence. Your continued support in these areas will help change the lives of Native American women and girls.

The government shutdown in early 2020 showed us how tribal communities can be vulnerable during a lapse in appropriations, which puts Native American lives in danger. I support your efforts in the Fiscal Year 2020 bill to investigate the changes needed to develop and manage an advanced appropriation for IHS, and I welcome the opportunity to continue working with you on this through the authorization and appropriations process.

Finally, there is a briefing tomorrow about water access in this country. It will highlight a study released last year that reported that Native American households are 19 times less likely than white households to have indoor plumbing. Fifty-eight out of 1,000 Native American households lack complete plumbing, and an estimate 30 percent or more of people on the Navajo Nation lack access to running water. I appreciate your support for the Clean Water and Drinking Water State Revolving Funds to help build and repair water infrastructure nationwide and across Indian Country, and I urge you to do what you can to increase that funding level and set aside a greater portion for tribes.

Thank you again for your great work, and I really appreciate the opportunity to testify.

Ms.MCCOLLUM. Well, thank you. Thank you for your comment on this committee's support for funding payment in lieu of taxes, but it really belongs back in Ways and Means, and not in the Interior budget. So we are going to work really hard to remove it out of this committee and back into where it had been before, in the mandatory funding. I thank you for your kind words on the increases we were able to do in Indian Country, and you are so spot on about access to clean drinking water, especially in tribal communities. And now more than ever, as clean drinking water and just clean potable water for washing hands and that, especially, you know, all the talk about if you want to be safe now, wash your hands. We have to have access to water in order to be able to do that and keep you and your family safe.

LWCF is a beloved program, and I want to thank you as an authorizer for the authorization work that you did on it. Thank you for the lofty goal that you are trying to hold us to on $900 million. We gave it a robust increase. Mr. Joyce and I hope we can show it some love again, but without a bigger topline number, well, you know what would happen to clean drinking water, EPA enforcement, and everything else. But it is something that is near and dear to our hearts. We appreciate all the work that you did in the authorization on that because that gives us a wonderful opportunity to talk about how I need a bigger topline number to work on all these programs and meet the needs of people, not in Indian Country, but throughout the United States. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair, and thank you, Ms. Haaland, for being here today to discuss the importance of funding for Indian affairs, for the Indian Health Service, and the EPA's Clean Water and Drinking Service Revolving Funds. I think it is fair to say that Indian Country programs manage to be a non-partisan issue on this committee, and I am sure that what Chair McCollum and I will continue to work for is making sure that we fund them as best we can. Thank you, Madam Chair.

Ms. HAALAND. Thank you.

Testimony of Rep. Deb Haaland (NM-1)
Interior and Environment Appropriations Subcommittee Member Day FY21
Tuesday, March 10, 2020 in H-309, The Capitol

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee, thank you for this opportunity to speak about some key issues in the Interior Appropriations bill.

I want to start by thanking you for your great work on the FY20 bill.

Last year, I asked for your help with the Payment in Lieu of Taxes and Secure Rural Schools programs, and you delivered, including a 2-year reauthorization for SRS. I appreciate your continued support for SRS and PILT, and I'll continue to work to get a permanent SRS solution through my National Parks, Forests, and Public Lands subcommittee.

I am also grateful to you for including a yearlong moratorium on new oil and gas leasing within 10 miles of the Chaco Culture National Historical Park in FY20 and for funding for a cultural resources investigation. Just last week, BLM released a Resource Management Plan Amendment for the area that ignores the recommendations of experts and would allow drilling much closer than 10 miles. So I ask you to again include language that will protect the homeland of my ancestors.

Thank you for reversing the President's proposed cut to the Land and Water Conservation Fund in FY20. He proposed to cut it again by 97 percent in FY21. I urge you to fully fund LWCF at the authorized $900 million level, although last week the President tweeted his support for making LWCF full funding mandatory, so maybe that won't be necessary, we'll see.

Last year, I asked for your assistance with funding for public safety programs and health care for Native Americans, and again you delivered. I appreciate the increase for Indian Health Services and the language you included requesting a plan from IHS on how it will fully fund and implement the Indian Health Care Improvement Act. I am also grateful for your efforts to increase funding for law enforcement and tribal courts and to support programs to address recidivism in Indian Country by providing mental health and substance abuse services when needed by juvenile and adult detainees and prisoners. I urge you to continue that good work in FY21.

I am especially grateful that you worked to significantly increase funding for implementation of the Violence Against Women Act in Indian Country, because more than 4 in 5 American Indian/Alaska Native women have experienced violence within their lives, and 56.1 percent have experienced sexual violence. Your continued support in these areas will help change the lives of Native American women and girls.

The government shutdown in early 2020 showed us how tribal communities can be vulnerable during a lapse in appropriations, which puts Native American lives in danger. I support your efforts in the FY20 bill to investigate the changes needed to develop and manage an advance appropriation for IHS and I welcome the opportunity to continue working with you on this through the authorization and appropriations processes.

Finally, there is a briefing tomorrow about water access in this country. It will highlight a study released last year that reported that Native American households are 19 times less likely than white households to have indoor plumbing. 58 out of every 1,000 Native American households lack complete plumbing. And an estimated 30 percent or more of people on Navajo Nation land lack access to running water. I appreciate your support for the Clean Water and Drinking Water State Revolving funds to help build and repair water infrastructure nationwide and across Indian Country, and I urge you to do what you can to increase that funding level and set aside a greater portion to go to Tribes.

Thank you again for the great work you've been doing, and for the opportunity to testify.

Ms.MCCOLLUM. Miigwech. Welcome, Representative Graves. If the green light is on, when you are ready, we are ready.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. GARRET GRAVES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. GRAVES. Fantastic. Well, thank you. I am Garret Graves. I represent south Louisiana. I want to thank you for the opportunity to come testify before the committee. I appreciate you all opening the doors to allow us to come discuss priorities.

Perhaps, Madam Chair, I will start with the Land and Water Conservation Fund. I heard the previous speaker and your dialogue, and certainly the Land and Water Conservation Fund is an important part of the investment to preserve and protect some of these important resource areas across the United States. And like you, I also have seen recent action between the Senate and the White House in regard to allowing some full funding for the program.

I do want to make note, though, that every penny of that program, the funds are derived from off the coast of the State that I represent, and to be fair, there are five or six States that produce offshore energy. Alaska does a little bit. California does a little bit, but the majority of it is Texas, Louisiana, Mississippi, and Alabama. And, as a matter of fact, if you take the offshore production off the coast of our State and you compare it to the other five States, we produce, well, probably about 4 times as much as the other five States combined. So the majority of this money by far is derived from off the coast of Louisiana.

At the same time, we have lost about 2,800 square miles of coast due to coastal erosion. That is equivalent to the State of Rhode Island. And to see folks out there announcing permanent funding and full funding for the Land and Water Conservation Fund without investing in the conservation of the very area where those funds are derived is unbelievable. It really is. It is not sustainable. The funding stream is not sustainable. You can't have land loss anywhere from, I think, on the low end over the last 80 years, 8 square miles in a year, to the high end, 200 square miles in a year, and expect that we are going to be able to sustain the production that we have today, which means the revenues that we have today. In recent years, I think $5, maybe $6 billion, I believe, in most recent years in terms of production of revenues from the outer continental shelf.

So I strongly urge you take a look at the Mineral Leasing Act that shares 50 percent of the revenues with States, and I think we should have some sort of parity for the States that host the offshore production because this is an important part of our energy security. And although it may seem counterintuitive, that natural gas that we are producing off the coast has actually been the major reason why we have had a reduction in emissions in the United States in terms of greenhouse gases. And it is going to allow us to continue to reduce emissions both domestically and globally as we

export natural gas to 35 countries around the world, our cleaner natural gas. In fact, Russian gas is about 41 to 47 percent greater or dirtier emissions than in the United States.

So number one, I support Land and Water Conservation Fund, but I do not support it unless it is paired with coastal impact assistance or revenue sharing for other States. I can speak on behalf of the State of Louisiana and say we would dedicate every penny of that revenue to the sustainability of our coast. No other programs. Every penny would go to the sustainability of our coast. As a matter of fact, there is a constitutional amendment that would lock it in for that purpose. That is my first request.

I also want to make note that as we move forward on this legislation, folks are talking about full funding of the Land and Water Conservation Fund, $900 million. Under current law, 12-and-a-half percent of new energy revenues post December of 2006 already goes to the Land and Water Conservation Fund. So if we lock in $900 million, it is going to end up being over $1 billion in annual revenues just because of this other portion, so we need to be thoughtful about that. We would gladly take that other portion that currently is locked in, and you could give it to us for impact assistance, and I think that would be a great fix.

Number two, studies permitting last year. We had asked for you all to include to for studies permitting, in particular Louisiana. We have an abundance of alligators. They are sustainably managed, in many cases on elevator farms, in other cases in the wild, but we have a very robust management program that ensures the sustainability. A domestic permitting system would be very helpful. You included language in the appropriations bill last year that allows any unobligated funds to be used for this purpose, but we would appreciate direct funding for a domestic studies program to where we can ensure the proper utilization of that resource that we have.

Lastly, I just want to make note again, there is all this emotional discussion on climate change and energy sources, and certainly we have an obligation to ensure sustainable future for our Nation and our planet. The United States has reduced emissions more than the next 12 countries combined over the last 15 years. We have exceeded the objectives of the Obama Administration regarding the Clean Power Plan. He had intended to reduce emissions by 32 percent by 2030. We have reduced them from power sources by 34 percent last year, so we are already exceeding it with our domestic energy resources. And I urge as we move forward, that this subcommittee ensure that we have a thoughtful, balanced approach to how we address our sustainable energy future.

With that, I yield back, and happy to take any questions.

Ms. MCCOLLUM. Well, just thank you very much for your testimony. This committee is trying to make sure that we do things based on science.

Mr. GRAVES. Absolutely.

Ms. MCCOLLUM. I don't do things based on emotion, but I do base things on science. But this Administration has not been very forthcoming with making sure that we have the right scientists at the table. Climate change is real. It is something that we have to deal with.

Mr. GRAVES. Absolutely.

Ms. MCCOLLUM. You are in the eye of the hurricane literally with it, and I want to do everything I can to build in coastal resilience to make sure that your community and your constituents continue to thrive as well as some of the climate changes that we are seeing happening. I am from Minnesota. I am right up the river from you, right?

Mr. GRAVES. That is right.

Ms. MCCOLLUM. And our river hasn't gone down, and I am concerned about flooding in my district. But when I think about flooding in my district, believe it or not, at night I think about flooding in your district because I have been down there. I was just recently down there in Louisiana. Very concerned about it, so I am looking forward to making sure that we use the best science available for coastal resiliency for how we address climate change and some of the other things moving forward. So I really thank you for your testimony and for you being here today, and I learned a little something about alligators along the way, too. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair, and thank you, Mr. Graves, for being here and for your advocacy on these issues. I can tell you that adding in on the north coast of America, I like to tell people on Lake Erie, we are suffering from the same problems with coastal erosion at a much more rapid pace than we ever felt before. So it is something we do need to address on a nationwide basis. Thank you for being here.

Mr. GRAVES. Thank you. Madam Chair, just I want to thank you for recognizing the impact to Louisiana. The Mississippi drains, like, two-thirds of the United States, and most folks don't think about it. We don't put water into the Mississippi River for the most part. We don't. We are draining the Nation's water, and it is flooding our communities and impacting our fisheries.

Ms. MCCOLLUM. And I am trying to send you clean water. Clean water.

Mr. GRAVES. Feel free to keep more of it if you like. Thank you.

Ms. MCCOLLUM. Thank you.

VOICE. Without Asian carp.

Ms. MCCOLLUM. Without Asian carp. Well, we won't get to where they started from, so. Good morning Representative Jackson Lee.

Ms. JACKSON LEE. Good morning.

Ms. MCCOLLUM. So wonderful to see you, and when you are ready, please start your testimony.

TUESDAY, MARCH 10, 2020.

WITNESS

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

Ms.JACKSON LEE. Thank you. Good morning, Madam Chair. Good morning to the ranking member. Thank you for your courtesies in allowing me to be here.

Let me, first of all, start with something that I am normally excited about, and, therefore, I am coming to the committee of importance, and that is the Emancipation Historic Trail Act, 434, that was, I think, passed because of the generosity and graciousness of

my colleagues in meteoric time. It was passed out of the House and Senate and signed by the President of the United States. It is now law. It is only the second commemoration of history of African Americans in terms of a trail, and it is a trail commemorating the historic announcement by Captain Granger west of the Mississippi of all of those States that the slaves were free. It was 2 years later in 1863. And it is the only trail in the State of Texas that is solely contained in the State of Texas.

I am respectfully asking this committee, as you did for the Sesquicentennial and as you did for 400 years of recognizing slavery, but in any event, that this particular trail be funded. Again, it is now law. I am not asking you to fund anything that has not been placed into law. And, as you have indicated to us, we needed to do everything that we had to do. Well, we did everything we had to do, which is to include the idea of the authorization and the passage by the House and Senate, and the signature of the President United States. So, Madam Chair, and to the ranking member, I would appreciate that being a top priority in terms of the funding from those particular accounts. And that is, again, H.R. 434, the Emancipation Historic Trail Act.

I am in great support, and I will briefly just acknowledge the National Endowment for the Arts. We were in Alabama with the recognition of Bloody Sunday, and the representative or the head of the National Endowment of the Humanities was there, and it evidenced how important that work is in capturing the history of the United States. I support the HBCU Historic Preservation Program, would like to see if there would be, if I am looking at the number correctly, may be additional dollars to be placed in that. As you travel around, historic HBCUs, they are mostly 1800 colleges, meaning built in that time or before in the 1800s, and they are truly historic entities and need our help.

I support the historic preservation funds of $95 million, the National Heritage Partnership as well, and I have others. And may I ask unanimous consent that the entirety of my statement be put in the record?

Ms. MCCOLLUM. Without any objection.

Ms. MCCOLLUM. Mr. Joyce.

Mr. JOYCE. None.

Ms. MCCOLLUM. We will do that.

[The information follows:]

CONGRESSWOMAN SHEILA JACKSON LEE (TX-18)

STATEMENT BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

MEMBER DAY HEARING ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
APPROPRIATIONS ACT FOR FY2021
TUESDAY, MARCH 10, 2020
9:30 A.M.
H-309 CAPITOL
SJL scheduled to testify at 11:15 A.M

Chairwoman McCollum, Ranking Member Joyce, and distinguished Members of the Subcommittee:

- As a senior member of the Committees on the Judiciary Subcommittee and on Homeland Security, let me offer my appreciation and thanks to Chairwoman McCollum and Ranking Member Joyce for the difficult work and choices that must be made to produce a truly bipartisan Interior and Environment spending bill, and for their commitment to preserving the environment and our precious natural parks and green spaces, historic places, and cultural heritage.
- Madam Chairwoman, I understand that my entire statement will be made part of the record so I will keep my remarks brief.
- Madam Chairwoman, there is no higher priority than the safety, security, health and wellbeing of the American people.
- All Americans are concerned about the Coronavirus, it is evolving into a global epidemic that is quickly spreading.
- Reports of outbreaks in relation to the coronavirus are emerging from different countries abroad and multiple states within the U.S.
- Growing fears over this virus are quickly manifesting and are resulting in negative impacts to the American economy, lifestyle, and is playing a role in the decision making of everyday activities.
- National parks, mountain ranges, parkways, and other designated historical areas that attract millions of visitors are in jeopardy of losing the revenue and tourist that these sights provide.

- As the author of H.R. 434 – the "Emancipation National Historic Trail" act, a bill that would create a 51 mile route traveled by newly freed slaves, I want to thank the House for its passage and eagerly await for this legislation to be signed into law.
- Collective action is necessary to combat this pandemic and together we can impede the Coronavirus abroad, protect the health and wellbeing of the people and ensure the safety of our nation.
- In the few minutes allotted I wish to highlight three areas which warrant the Committee's continuing attention and support: (1) historic preservation and cultural enrichment; (2) clean and safe drinking water for all persons in America; and (3) protection of endangered or threatened animal and plant species.

1. **HISTORIC PRESERVATION AND CULTURAL ENRICHMENT**

I support $165 million for National Endowment for the Arts

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

I support $165 million for National Endowment for the Humanities

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

I support $11 million for HBCU Historic Preservation Program

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

associated with maintaining their schools and gaining access to capital for campus improvements.

I support $95 million for Historic Preservation programs

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

I support $10 million for National Heritage Partnership

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

I support $165 million for Historic Preservation of Japanese American Confinement Sites

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

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

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

- Through SRFs investment programs, states provide loans and other financial assistance to local communities or utilities to support upgrades and replacements of water distribution pipelines, treatment plants, sewer lines, storm water conveyances, and other similar infrastructure. This funding is critical as it helps communities maintain safe and effective water infrastructure and affords states the flexibility to fund their highest-priorities.

I support $75 million for United States Geological Survey's National Water Quality Assessment (NAWQA) Program

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

I support $16 million for Land and Water Conservation Fund (LWCF) Outdoor Recreation Legacy Partnership (ORLP)

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

I support $95 million for EPA Brownfields Assessment and Cleanup Grant Program

- Requested funding will support EPA's grant program to assess and/or cleanup brownfields and would fund the assessment activities at more than 1,300 properties, and cleanup operations at more than 120 properties. In addition, requested funding will support environmental workforce development and job training grants, and area wide planning grants.

I support $5.8 billion for Indian Health Service (IHS)

- In 2015, the IHS provided essential health care services to approximately 2.2 million American Indians and Alaska Natives. The federal government is entrusted with the responsibility of providing health care to American Indians and Alaska Natives, yet the IHS is chronically underfunded. In 2015 health care per capita spending through the IHS was less than half of the per capita rate for the total U.S. population. In

2014, the Indian Health Service's budget was insufficient to meet even 60% of its identified needs, forcing many to go without critical treatment and preventative care.

3. PROTECTION OF ENDANGERED OR THREATENED ANIMAL AND PLANT SPECIES

I support $88 million for Cooperative Endangered Species Conservation Fund (CESCF)

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

I support $13.2 million for the Multinational Species Conservation Fund

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

I support $82.5 million for Office of Law Enforcement (OLE) of the Fish and Wildlife Service (FWS)

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

CONCLUSION

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

Ms. JACKSON LEE. I support the $2 billion—thank you, Madam Chair—$2 billion for EPA Drinking Water State Revolving Fund. I am just coming out of Michigan. Flint, Michigan is not in my district obviously, but still in great need. I am in great support of the amounts for the EPA brownfield assessment, and if I have the number correct, I may want an increase in that funding.

But I want to emphasize that in the last year, I discovered a cancer cluster in my congressional district. A thousand people were at a town hall meeting that I had. Three-quarters of them stood up and said they had a history of cancer, family members who died, and we are trying to make that particular area an EPA cleanup priority. And I would specifically like to make that request. It is called 5th Ward, Texas, around Liberty Road, and we will be seeking one of these cleanup grants, and would really appreciate recognizing that we are finding, you know, existing brownfields contaminated by creosote by Union Pacific Railroad over a 50-year period. I guess that is a little bit too long, but over a period of time that the family members are still alive who will get up and tell you mom died, aunt died, son died, have cervical cancer. It was absolutely overwhelming, and we are still trying to work with those individuals, and certainly we are not getting much help from those who it is attributed to.

And I support the $82.5 million for the Office of Law Enforcement of Fish and Wildlife. I also support any funding dealing with preservation of endangered or threatened animal and plant species. I think we are at a loss when we don't recognize the importance of preservation of those elements, and as well for the Multinational Species Controversial Conservation Fund.

So I thank you. I am particularly here with hands folded on the Emancipation Trail and particularly on the EPA brownfields. It is directly impacting both my community and my city. And I thank you all for allowing me this time.

Ms. MCCOLLUM. Well, thank you. Thank you for your support of so many programs that this committee works very hard to fund. And, as you know, the President, when it comes to the arts and humanities, zeroed out. Your point to the HBCUs is well taken and has been something that was historically underfunded, as well as many other priorities that you have listed in this bill. So thank you, including you have even the preservation for the Japanese-American confinement sites. So thank you so much for your thoughtful notes on this. I think you agree with me, I need a bigger allocation.

Ms. JACKSON LEE. Yes, I will agree with you.

Ms. MCCOLLUM. And I think Mr. Joyce would agree that we need a bigger allocation to do a lot of our good work. But thank you so much for your support in the work that we do, and we look forward to working with you in the weeks to come as we bring the bill to the floor. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair, and thank you, Ms. Jackson Lee, for your time and testimony here this morning.

Ms. JACKSON LEE. Thank you. If I may be allowed a yield moment, Madam Chair, is there anything further that I need to do in my very conspicuous and open interest in H.R. 434, now a law that

indicates the next steps for that to go forward, which is, you know, it is a study, yes.

Ms. MCCOLLUM. Well, as you know, we are not allowed to do——

Ms. JACKSON LEE. Yes, very much so. Yes.

Ms. MCCOLLUM [continuing]. Designated community interest programming funding, or, as people shorthand it up here, earmarks, which is just advocating for something in your district that is part of the law. I am not allowed to really do that either, so we will work on increasing trail funding, and then I am sure your constituents and others from the CBC, as well as your allies, like myself, will be making sure that the people in charge of that funding know we want to see that trail up and running and moving forward. So to the best of our ability, stay tuned, we are working on it.

Ms. JACKSON LEE. That is a superbly magnanimous response of which I am most grateful for. Thank you so very much.

Ms. MCCOLLUM. Thank you. It is good to see you again.

Miss GONZÁLEZ-COLÓN. Thank you.

Ms. MCCOLLUM. It was wonderful when you took us around in Puerto Rico and looked at the resilience of the Puerto Rican people in the face of two hurricanes, and our condolences. I had an opportunity, you have been so busy working, to reach out to you about the earthquakes and that. And so we want to hear how we can be more helpful to our fellow citizens in Puerto Rico.

Miss GONZÁLEZ-COLÓN. Thank you.

TUESDAY, MARCH 10, 2020.

WITNESS

HON. JENNIFFER GONZÁLEZ COLÓN, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PUERTO RICO

Miss GONZÁLEZ-COLÓN. Thank you. Thank you, Madam Chair, for your kind words and for visiting the island, and helping us as well as Mr. Joyce, helping us during the whole process, not just now, but during the last years. And thank you for providing me an opportunity to testify on some of Puerto Rico's priorities for Fiscal Year 2021 in terms of the Interior, and Environment, and Related Agencies.

First of all, I would like to begin to respectfully request that the subcommittee provide robust funding for the U.S. Forest Service and Rangeland Research Account, also known as R&D. Among the research facilities funded under R&D is the International Institute of Tropical Forestry, which is headquartered in Rio Piedras, Puerto Rico, and has been in continuous operation since 1939. Despite being the Forest Service's smallest research unit, the International Institute of Tropical Forestry has been crucial in advancing our knowledge of tropical forests, wildlife, and watersheds at the local, national, and international levels.

In the aftermath of Hurricane Maria, for instance, scientists from the institute assessed damage at El Yunque National Forest, which is the only tropical forest within the National Forest System, to learn how tropical ecosystems respond and recover from extreme weather events. The institute similarly helped conduct research on the sustainability of tropical forests on U.S. islands in the Pacific

and the Caribbean, further contributing to our understanding of forest conditions across the Nation.

The International Institute of Tropical Forestry has also been vital in supporting environmental conservation projects in Puerto Rico. Through its State and Private Forestry Unit, it has helped communities on the Island acquire community forests, and has provided technical assistance to farmers and landowners to improve the sustainability of their farms. Unfortunately, despite the importance of this work, the Forest Service's Fiscal Year 2021 budget request is proposing to close the International Institute of Tropical Forestry in Puerto Rico, along with the Pacific Southwest Research Station, whose area of responsibility includes California, Hawaii, and the U.S. Pacific Territories. While I recognize the need for budgetary savings, I strongly believe that closing these facilities would seriously hinder scientific production in these jurisdictions and will deprive the Forest Service of crucial research capabilities.

I, therefore, respectfully request that the subcommittee reject the proposed closure of these facilities, especially the International Institute of Tropical Forestry in Puerto Rico, and instead provide no less than the Fiscal Year 2020 enacted level. I also ask that, as you craft the next Fiscal Year 2021, you provide robust funding for the operations and management of the National Park System, which includes the San Juan National Historic Site in Puerto Rico, and the National Forest System, which includes El Yunque National Forest, also on the Island.

Additionally, I request strong support for the National Wildlife Refuge System. We have five national wildlife refuges on the Island: Cabo Rojo, Culebra, Desecheo, Laguna Cartagena, and Vieques National Wildlife Refuges. San Juan National Historic Site, El Yunque National Forest, and the five national wildlife refuges not only help preserve our historical and natural treasures, but they are also critical for Puerto Rico's economy, tourism, and outdoor recreation.

Lastly, I respectfully request the highest possible level of funding for the U.S. Geological Survey for Earthquake Hazards Program, including the Advanced National Seismic System Regional Network Support. The Earthquake Hazards Program provides scientific information, situational awareness, and knowledge necessary to reduce deaths, injuries, and economic losses from earthquakes and earthquake-induced tsunamis, landslides, and soil liquefaction.

In Puerto Rico, as one of the Nation's most seismically-active jurisdictions, we know firsthand the importance of this program. Following the devastating earthquakes that impacted the southwestern region of the Island earlier this year, the U.S. Geological Survey, in conjunction with the Puerto Rico Seismic Network, one of the 11 regional networks within the Advanced National Seismic System, delivered rapid earthquake impact and situational awareness products to support emergency response efforts. I, therefore, request your support for these vital programs in the next fiscal year.

With that, I yield back.

Ms. MCCOLLUM. Thank you. Thank you very much for your testimony, and I know we still have a long ways to go with living up to the commitment to our fellow citizens in Puerto Rico, even from

the devastating hurricane recovery from years ago. Your points about El Yunque and the international program for our tropical forestry, you know, it international in nature, but, as you pointed out, it is California, it is Hawaii, it is Puerto Rico, it is the Virgin Islands, it is U.S. territories. It is us, the U.S. government. So thank you so much for your support in enlightening us on that. I don't agree with the President's budget with zeroing out these programs, and we are going to work very hard to make sure that we sustain at the baseline level.

And the work that is happening at El Yunque, you weren't able to join us for the entire trip, but when we went up and visited with the people, the parrots. And both the U.S. Forestry staff, Fish and Wildlife, and everybody who comes together to work on that and to watch the two wild parrots that had been released come back to where the parrot program was where they were breeding in captivity was heartbreaking. And so a lot of work had been done. We lost a lot of—I am using the word "real" because I became attached to the birds, too—lost a lot of birds. But birds are the bellwether as to what is happening with our climate, and we have to pay attention. We have to pay attention to what they are telling us.

So thank you so much for your testimony. And, you know, I did not know how prone Puerto Rico was to earthquakes until I woke up and found out what had happened there, and I think that that just goes to show a lot of our Federal infrastructure needs not only to be hurricane resilient, but it needs to be earthquake resilient as well, too. So thank you for getting our attention that we need to make sure that the U.S. Geological Survey——

Miss GONZÁLEZ-COLÓN. Can I add something to that?

Ms. MCCOLLUM. Please do.

Miss GONZÁLEZ-COLÓN. We were not aware of the seismic activity on the Island. Actually, we knew that in the north area, there is one of the faults, but it was not active since 1918, so it was more than 100 years. So this take us for surprise on December 28th, last year, and the continued tremors and the small earthquakes are still happening. So the southwestern part of the Island, now, it was initially six towns that were included in the National Declaration of Disaster, and then it was expanded to 21 towns. And you can see the whole infrastructure has been damaged, the pipelines under the roads as well.

So this is an ongoing situation. Most of the schools in those towns are completely destroyed, so there are no classes as we speak in many of those towns, and we are still dealing with moving people from those areas with vouchers with Section 8 from Housing in the north part of the Island.

So it was the Seismic Network in the U.S. Geological Survey that actually with boots on the ground is installing new equipment, making more surveys in conjunction with the University of Puerto Rico Mayaguez Campus, and they brought new alarms and systems where they never were before. So that is the importance of having the U.S. Geological Survey helping us out, identifying those areas in the south part of the Island that never were studied before.

Ms. MCCOLLUM. Well, that is a lot of work that needs to be done. We continue to, to the best of our committee's ability, monitor to the Administration getting out some of the earthquake relief funds

and trying to hold individuals accountable. It has been ongoing, and it is too slow, and then to have the earthquake on top of it. So please, on behalf of me, let my fellow citizens of Puerto Rico know that many of us are not just cheering for them, we are working for them right alongside of you.

Miss GONZÁLEZ-COLÓN. Thank you.

Ms. MCCOLLUM. Mr. Joyce.

Mr. JOYCE. Thank you, Madam Chair, and thank you, Miss González-Colón, for sharing your thoughts on several programs that are important to your constituents in Puerto Rico, including the Earthquake Hazards Program and the International Institute of Tropical Forestry. We certainly appreciate your being here and testifying as to the importance of those matters.

Miss GONZÁLEZ-COLÓN. Thank you. Thank you, sir. And thank you again, both of you and the committee, for the hard work during the last years. Now the FEMA Administration has been handling a lot of the issues in a good way in terms of the earthquake recovery. But, again, this is an ongoing situation, so we just need the tremors to stop, and that is something nobody can handle at this time. Thank you, and I yield back.

[The information follows:]

CONGRESSWOMAN JENNIFFER GONZÁLEZ-COLÓN
PUERTO RICO - AT LARGE

Member Day Testimony
FY2021 Interior, Environment, and Related Agencies Appropriations Bill
U.S. House Committee on Appropriations
Rep. Jenniffer González-Colón
Tuesday, March 10, 2020

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee: thank you for providing me an opportunity to testify on Puerto Rico's priorities for the FY 2021 Interior, Environment, and Related Agencies appropriations bill.

International Institute of Tropical Forestry

I would like to begin by respectfully requesting that the Subcommittee provide robust funding for the U.S. Forest Service's Forest and Rangeland Research account, also known as R&D.

Among the research facilities funded under R&D is the International Institute of Tropical Forestry, which is headquartered in Río Piedras, Puerto Rico and has been in continuous operation since 1939.

Despite being the Forest Service's smallest research unit, the International Institute of Tropical Forestry has been crucial in advancing our knowledge of tropical forests, wildlife, and watersheds at the local, national, and international levels. In the aftermath of Hurricane Maria, for instance, scientists from the Institute assessed damage at El Yunque National Forest—the only tropical rainforest within the National Forest System—to learn how tropical ecosystems respond to and recover from extreme weather events. The Institute similarly helped conduct research on the sustainability of tropical forests on U.S. islands in the Pacific and the Caribbean, further contributing to our understanding of forest conditions across the Nation.

The International Institute of Tropical Forestry has also been vital in supporting environmental conservation projects in Puerto Rico. Through its State and Private Forestry unit, it has helped communities on the Island acquire community forests and has provided technical assistance to farmers and landowners to improve the sustainability of their farms.

Unfortunately, despite the importance of this work, the Forest Service's FY 2021 budget request is proposing to close the International Institute of Tropical Forestry in Puerto Rico, along with the Pacific Southwest Research Station, whose area of responsibility includes California, Hawaii, and the U.S Pacific Territories. While I recognize the need for budgetary savings, I strongly believe that closing these facilities would seriously hinder scientific production in these jurisdictions and would deprive the Forest Service of crucial research capabilities.

I therefore respectfully request that the Subcommittee reject the proposed closure of these facilities, especially the International Institute of Tropical Forestry in Puerto Rico, and instead provide no less than the FY 2020 enacted level.

Our Parks, Public Lands, and Forests

I also ask that, as you craft the FY 2021 Interior, Environment, and Related Agencies Appropriations bill, you provide robust funding for the operations and management of the National Park System—which includes the San Juan National Historic Site in Puerto Rico—and the National Forest System—which includes El Yunque National Forest, also in Puerto Rico.

Additionally, I request strong support for the National Wildlife Refuge System. We have five National Wildlife Refuges on the Island: Cabo Rojo, Culebra, Desecheo, Laguna Cartagena, and Vieques National Wildlife Refuges.

San Juan National Historic Site, El Yunque National Forest, and the five National Wildlife Refuges not only help preserve our historical and natural treasures, but they are also critical for Puerto Rico's economy, tourism, and outdoor recreation.

U.S. Geological Survey

Lastly, I respectfully request the highest possible level of funding for the U.S. Geological Survey's (USGS) Earthquake Hazards Program, including the Advanced National Seismic System Regional Network Support.

The Earthquake Hazards Program provides the scientific information, situational awareness, and knowledge necessary to reduce deaths, injuries, and economic losses from earthquakes and earthquake-induced tsunamis, landslides, and soil liquefaction.

In Puerto Rico, as one of the Nation's most seismically-active jurisdictions, we know first-hand the importance of this program. Following the devastating earthquakes that impacted the southwestern region of the Island earlier this year, USGS—in conjunction with the Puerto Rico Seismic Network, one of the eleven regional networks within the Advanced National Seismic System—delivered rapid earthquake impact and situational awareness products to support emergency response efforts.

I therefore request your support for these vital programs in FY 2021.

Thank you for your consideration of these requests and for the opportunity to testify.

Written Testimony from Members of Congress

Testimony of Congressman Glenn 'GT' Thompson (PA-15)
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Member Hearing on Appropriations for Fiscal Year 2021
March 10, 2020

Chairwoman McCollum, Ranking Member Joyce, and Members of the Subcommittee:

Thank you for the opportunity to be here this morning to share my priorities for the Interior Appropriations bill for Fiscal Year 2021. The agencies and programs under this subcommittee's jurisdiction are critically important in my district and many others around the nation.

My congressional district makes up roughly 23 percent of the landmass of Pennsylvania and is one of the most rural districts east of the Mississippi River. For generations, agriculture, forest products, oil and gas production, mining, manufacturing and recreation have been among the top economic drivers in the region – all of which rely on access to and stewardship of our natural resources.

Oil and gas production, in particular, has a long and storied history in northwestern Pennsylvania. When Colonel Edwin Drake drilled the world's first commercially successful oil well in 1859, it established Titusville, Pennsylvania as the birthplace of the modern petroleum industry.

Because of this history and its worldwide impact, Congress designated the Oil Region National Heritage Area in 2004. While I much appreciate the extension of the Oil Region heritage area in last year's omnibus, I am hopeful we can find a longer-term authorization for it and for the many other designated areas which support history education and benefit local communities.

With that, I support full funding for the National Heritage Area program for FY2021.

Also in the region, my district is is home to Pennsylvania's only national forest – the Allegheny – which encompasses four counties and nearly 500,000 acres.

The ANF is truly unique among our national forests. With forest management, timber harvesting, energy production and a variety of recreational opportunities for local residents and visitors alike, the ANF is an economic engine of northwestern Pennsylvania.

Thankfully, we have not had the wildfire challenges many other forests and rural communities have had around the nation – but we have continued to experience budgetary difficulties over the years due to wildfire. I've traveled to the West and have seen this devastation firsthand and the important work that the Forest Service and others continue to do in response.

As this Subcommitee begins work on Appropriations for Fiscal Year 2021, I again strongly encourage you to provide funding and resources to help the Forest Service to do more active management in order to encourage forest health and prevent wildfires.

Specifically, I request full funding for the National Forest System (NFS); as well as increased funding for Forest Products & Timber Sales and Capital Improvement & Maintenance-Roads.

I would also like to register my support for Wildland Hazardous Fuels Reduction, the Landscape-Scale Restoration program; and the various forest management tools we've provided the Forest Service through the 2014 and 2018 Farm Bills.

Additionally, the Forest Service is still not reaching the recommended timber harvesting goals across the system. As in previous years, I request that the Committee includes language calling for each forest to reach those recommended harvesting levels.

By encouraging more harvesting where it makes sense and focusing it on our most fire-prone areas, we can help to reduce fuel load, better manage our forests and hopefully reduce the instances and severity of wildfire.

With this in mind, I also strongly support the great work the Forest Service performs relating to invasive species, diseases and forest health. I request much needed funding for Forest Service research activities, specifically for Forest & Rangeland Research, as well as for State & Private Forestry.

To proactively help prevent species from listing under the ESA, I also request continued funding for Fish & Wildlife Service's State and Tribal Wildlife Grants program.

Finally, I would like to thank the Committee for your support of the Abandoned Mine Land Reclamation Fund pilot program we've funded the past few years.

Since the creation of SMCRA in 1977, we've come a long way in cleaning up our historic abandoned mine lands throughout the nation. Reclaimed mines generate clean water, healthy soils and important economic development in the short and long term.

Although we have made so much progress over the last forty years, much more work remains in restoring these lands that were mined prior to 1977. For example, the Office of Surface Mining estimates that unfunded liabilities of abandoned mine lands across the nation is at least $10 billion, with more than half of these needs in Pennsylvania alone.

To supplement current AML funding, Congress has appropriated discretionary funds over the past few years to help states with the greatest needs. I request that the Subcommittee continue this and fully fund the AML pilot program.

Thank you again for the opportunity to provide testimony to the committee. I look forward to working with you as the Appropriations process continues to move forward.

Representative Scott Perry (PA-10) FY21 Interior and Environment Member Day Testimony

Thank you for the opportunity to discuss my priorities for the FY21 Interior and Environment Appropriations bill. My top priorities are prohibiting the use of funds: (1) to take retaliatory actions against states that fall short of their EPA mandate pollutant reduction goals; and (2) to take actions pursuant to Section 115 of the Clean Air Act.

In 1985, the states in the Chesapeake Bay region recognized the need to address pollutants in the Bay and through the own initiative, came together to conduct clean-up efforts. These state driven efforts were largely successful—water quality improved almost 50 percent from 1985-2010. In 2010, the EPA seized the states' authority to determine their own method of compliance and threatened to take-over the water quality plans if the states fail to comply. This 2010 power grab—known as the Chesapeake Bay TMDL—directly contradicts the intent of the Clean Water Act. The CWA clearly acknowledges state authority in water quality and requires cooperation—rather than coercion—between the states and the federal government.

These coercive methods have been tried and have failed; water quality has seen limited improvement since the federalization of the Bay clean-up efforts. It is imperative that we return the rights of the states to make their own water quality decisions and restore the local control that has been shown to improve water quality; the future of the Bay depends on it.

Section 115 of the Clean Air Act allows EPA to mandate state emissions levels to whatever level the agency deems appropriate if they find: (1) US emissions endanger a foreign nation; and (2) The endangered nation has a reciprocal agreement to prevent or control these emissions in their own nation. This backdoor provision allows EPA to vastly expand its regulatory authority and encroach on the right of the States to regulate their own energy sectors based on the actions of a foreign nation and a determination of the executive branch. It is irresponsible to allow unelected bureaucrats at EPA to retain the ability to seize such expansive authority. If the US government wants to pursue such a policy—one that in my opinion, is constitutionally suspect—it should be done through an explicit congressional delegation of authority on a case-by-case basis. Similar

restrictions were included in House-passed appropriations bills for FY19, FY18, and FY17.

Thank you for your consideration.

Ms.MCCOLLUM. So thank you very much. This concludes the hearing, and we stand adjourned until our next hearing on the Department of Interior budget request tomorrow, March 11th, 2020. Thank you.

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